

April 11, 2018

A Culturally Responsive Court: Lessons from Rio Grande Valley West, Texas

Claire Chiamulera

Deep in the southwest corner of Texas in the town of Edinburg, a few miles from the Mexican border, sits the Child Protection Court of Rio Grande Valley West. Associate Judge Carlos Villalon, Jr. presides over the court, one of 24 specialty courts across Texas funded and overseen by the Office of Court Administration to handle child protection cases referred by district and county courts.

Over the last five years, Judge Villalon has established a culturally cognizant approach that supports Hispanic families who enter his court by addressing their cultural challenges with a sensitive, proactive approach. Collaborative problem-solving, fair treatment, a focus on individual strengths, and family empowerment are signatures of his court.

A Court Close to the Border

Judge Villalon hears cases from Starr and Hidalgo counties, two of the four counties comprising the Rio Grande Valley. The two counties, separated from Mexico by the Rio Grande River, share a predominantly Hispanic, Spanish-speaking culture. Recent U.S. census data show the Hispanic population is well over 90% in both counties, a conservative estimate. While most of the Hispanic population come from Mexico, some come from Central American countries.

The counties' location close to the border creates opportunities and challenges. Pockets of wealth and upscale commercial and residential centers driven by commerce from Mexico contrast sharply with areas of extreme poverty and desolation outside the town centers. Poverty is an underlying factor for most families who enter the child protection court. Intertwined closely with poverty are child abuse and neglect, domestic violence, mental health, and substance abuse.

U.S. immigration status is also a common undercurrent in child protection cases. With a checkpoint located 60 miles in from the border to verify U.S. citizen status, sending children and family members north of the Rio Grande Valley for services and resources, such as inpatient drug treatment, mental health services, and residential treatment is challenging if they lack status. Status issues also challenge family-finding efforts and relatives' willingness to support their families.

Cultural Challenges in Court

The Hispanic culture is ingrained in and touches every aspect of the court's work. "It's something we live in, so without writing it anywhere it's the background that most families come from," said Judge Villalon. While careful not to characterize all Hispanic families broadly, he described some unique cultural dimensions that can arise in cases that he is working to address, including:

Large sibling groups and families. "If you compare our numbers to other courts, we usually have a lot more kids than they do even though we have similar numbers of cases," explained Judge Villalon. A case typically includes four-to-eight siblings, sometimes more. Parents also tend to come from large sibling groups, creating extensive family networks. "That's one of the things that we take from our culture – that we know there is family out there," said Judge Villalon.

What happens under the roof stays under the roof. While Hispanic families are typically close-knit, they tend not to meddle in one another's problems. "We have families that simply don't want to get involved or don't want to be in one another's business," said Judge Villalon. "In our culture, when abuse is going on, sometimes the family will step away rather than report it. Their idea is to let them sort it out," he said. This is not always the case, however. Younger generations are moving away from this tradition and are more likely to step in.

Fears related to status may also cause families to lay low. "What we're encountering is that some folks don't want to get involved because they don't have status," said Judge Villalon. He stressed that status has never been a reason to rule a family out but more and more families don't want to risk being on the radar screen. Over half of child protection cases in his court result in reunification, with relative placements comprising a significant number of those cases, so keeping relatives involved is critical.

Unique cultural traditions must be considered in child welfare decision making. For example, child protective services may visit the home of a family from Central America to find the kitchen outside. "That's the way it is back in their home country and they may not see anything wrong with that," said Judge Villalon. Yet, here an outdoor kitchen or washroom is outside the norm and may be considered substandard. Considering cultural differences and traditions is key when evaluating the home environment and family practices.

Machismo, or the idea that the male controls and is the dominant figure in the household, can play into abuse and neglect cases. "What stands out is domestic violence," said Judge Villalon. "With machismo, the male controls and can be abusive. Of course, when we're dealing with these cases

and we're trying to provide services to these families, when you've been brought up in that environment, it's hard to change." Sometimes there is change, but often parents must be separated because it does not change.

Responding to Cultural Needs

Improving the response to families' cultural needs is woven into a larger effort to strengthen the child protection court. With support from the National Council of Juvenile and Family Court Judges and the Texas Children's Commission, Judge Villalon has worked over the last five years to implement systemic changes that respond to cultural challenges.

Collaboration and problem-solving. Since June 2012, when Judge Villalon was appointed to the bench, he has focused on building a collaborative, problem-solving environment. "The expectation that we've instilled in the courtroom is that everyone is going to work collaboratively to try to find solutions for the family," said Judge Villalon. An important part of this is understanding the family's unique culture and traditions, the need to distinguish between poverty and neglect issues, and including parents and families in decision making. "It really spills over to collaboration for me, just making sure everyone works together and that we don't rule anybody out, and that we don't have any biases," said Judge Villalon.

Recognizing statewide differences. Because the child welfare agency is a state agency, its policies and stances do not always mesh well with the realities in the Rio Grande Valley. Dramatic differences exist between the Rio Grande Valley and other parts of Texas. "We're very different here from how they are in San Antonio and yet they categorize both of us as south Texas," said Judge Villalon. Dallas, Houston, and El Paso differ even more sharply. Judge Villalon encourages agency caseworkers to *step outside the box* and think creatively about how to apply agency policies to each family's situation. He also relies on other parties to advocate appropriate solutions for families.

Addressing communication needs. Most of the 40-50 attorneys on the court's appointment list are fluent in Spanish. The attorney application specifically asks if attorneys speak Spanish, so communication between counsel and client is not a challenge. Judge Villalon, his court coordinator, and the court bailiff and deputies also speak Spanish. However, because proceedings must be conducted in English, a greater concern is not having an official courtroom interpreter to translate for the parties' extended families who often fill the courtroom. With a skeletal staff and budget, the court's bailiff will step in and serve that role, but it's not ideal. Because the court relies so much on family, Judge Villalon believes it is essential for them to understand the proceedings. His greatest wish is to hire an official full-time interpreter.

Looking within the person. Most professionals working in the court grew up in Rio Grande Valley and understand and respect Hispanic heritage and traditions. Yet socioeconomic and educational differences can create a divide. A common struggle is setting aside personal biases related to poverty and personal standards. Many of the families who come to court lack education, money, and basic comforts. Judge Villalon stressed the need to examine a parent's qualities as a parent and their ability to provide a safe home.

Working with and supporting parents. Related to setting aside personal biases is avoiding getting upset with parents based on alleged behavior that brought them to court. "It's really easy to do that," said Judge Villalon. "It's much harder to work with them and see if we can resolve their issues." He acknowledged the challenges, particularly accessing services due to limited local resources, status concerns, costs, and the cycle of poverty and intertwined social issues. However, he stressed that most children want to go home with their parents so it is critical to find a way when possible.

Prioritizing family over opportunity. Giving children experiences and opportunities that are lacking in their culture or home countries does not overshadow the importance of maintaining family ties, stressed Judge Villalon. For example, the opportunity to go to college if a child ages out of care or parental rights are terminated should not preclude keeping family together. "We run into that because we think, 'Wow, if we leave these kids in foster care, they'll get free college and there are generally better opportunities in the United States' but is that worth severing ties to their family in Mexico? No, family is very important," said Judge Villalon.

Providing families fair opportunities. If a child has family members from Mexico who would like placement, they are given an opportunity. A home study is performed by the Mexican child welfare agency and they are considered. Mexico is involved in 25-30% of the court's cases, either identifying family resources or performing a workup of parents who live in Mexico. The border creates challenges though and cross-border work takes time – contacting the child welfare agency in Mexico, obtaining information and transcribing it into English, and determining if services can be provided in Mexico. "We're working in a system where it's urgent that we get these kids families as soon as possible," said Judge Villalon.

Similarly, if there are relatives in northern parts of the state past the checkpoint or in other states, efforts are made to consider and involve them. Inquiries about relative and kin resources are made at every hearing, and home studies and other assessments are performed for possible family resources. Interstate child welfare requirements and status concerns for in-state relatives can complicate these efforts but do not rule out considering family members who express interest.

Empowering families to look for solutions. A new collaboration between the child welfare agency and the local CASA program—“[Collaborative Family Engagement](#)” -- is shifting the focus from relying on relatives just to serve as placements for children. Through a team approach, CASA and child protective services work together to identify family members and establish a community of support around children and their families. “When you have large sibling groups, it can be difficult for family to step up and care for all of them; that was scaring some away,” said Judge Villalon. Through the program, family members are asked to identify how they can assist the family, such as driving parents to services, watching children, taking children in, and supervising visits. “When you start approaching them, you start empowering the family to look for solutions,” said Judge Villalon.

Impact and Advice

A sensitivity to poverty, tradition, and the role of family in Hispanic culture is at play in child welfare decisions and efforts to respond to a family’s needs. Over the last five years, the court’s collaborative, problem-solving approach has reduced case numbers, increased the number of children placed in permanent care (particularly those placed with family), and shortened the time to achieve permanency:

- In June 2012, 944 children were in the department’s care and within the court’s jurisdiction compared to 652 in March 2018.
- From April 2016 to April 2017, 79% of children *went home with family*.
- From April 2016 to April 2017, 53% of children *went home with a parent*.

For judges, attorneys, and court professionals who want to improve cultural responsiveness, Judge Villalon recommends not judging a book by its cover. “My advice is to try to understand the folks who are in front of you and where they are coming from,” he said. Adopting a collaborative, problem-solving approach that works with families, values their differences, and honors their traditions should be the foundation.

[Claire Chiamulera](#), legal editor, ABA Center on Children and the Law, Washington, DC.

This article is one in a [series on innovative court approaches](#) to address pressing child welfare issues. Funding for this article was provided by the U.S. Department of Justice Office of Juvenile

Justice and Delinquency Prevention through Award #2015-CT-BX-K001 to the National Council of Juvenile and Family Court Judges. Points of view or opinions expressed are those of the contributors and do not necessarily represent the official position or policies of the funder or the National Council of Juvenile and Family Court Judges.

Legal Guidance on Cultural Responsiveness

The National Council of Juvenile and Family Court Judges' **Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases** (May 2016), outline *Key Principles* for judges, among them:

Cultivate Cultural Responsiveness: Courts must be welcoming and respectful to people of all races, legal, ethnic, and socio-economic statuses, honoring family in all its forms. All members of the court system must recognize, respect, and seek to preserve the ethnic and cultural traditions, mores, and strengths of those who appear before the court. Judges must become aware of, and remediate to the extent possible, their own implicit biases that may adversely affect decision-making.

- The Family Justice Initiative's *Fundamentals of Quality Legal Representation for Children and Parents in Child Welfare Proceedings* (2018), outlines attributes of child welfare attorneys, among them:

Cultural Humility: The following attributes are "Necessary"

Understand how racial, cultural, social, and economic differences may impact the attorney/client relationship, avoid imposing personal values upon clients, and take these factors into account when working with clients to achieve their case goals, including identifying and accessing services.

Understand and recognize the impact of personal and system bias stemming from race, gender identity, sexual orientation, ethnicity, culture, country-of-origin, disability, and socioeconomic status, and develop strategies, including legal strategies, to mitigate the negative impact of personal and systems bias on clients' case goals.

Identify and use to clients' advantage their individual, familial, cultural, and community strengths.

- The ABA Center on Children and the Law's **ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases** (2006) describe basic duties of parent attorneys, including:

The parent attorney shall:

Act in a culturally competent manner and with regard to the socioeconomic position of the parent throughout all aspects of representation.

Action: The parent's attorney should learn about and understand the client's background, determine how that has an impact on the client's case, and always show the parent respect. The attorney must understand how cultural and socioeconomic differences impact interaction with clients, and must interpret the client's words and actions accordingly.

Commentary: The child welfare system is comprised of a diverse group of people, including the clients and professionals involved. Each person comes to this system with his or her own set of values and expectations, but it is essential that each person try to learn about and understand the backgrounds of others. An individual's race, ethnicity, gender, sexual orientation and socioeconomic position all have an impact on how the person acts and reacts in particular situations. The parent's attorney must be vigilant against imposing the attorney's values onto the clients, and should, instead, work with the parents within the context of their culture and socioeconomic position. While the court and child welfare agency have expectations of parents in their treatment of children, the parent's advocate must strive to explain these expectations to the clients in a sensitive way. The parent's attorney should also try to explain how the client's background might affect the client's ability to comply with court orders and agency requests.



ID THEFT IS A SCARY THOUGHT...
But no need to be *spooked* when you can have a comprehensive **ID Theft Protection plan**.
ABA Members get **20% off** the list price.

~~\$14.98~~ ONLY
\$11.98
Month

ABA INSURANCE
Advancing the Bar's Ability

BUY NOW

ABA American Bar Association |

/content/aba-cms-dotorg/en/groups/child_law/resources/child_law_practiceonline/january-december-2018/a-culturally-responsive-court--lessons-from-rio-grande-valley-we

