



TRAVERSING THE CHANGING TIDES OF CHILD SUPPORT



CHILD SUPPORT DIRECTORS ASSOCIATION



UNCOVERING THE HIDDEN REEF

Strategies to Identify and Eliminate Bias

Vangeria Harvey
Supervising Attorney

Alameda County Child Support Services



CHILD SUPPORT DIRECTORS ASSOCIATION



STATE BAR MCLE REQUIREMENT



State Bar Rule 2.72, subsections (A)(1)(b) and (B)(2)(a)(ii)(1)

Provide an overview of different types of bias, with a specific focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, and/or other characteristics undermine confidence in the legal system and impact the legal profession.



01

Define Key
Terms to
Understanding
Bias

02

Recognize
the Impact
of Bias in the
Legal System

03

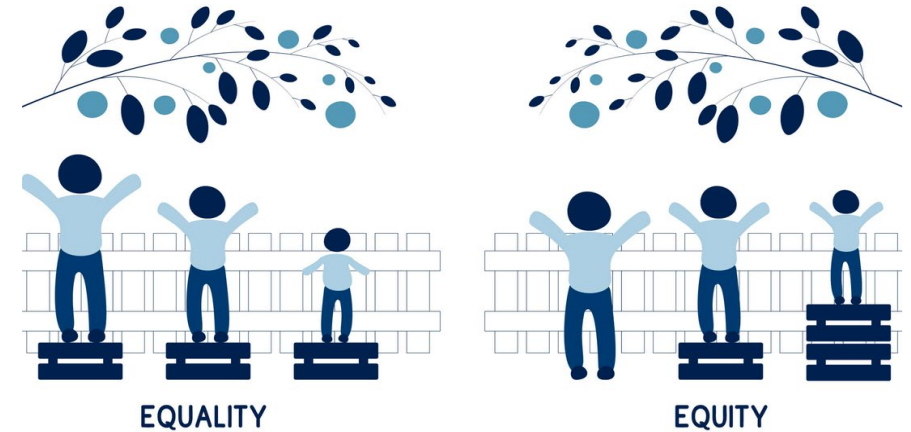
Identify
Strategies
and Practical
Approaches

04

Provide
Resources

EQUITY

The process of identifying and removing the barriers that create disparities in the access to resources and means, and the achievement of fair treatment and equal opportunities to thrive.



DIVERSITY (DEI)

1. The practice or quality of including or involving people from a range of different social and ethnic backgrounds and of different genders, sexual orientations, etc.
2. Equality and diversity should be supported for their own sake ·
“Cultural diversity within his businesses helped generate his success.”



INCLUSION

Inclusion is creating environments in which any individual or group can be and feel welcomed, respected, supported and valued to participate fully.





A tendency to believe that some people, ideas, etc., are better than others that usually results in treating some people unfairly

An inclination of temperament or outlook, especially a personal and sometimes unreasoned judgment : prejudice





Conscious Awareness

With explicit bias, individuals are aware of their prejudices and attitudes toward certain groups. The positive or negative preferences for a particular group are conscious. Overt racism and racist comments are examples of explicit biases. Expressions of explicit bias (discrimination, hate speech, etc.) occur due to deliberate thought.



The impact of bias, both explicit and implicit, can be damaging to our agency, co-workers, and community.



Unconscious Mental Processes

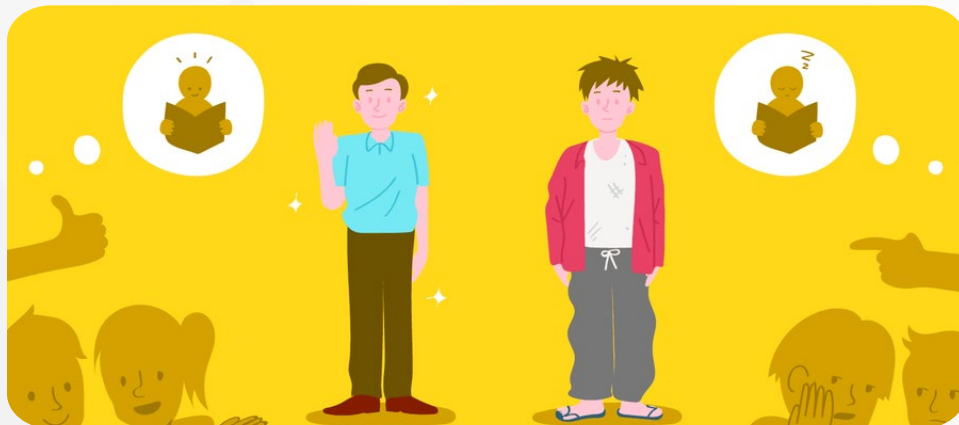
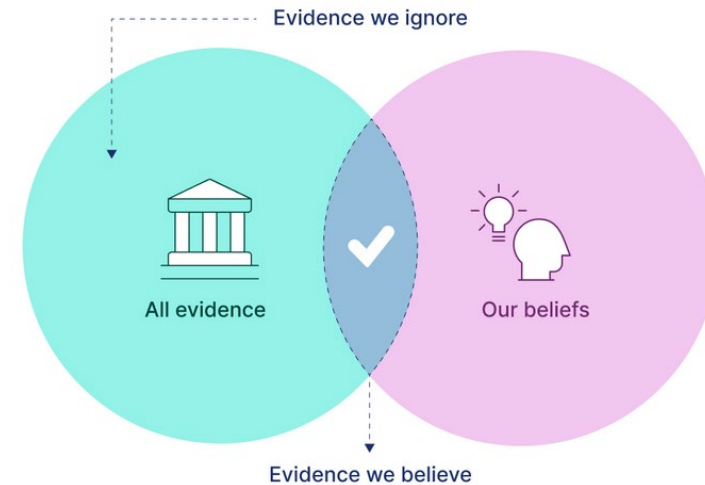
Subconscious feelings, perceptions, attitudes, and stereotypes that have developed as a result of prior influences and imprints.

Unconscious preference toward or prejudice against people of a particular ethnicity, gender, or social group that influences one's actions, behaviors, perceptions, judgments and decisions



CONFIRMATION BIAS

The tendency for people to seek information that confirms pre-existing beliefs or assumptions.



HALO EFFECT

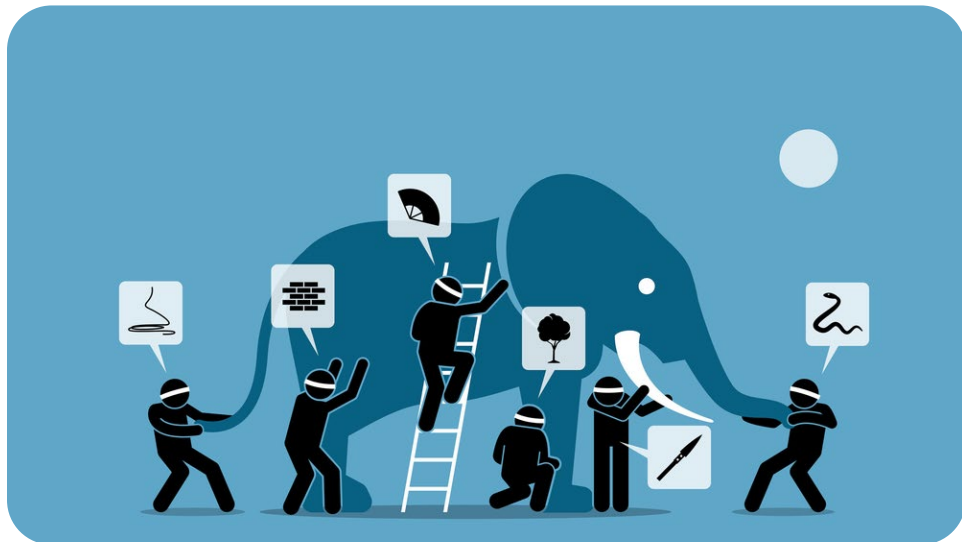
The tendency to think everything about a person is good because you like that person or learn something impressive about them.



AFFINITY

BIAS

It is human nature to gravitate towards individuals who look like us. Therefore, we prefer people who look like us.



PERCEPTION

BIAS

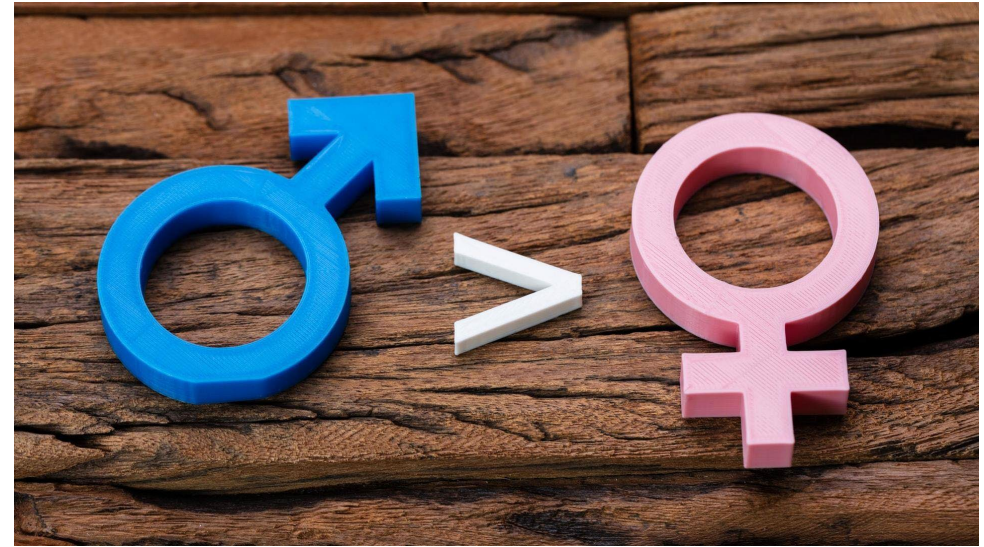
The tendency to form stereotypes and assumptions about certain groups that make it impossible to make an objective judgment about members of those groups.



PROVE IT AGAIN

BIAS

The tendency for certain groups to work harder to establish competence and skill compared to other groups where it is assumed.



BENEVOLENT

BIAS

The tendency to make decisions on behalf of others without giving them an option or choice in the matter in an attempt to be kind, caring, and accommodating.





Very Common Example of Implicit Bias

Generalized belief about a particular group based on characteristics such as race, gender identity, disability, or age

Can lead to wrong conclusions and assumptions when we start to apply it to people.





Negatively target a marginalized group/person



- ⚓ Subtle, brief, and commonplace interactions or behaviors, whether intentional or unintentional, that convey bias toward the targeted person or group.
- ⚓ More recently, the terms microinsults or microinvalidations have been studied and used. These are also subtle and nuanced behaviors and actions that can focus on identity, race, and background and negate or demean a person's experience or reality.

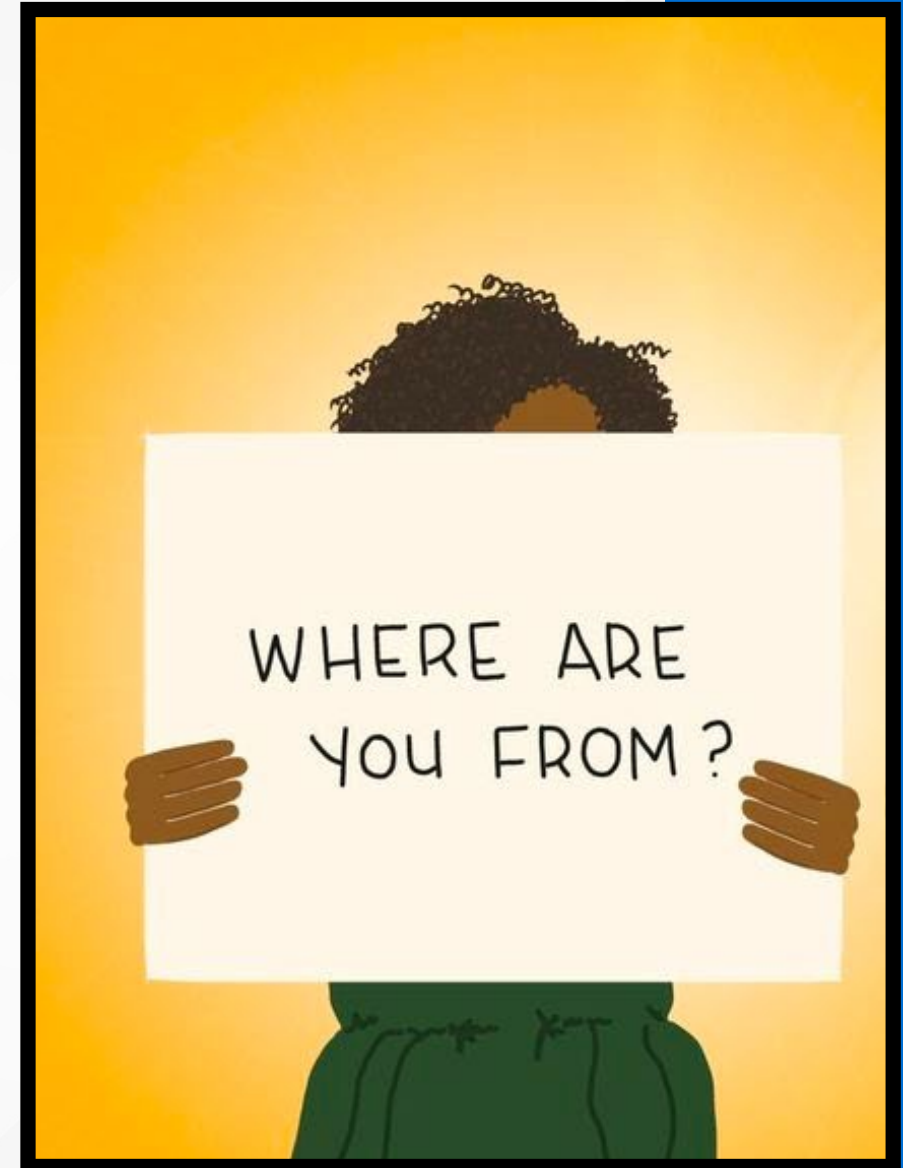


BIAS AND MICROAGGRESSIONS

Social scientists break microaggressions into three categories: verbal, behavioral, and environmental

Verbal

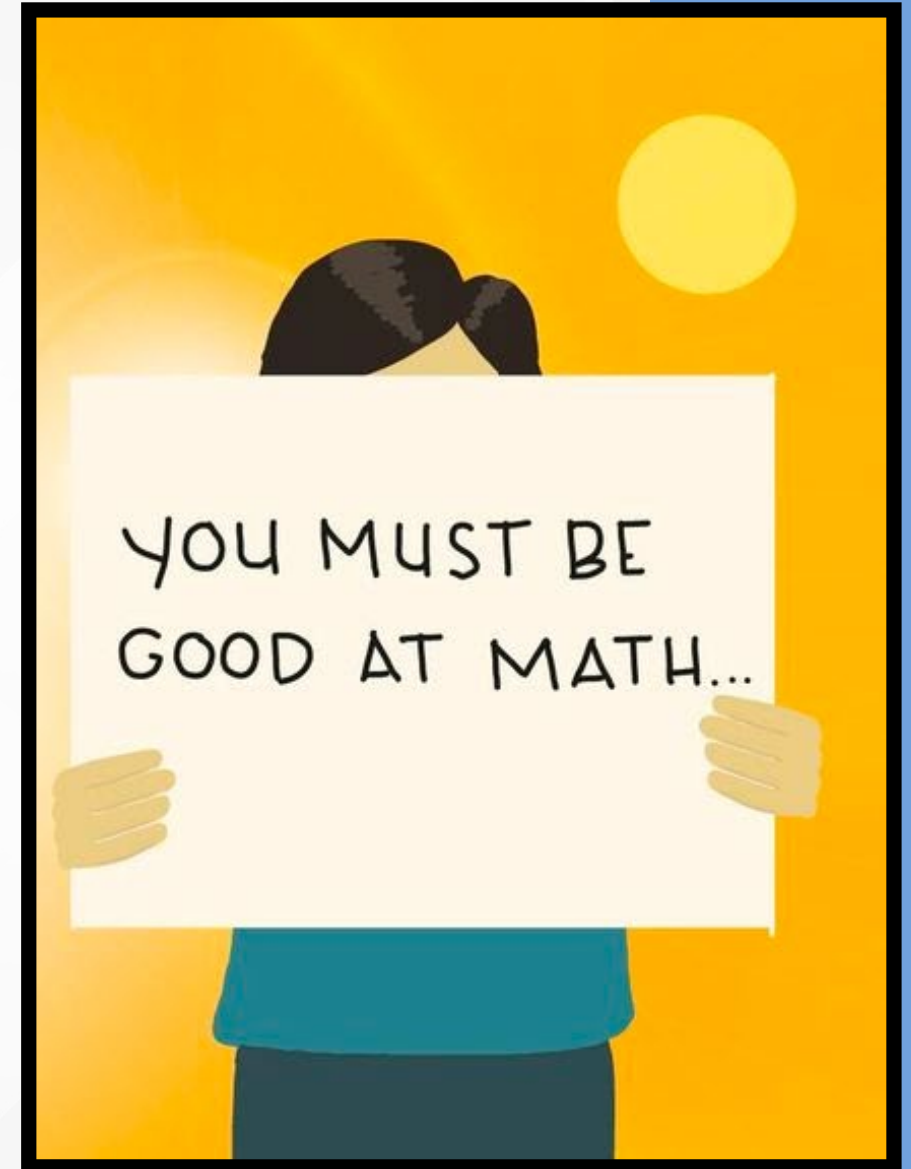
- You're so articulate
- You're being aggressive/Calm down
- Okay, but where are you really from?
- Assuming gender pronouns, marital status, family status



BIAS AND MICROAGGRESSIONS

Behavioral

- Using terms or phrases specific to a certain racial or ethnic identity when speaking to individuals of that group, despite not sharing the same racial or ethnic affinity.
- Giving personality-based feedback; “smile more”
- Mistaking a person of color (PoC) for someone making a delivery, cleaning the facility, etc.
- Giving aesthetic-based feedback; “You look prettier when your hair is straight”
- Giving someone a nickname because you have difficulty properly saying their name



BIAS AND **MICROAGGRESSIONS**

Environmental

- Buildings/halls, etc., only named after white men
- Lack of people of color in leadership; little/no support for PoC advancing
- Gender equality pay gap

These seemingly small incidents have long-term effects on people.

IMPACT, NOT INTENT

BIASES



The impact of bias, both explicit and implicit, can be damaging to our agency, co-workers, and community.





How can bias be evident in child support cases?

Bias can manifest in subtle ways:

- ⚓ whom we find credible
- ⚓ assumptions about parental roles
- ⚓ judgments about a party's financial ability
- ⚓ Bias affects advocacy, negotiation, and even judicial rulings.





IMPLICIT BIAS IN THE LEGAL SYSTEM



Be aware of bias in our cases. WHY?

We Need to:

- Connect
- Engage
- Build trust in the Legal system, government, and our program

In Order to:

- Gather evidence
- Gather the facts to make appropriate orders
- Obtain Stipulations
- Hire and retain staff
- Build a strong workforce
- Increase performance





CONSEQUENCES OF BIAS



What happens when participants perceive decisions are unfairly influenced by bias?



Erodes trust in the legal system



Undermines fairness and equity



Disproportionately impacts marginalized groups



Overview

1. Awareness & Reflection
2. Procedural Safeguards
3. Inclusive Communication
4. Courtroom & Customer Practices
5. Organizational Change



Awareness & Reflection



Self-awareness is the first step

By identifying where biases may arise, attorneys can consciously pause, reflect, and course-correct.

- ⚓ Take implicit bias assessments (e.g., IAT)
- ⚓ Engage in self-reflection
- ⚓ Recognize personal triggers





Procedural Safeguards



Structure can help minimize subjectivity

- ⚓ Structure case review
- ⚓ Ensure decisions are grounded in consistent criteria, not assumptions
- ⚓ Document reasons for recommendations





Inclusive Communication



The words we choose matter

Inclusive language builds trust and ensures customers feel respected and heard.

- ⚓ Use neutral, non-stereotypical language
- ⚓ Active listening
- ⚓ Avoid assumptions in questioning





Courtroom & Customer Strategies



Small nonverbal cues can communicate bias

- ⚓ Treat all clients equally
- ⚓ Be mindful of tone and body language
- ⚓ Avoid shortcuts that reinforce stereotypes





Organizational Change



Bias reduction isn't only individual - it's cultural

Organizations that encourage inclusivity foster stronger, fairer practices.

- ⚓ Encourage mentoring across differences
- ⚓ Build diverse teams
- ⚓ Ongoing education and training



TAKE A BEAT

Employees should be encouraged to get into the habit of pausing to ask themselves if they would react differently to a person if she or he was of the opposite gender or belonged to a different race.



PRACTICE EMPATHY

Research shows that we have less empathy for people who seem different from us and are likely to treat them worse as a result. That's why connecting with others through empathy can improve our interactions across racial, gender, and other differences.



CONTINUE LEARNING

Help employees receive and implement the lessons from training.
Commit to improvement.



Source: Francesca Gino, a behavioral scientist and author.



HYPOTHETICALS



1. Attorney assumes a father is unwilling to pay.



2. Custodial mother is unemployed.

Discussion:

- ⚓ **What biases may be present?**
- ⚓ **What strategies could we apply to reduce them?**





THE FACT IS THAT WE ALL HAVE BIASES

Reflect on these questions

- Who do I spend time with outside of the office? Why do I gravitate towards certain people?
- Do I make assumptions about participants from socioeconomic backgrounds different from my own?
- Do I make assumptions about participants based on their gender identity?
- Do I make assumptions about opposing counsel based on race or educational background? Dress? Gender? Age? Ability?
- Who do I often seek out for advice? Do I get advice that provides different points of view?
- Who do I give assignments to most often? How do I make that decision?
- Who do I take with me to meetings or conferences? Why do I choose certain people?
- Am I consistent in my interactions with my colleagues at all levels? Am I more cordial with a particular group or person as compared to others?
- Is there any particular group I am hesitant to give feedback to or receive feedback from? What stops me?
- Have I benefitted from any advantages or privilege in my career?





ANALYZE YOUR OWN BIASES



Which ones are you leaning into?



Ask yourself, “What can I do in my day-to-day to mitigate bias?”



Think about what systems or checkpoints can be put into place to disrupt bias.



Ask for second opinions and collect additional information or data before making decisions.



Take a pause and slow down before making a final decision.



RESOURCES

ONLINE

10 DEI Initiatives to Prioritize in the Workplace | Built In <https://builtin.com/diversity-inclusion/dei-initiatives>

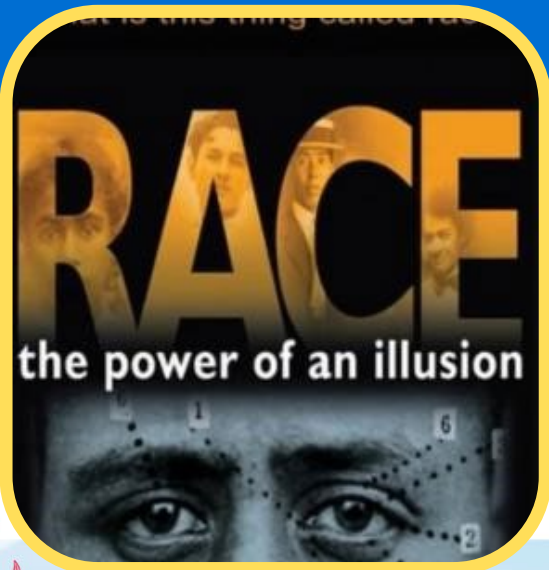
GARE Government Alliance For Racial Equity: <https://www.racialequityalliance.org/>
Racial Equity Network <https://racialequityinstitute.org/>

Kirwan Institute for the Study of Race and Ethnicity: <https://kirwaninstitute.osu.edu>

Haas Institute for a Fair and Inclusive Society: <http://haasinstitute.Berkeley.edu>

[California Newsreel - Film and Video for Social Change Since 1968](https://newsreel.org/)

VIDEO RESOURCES



[Race: The Power of an Illusion](https://newsreel.org/video/AGENTS-OF-CHANG)



<https://newsreel.org/video/AGENTS-OF-CHANG>



RESOURCES



Articles and Other Resources

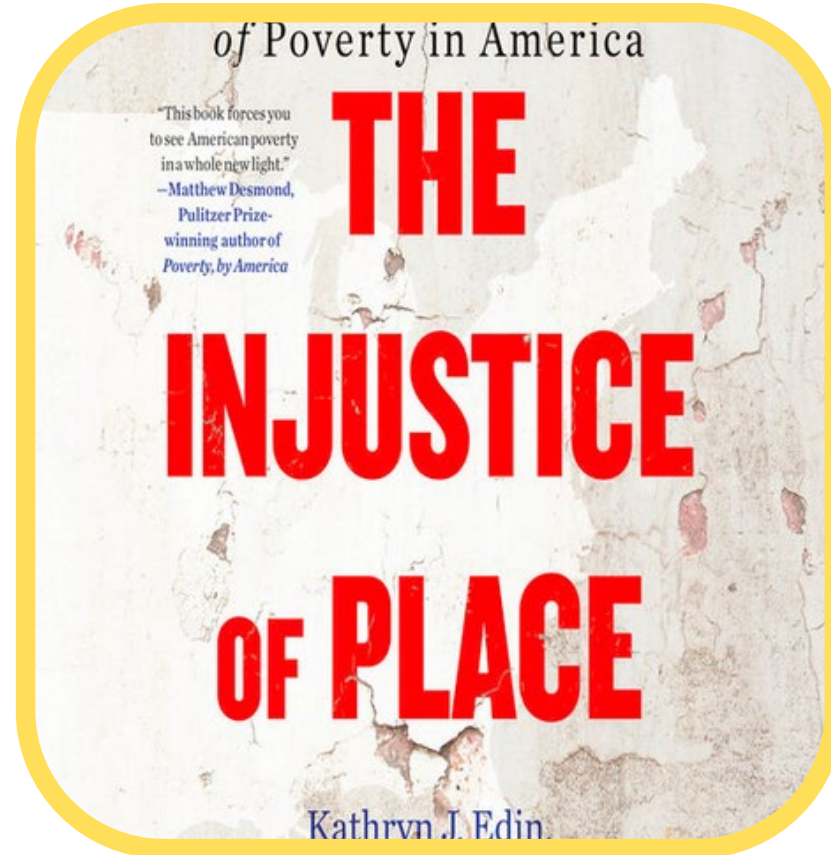
- ⚓ State Bar of California [E-Learning Portal](#)
- ⚓ ABA [Toolkits & Projects](#) on implicit bias
- ⚓ [Project Implicit](#)
- ⚓ Implicit Association Test (IAT) [Take a Test - Harvard University](#)
- ⚓ [Unconscious Bias Training That Works September–October 2021](#) issue of *Harvard Business Review* (audio version)





Book Suggestions

- *Caste*, Isabel Wilkerson
- *The Color of Law*,
Richard Rothstein
- *The Injustice of Place*,
Kathryn J. Edin
- *The Sum of Us*,
Heather McGhee





CLOSING REFLECTION

**What is one strategy
you will apply to reduce
bias in your practice?**





“DO THE BEST YOU CAN UNTIL
YOU KNOW BETTER.

**THEN, WHEN YOU KNOW
BETTER, DO BETTER.”**

Maya Angelou





Thank You!

Vangeria Harvey
Supervising Attorney
Alameda County Child Support Services

vangeria.harvey@acgov.org

925-468-9184

Please be sure to fill out the session feedback on the mobile app Whova!



CHILD SUPPORT DIRECTORS ASSOCIATION