



Promoting *Healing* in Child Welfare Advocacy:

A Conceptual and Practice Framework

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About the Authors

Cathy Krebs wanted to be a child advocate from a young age. As a survivor of abuse and neglect, her hope was to provide support to children and youth that she herself had not received. Those goals led her to work in group congregate care homes, a domestic violence shelter and eventually to law school. Cathy began her legal career at the Children's Law Center of Massachusetts providing legal representation to children and youth in the child welfare system and in school expulsion hearings. She then moved to a national position, working to ensure due process rights for children and youth in a variety of legal systems and to train and support lawyers representing children and youth. More than 35 years of listening to children and youth as a child advocate has convinced Cathy that the current child welfare system does not provide the support or healing that children, parents, families and communities need and deserve. She continues to work to ensure the realization of legal and human rights for children and youth but now with an added emphasis on the right to healing and liberation. Cathy is a graduate of Northeastern University School of Law and the University of Michigan.

Kristen Weber began her career providing direct legal services to children and youth in child welfare and juvenile legal systems, and school expulsion and benefits hearings in the San Francisco Bay Area. She learned so much from her young clients about the gaps between what they needed and what public systems were able to provide. She shifted to research and public policy to learn about and advocate for broader systemic changes. For more than 10 years, she led a multi-jurisdiction qualitative review project, known as the Institutional Analysis, to analyze laws, policies and practices that contribute to poor outcomes for Black and LGBTQ+ families caught up in child welfare systems. From that national experience, she documented the vast inequities and harms of the child welfare system and observed how well-intentioned reforms corrupted in ways that did not help families. This led her in 2020 to co-create and launch the upEND movement, an effort focused on abolishing harmful interventions of the current child welfare/family policing system and imagining and building many different alternatives that will support the safety, care, and healing of children and youth. She continues to focus on legal, policy, communication, and organizing strategies that increase justice and liberation for children and youth at the National Center for Youth Law. She was transracially adopted out of West Virginia's foster system — an experience that profoundly shaped her and her advocacy. She is a graduate of Berkeley School of Law and Yale University.

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Executive Summary

Suffering is universal. Every person experiences pain, loss, and disconnection at some point in their life. While the forms and intensity of harm differ, the experience of suffering is shared. We all have a role to play in both recognizing the universal nature of suffering, disrupting institutions and practices that create or compound harm and suffering, and compassionately supporting accessible opportunities for repair and healing for ourselves and others. Healing is a right that should be available to everyone.

The work of justice includes the work of healing and liberation¹ which lawyers can and should be involved in.² Our legal systems are not the sole vehicle to promote justice, and exclusively relying on them for justice is constraining. The work of justice is broader and includes building a world where people get what they need and institutions don't harm people but facilitate opportunities, second chances, and compassion. A world that recognizes harm happens, but so must repair.

This paper asserts there is an urgent need for advocacy that recognizes the impact of trauma, violence, and oppression in our society; supports interventions of care and compassion for people; and supports healing at individual, family, and community levels. We synthesized interviews with current practitioners, organizers, legal advocates, and those impacted by child welfare systems, as well as learnings gleaned from a rich array of books, articles, and podcasts.³ Recognizing that the practice and promotion of healing is not new, we build upon the deep and historical lineage of others, particularly women of color. This paper and the lessons shared here would not exist but for these teachers.

Writing in 2026, we recognize that we are living in a supercycle of harm and destruction, as well as an existential struggle over what the future world should look like. Public investments in families, such as housing, childcare, healthcare, and income supports, are rapidly being dismantled, while systems of surveillance and punishment continue to expand rapidly.

¹"Liberation: The creation of relationships, societies, communities, organizations, and collective spaces characterized by equity, fairness, and the implementation of systems for the allocation of goods, services, benefits, and rewards that support the full participation of each human and the promotion of their full humanness." Critical Liberation Theory, Barbara J. Love, Keri DeJong, and Christopher Hughbanks, University of Massachusetts Amherst, Social Justice Education, May 2009.

²"The scope of the attorney's appointment should be holistic, to include representation in ancillary matters that impact the client's safety, well-being, and permanency;" and "Although attorneys are not clinicians, they can help elevate youth voice in the therapeutic process" Recommendation IX. "Before representing a child or youth in a dependency proceeding, an attorney should understand... relevant social science, including trauma and child and adolescent development. Attorneys should receive initial and ongoing training on cultural humility, the impact of systemic racism, and disproportionate and disparate outcomes experienced by Black and Indigenous children as well as LGBTQIA+ youth." Recommendation V. NACC Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings. [NACC Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings](#).

³For a list of the people we interviewed, please see the acknowledgment section of the report.

Yet communities have been building and sustaining their own healing practices for generations: mutual aid networks, kinship care, faith communities, and cultural rituals that nurture belonging, repair, and joy. These traditions offer not only survival strategies but also a vision for what the future of advocacy could look like when rooted in relationship, imagination, and collective care rather than carceral control.



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What is Harm?

The definition of harm is a deeply personal one. To help us define harm more universally we looked to grassroots organizers and providers. We particularly like the definition from Spring Up⁴ which describes harm as “when the actions of a person or people or system(s) has a negative impact on a person (or people) that creates unmet needs and obligations.” This includes actions we understand as violence and coercion, including emotional, physical and sexual abuse. This infliction of wounds and pain impacts a person’s “ability to experience safety, belonging, and dignity.”⁵

Harm happens in multiple domains. Within families and intimate relationships, harm and trauma may be invisible or hypervisible, may repeat across generations, and far too often are inadequately addressed. Harm does not affect everyone equally: histories of oppression and stigma, targeted state violence, racialized geographic inequities, extraction, pollution, and community divestment impact who is most exposed to harm and who has access to opportunities for growth and healing.

Communities and institutions can be inflictors of harm through provider neglect, bureaucratic indifference, cultures of white saviorism, lack of reflection, protection of those inflicting harm, or government actions that dismiss lived realities and/or dehumanize groups of people. Still other harm occurs through state-administered and carceral systems, such as policing, immigration, and the child welfare system, all systems that rely on surveillance, control, and the power to separate children from their families.

Legal advocates⁶ usually enter people’s lives at moments of profound instability and pain. Our actions and language can deepen injury or alternatively provide scaffolding for connection and healing and contribute to disrupting ecosystems of harm. Too often, the “child welfare” advocacy field reinforces the very logics of control and punishment that sustain harm. Yet advocates are also uniquely positioned to support their client’s healing journeys. We can witness rather than judge, affirm rather than pathologize, and help families navigate toward safety, dignity, self-determination and ultimately toward liberation.⁷

⁴Spring Up is a 100% worker-owned cooperative that has a goal of practicing and teaching the skills necessary to be free together. To learn more visit: [Liberatory Education | Spring Up](#).

⁵Hemphill, Prentiss (2024) What it Takes to Heal: How Transforming Ourselves Can Change the World. Random House, New York.

⁶Legal advocates are those who advocate for children and/or their parents before and/or during court involvement. For this paper, we are referring to court involvement as family and juvenile court settings. Although this paper focuses on legal team members, other advocates may find value in this piece.

⁷We, the authors, are advocates and have been so for decades. We include ourselves and our profession in the “we” who can witness and do better by kids and their families.

What Is Healing?

Healing defies a single, universal definition. It is a concept deeply shaped by culture, relationship, and context. For some, healing means the restoration of physical or emotional health; for some, it means reconnection to community, reclaiming identity and dignity, disrupting generational harm, and/or holding those who created the harm accountable. Healing can be personal, collective, spiritual, and/or political. What unites these diverse meanings is a shared orientation toward repair. It is not simple or singular; as Dr. Bruce Perry reminded us, healing is not found through a medical model that pathologizes, ignores strengths and which does not look broadly at both health and wellness. Community organizer, activist, and leader Corey Best asserts that there is an entitlement and a right to heal, a right to ease, a right to liberation and freedom, and a right to define this for yourself.

Yet healing has also been co-opted in this country and monetized as part of the “wellness industry.” These types of highly individualized and largely financially inaccessible services frequently distort traditions of healing originating in Black, Indigenous, and Asian cultures.⁸

Shared Elements of Healing

Across different healing-centered approaches, several common threads emerge.

Healing relies on **caring, empathetic connections** that create safety and trust at both the individual and community level. For children and parents, this means strengthening or re-establishing bonds that have been strained by trauma, separation, and system involvement as well as healing from intergenerational trauma of separation, system involvement and harm in past generations.

Healing also involves **imagination** — the ability to see oneself, one’s family, and one’s community in a future, beyond just survival. This imaginative capacity is itself a form of resistance to oppression, which often constrains how people can see themselves and what futures they can believe possible.

Healing is **understanding oneself and one’s history**. This includes awareness of how trauma affects the brain and body, how family patterns form, and how family and community histories of harm shape the present. Healing requires an **expansive view of time** — recognizing that change is neither quick nor linear. It unfolds through cycles of progress and return, rupture and repair. Healing is not a destination; it is an ongoing process. It may look like movement, stillness, contradiction, or even struggle. This recognition allows advocates to accompany rather than direct and to honor the rhythms of healing instead of imposing timelines or outcomes.

⁸ “We challenge the popularization of ‘self-care’ and ‘healing’ and the consequences of the mainstreaming of our spiritual and political work for liberation. We are witnessing the wholesale erasure, co-optation, and misappropriation of healing justice, specifically by white people, who are writing books and creating podcasts in ways that take up space and resources without honoring or being in relationship to the long lineage of work led by Black, Indigenous, and People of Color - most notably people in the South: women, Queer, Trans, and disabled folks of color.” Page & Woodland (2023) *Healing Justice Lineages, Dreaming at the Crossroads of Liberation, Collective Care & Safety*. Berkeley, CA: North Atlantic Books.

From Trauma-Informed to Healing-Centered

While *trauma-informed* practice focuses on recognizing trauma and preventing retraumatization, healing-centered practice goes further. It centers imagination, culture, joy, and agency. It views people not solely as survivors of trauma but as creators of meaning and builders of the future. Healing-centered advocacy, therefore, is not about fixing people, but being in trust-building relationships with individuals, and considering how our responses support healing, growth, and connection.

Healing is grounded in **agency and self-determination**. People are the authors of their own recovery, defining what repair means for them. For many, **somatic work**, which involves attending to and working through trauma in the body is essential. For many, **connection to culture, tradition, and language** provides both grounding and meaning. Healing is sustained when people are connected to collective sources of wisdom and belonging.

Finally, healing involves **accountability and repair** — not only for oneself but within relationships and communities. Transformative justice movements have shown that repair is not about retribution but about honesty, acknowledgment, and rebuilding trust.

Healing occurs at multiple levels:

- **Individual**
Emotional regulation, self-understanding and self-determination, identity integration, connection with our bodies, seeing oneself in the future.
- **Family / relational**
Communication, accountability, and the rebuilding of bonds and trust.
- **Community / systemic**
Collective healing, transformation of conditions that produce harm, and pursuit of justice and repair.

Each level depends on the others; no one heals in isolation.

Naming Systemic Harm: Child Welfare Interventions that Do Not Heal

“We believe that unhealed trauma is the elephant in the room in child welfare, the missing link that child welfare is failing to address for all of its youth and for transition-aged youth in particular.”

– Aged Out, Think of Us⁹

Child protection agencies are charged with addressing harm in families, but not necessarily in preventing it nor in promoting healing within the family or for children and youth in the foster system, even though healing is critical to preventing future and intergenerational harm.

The child welfare system, increasingly described by advocates as *family policing*¹⁰, is among the most visible examples of carceral logic operating in family life.¹¹ Rather than promoting support from community members, the system encourages community members to report on one another in the name of child safety. As a result, we all are subjected to increased surveillance and questioning at places that could and should be sources of help, like schools and health centers. This culture of reporting discourages people from asking for help. Though framed as protective, this system relies on surveillance, coercion, and the ever-present threat of separating children from their families and communities.

Regardless of their validity, child welfare system investigations and involvement are a form of trauma. Investigations bring state actors into homes, usually without warrants, where every part of a home can be invaded and judged, and children are subjected to intrusive questions without their parents present, as well as traumatizing strip searches by strangers.¹² Children and parents who experience

⁹Cancel, S., Fathallah, S., Nitze, M., Sullivan, S., & Wright-Moore, E. (2020). [Aged out: How we're failing youth transitioning out of foster care](#). Think of Us.

¹⁰It's Never Been About the Welfare of Children: The Origins of the Term Family Police, Brianna Harvey and Jasmine Wali in *How to End Family Policing: From Outrage to Action*, eds. Erin Miles Cloud et al. (2025)

¹¹For more analysis of the applicability of carceral logic to child welfare systems, see Emma Peyton Williams (November 17, 2021), *The Carceral Logic of the Family Policing System*, upEND. <https://perma.cc/9PXX-XZUJ> and Roberts, Dorothy. (2022) *Torn Apart: How the Child Welfare System Destroys Black Families—And How Abolition Can Build a Safer World*. Basic Books: New York. For a broader understanding of carceral logic, see Mariame Kaba (2021). *We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice* (Tamera K. Nopper, ed.).

¹²For more information on the harms of and trauma inflicted by strip searches see [Preventing Strip Searches of Children and Youth Toolkit](#) published by the American Bar Association Litigation Section Children's Rights Litigation Committee (2021).

investigations report feeling deeply unsafe, ashamed, confused, and unsettled and those feelings last long after an investigation is closed.¹³ Current research estimates that 37 percent of children in the United States will experience a child welfare investigation.¹⁴ That number is even higher for Black children, 53% of whom will experience a child welfare investigation.¹⁵ While reporters and investigators may have reasonable concerns about children's safety, the intervention is harmful and the system itself is not organized to promote safety¹⁶, repair and healing.

Family separation creates profound uncertainty and grief, fracturing family bonds and producing long-term psychological harm.¹⁷ The social fabric of communities frays when relationships and networks of care are disrupted, and children are separated from family, friends, their neighborhoods, and their cultural connections.¹⁸ These harms accumulate in specific geographies and along racial and socioeconomic class lines, perpetuating cycles of inequality and stigma.

In addition to the harm of separation, children and youth in the foster system often experience additional harm. As Jennifer Rodriguez, the Executive Director of the Youth Law Center, told us, "We often assume that physical restriction or the loss of freedom is the greatest deprivation that state systems impose on young people. But loneliness, isolation, broken hearts, and being treated as less than fully human are even more devastating. These are not incidental harms; they are harms our systems too often create and compound."

During both investigations and family separations, parents and youth consistently report feeling shame — shame about what is happening to their family and shame from their communities and the system itself. Many parents report that they do not feel able to tell anyone in their lives that they are being investigated because of the strong narrative that if a parent is being investigated they must have done something wrong despite the fact that the vast number of investigations do not lead to the removal of children. Therapist, somatics teacher, facilitator, political organizer, and writer Prentiss Hemphill describes shame as promoting a sense of worthlessness and lack of belonging, which impedes any ability to change.¹⁹ If the system has a goal to strengthen parenting and protect children then shame is not helpful as it undermines dignity, resilience, and healing.

¹³Bromwich, J. and Newman, A. Child Abuse Investigators Traumatize Families, Lawsuit Charges. The New York Times, 20 February, 2024, [Child Abuse Investigators Traumatize Families, Lawsuit Charges - The New York Times](#).

¹⁴See Kim H, Wildeman C, Jonson-Reid M, Drake B. Lifetime Prevalence of Investigating Child Maltreatment Among US Children. Am J Public Health. 2017 Feb;107(2):274-280. doi: 10.2105/AJPH.2016.303545. Epub 2016 Dec 20. PMID: 27997240; PMCID: PMC5227926. And U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2025). Child Maltreatment 2023. Available from <https://www.acf.hhs.gov/cb/data-research/child-maltreatment>.

¹⁵The Child Welfare Fact Sheet, Children's Rights, January 2023. Available from [CR The Child Welfare System 2023 Fact Sheet](#).

¹⁶The federal government used an evaluation tool called the Child And Family Service Review (CFSR) for over 25 years to determine the functioning of child protection systems across the country. In November 2025, the Assistant Secretary for Planning and Evaluation released a report entitled: No States Have Ever Passed the Child and Family Services Reviews: Findings from an Analysis over the last 25 years. In this report, no state passed the two domains measuring safety across the 4 rounds of evaluation. <https://aspe.hhs.gov/sites/default/files/documents/a8b7a03d60c59252be4beb703e291574/No%20States%20Have%20Ever%20Passed%20CFSR.pdf>.

¹⁷See [Trauma Caused by Separation of Children from Parents: A Tool to Help Lawyers](#) published by the American Bar Association Litigation Section Children's Rights Litigation Committee (2020) for additional information.

¹⁸See Roberts, Dorothy (2022) Torn Apart: How the Child Welfare System Destroys Black Families-And How Abolition Can Build a Safer World. Basic Books, New York and Roberts, Dorothy (2008), The Racial Geography of Child Welfare: Toward a New Research Paradigm, Child Welfare League of America.

¹⁹[Prentiss Hemphill breaks down why shame doesn't lead to insight or change](#), Love in a F*cked up World, Dean Spade Podcast, September 10, 2025.

We all want children to be safe. The safety of children is intertwined with their parents' safety. Carceral systems are built on the assumption that punishment and control produce safety.

Healing operates on a different logic: safety emerges from vulnerability, trust, agency, and connection. Carceral approaches inhibit all four by fragmenting relationships, undermining autonomy, and prioritizing surveillance over support. While mandated medications and "safety"/compliance plans may regulate behavior, they do not address the root causes of trauma, nor do they necessarily foster repair and belonging. As Shellie Taggart and Tien Ung, leaders from Futures Without Violence, told us, "punishment is not the pathway to healing and accountability...relational accountability is the way forward."

Alternatives to carceral interventions must be both restorative and relational. Communities across the country are already modeling such approaches: family defense practices that keep children home safely, restorative circles that rebuild trust after harmful events, and cultural healing spaces that reconnect families to tradition and language. These examples point toward an advocacy model that prioritizes relationships and repair.



Healing-centered advocacy asks not "How do we ensure compliance?" but "How do we create opportunities and conditions for change, growth, and healing?"

Healing-Centered Advocacy: What Legal Advocates Can and Should Do

“Any notion that lawyers and legal systems should not have responsibility and accountability to promote healing defies any notion of justice.”

– Sarah Katz²⁰

Lawyers are not healers, yet their legal advocacy can profoundly shape whether a family moves toward repair and healing or toward further harm. Indeed there is a great deal that lawyers can do to facilitate the pathways toward healing.

Lawyers Heal Thyselves

Foundational to a lawyer’s ability to promote healing for clients²¹ is to first attend to their own personal healing. As Ivory Bennett, Program Manager at Fostering Media Connections and host of the healing-focused podcast “InnerViews” reflected, “We need to value healing in ourselves and we create a bias in ourselves when we don’t acknowledge our own hurt and pain.” Lawyers who carry their own unaddressed trauma, burnout,²² vicarious trauma,²³ or chronic stress struggle to remain present, creative and grounded in their client’s humanity, compromising their ability to be zealous advocates.

When lawyers are depleted, bias can surface more easily, empathy becomes harder to access, and the capacity to imagine alternatives diminishes. To engage in relational, healing-centered advocacy, lawyers must self-examine and commit to their own care and healing — both from their own personal

²⁰Katz, Sarah (2025) “Practicing Justice: A Critical Self- Reflection on the Role of Trauma in Legal Practice,” Roger Williams University Law Review: Vol. 30: Iss. 2, Article 6. Available at: https://docs.rwu.edu/rwu_LR/vol30/iss2/6 page 412.

²¹We use the term “client” in this document to describe the children, youth and parents that legal advocates serve because it is a term of art that legal advocates use, however we acknowledge that many parent defenders and parents themselves have noted this word feels clinical and hierarchical.

²²Burnout is defined by the [World Health Organization](#) as “a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed”.

²³Vicarious trauma is defined by The American Counseling Association as “a state of tension and preoccupation of the stories/trauma experiences described by clients”. Vicarious Trauma Fact Sheet, American Counseling Association’s Traumatology Interest Network. Available at [NWCASA | 40 Hour Training | Vicarious Trauma Fact Sheet Handout](#).

experiences as well as from their work. This is not an indulgence but an ethical responsibility that is foundational to this work.²⁴

As family defender Adam Ballout shared with us, lawyers do not typically have spaces to share and discuss our own personal trauma and often there is a stigma even admitting that we might have such a history. For some of us, harms within our own families may have led us into this work, and certainly all of us have experienced wounding in our past. This past trauma needs to be tended to in order for us to connect to our clients and advocate alongside them.

Educate yourself about the harms of a problematic system

In addition, working within the child welfare system brings its own trauma. Working with clients who are experiencing systemic harm, feeling ineffective or overwhelmed in our advocacy and even just working within a system that causes such significant harm can result in wounding that we must acknowledge and work to heal.²⁵ Corey Best explains that self-examination and self-reflection of both our wounds and our role in an oppressive system are foundational to our role in scaffolding healing for our clients.

The legal field is historically rooted in laws that were designed to support the rights of white property-owning men and that refused to recognize the rights and humanity of people of color, women, and children.²⁶ This historical lineage has taken hundreds of years to challenge and change, and impacts even today how lawyers interact with clients, particularly poor clients and clients of color. We see this impact in lawyer biases, including a long-standing bias that lawyers and other professionals are the experts and know what is best for our clients and that we can substitute our judgment for clients even when they do not have a diminished capacity. As Ivory Bennett told us in an interview, “the hierarchy of the child welfare system translates into those working in the system... to put ourselves over the people we are working with.”

Supporting Core Elements of Healing in the Lawyer-Client Relationship

Lawyers can play an important, even pivotal role, in advocating for non-carceral supports that promote change and healing for ourselves, the people with whom we work, and our communities. As discussed above, there are key elements of healing that many people agree upon, and lawyers can advocate for those elements that their clients want to focus on, creating opportunities to scaffold healing and change.

²⁴A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” ABA Model Rules of Professional Conduct Rule 1.1 (2025).

²⁵For example, Dr. Bruce Perry explained in his interview that mental health practitioners “are being forced to practice in a way that creates injury” due to the way that the child welfare system is set up. That is true for lawyers as well.

²⁶For resources about the racist roots of the child welfare system, see [The Legacy of Control: The Racist Roots of the Family Policing System](#) (February 2026), National Association of Counsel for Children webinar; Detlaff, Alan (2023). *Confronting the Racist Legacy of the American Child Welfare System*, Oxford Press and the Center for the Study of Social Policy (November 18, 2018); and Minoff, Elisa. “Entangled Roots: The Role of Race in Policies that Separate Families.” Center for the Study of Social Policy, October 2018. Available at: <https://cssp.org/resource/entangled-roots>.

Legal advocates can affirm and promote the core elements of healing for our clients — not by performing therapy, but by talking to our clients about healing and by structuring the legal relationship in ways that promote agency, connection, imagination, and dignity. Lawyers should also ensure that our advocacy affirms agency, reduces trauma, and opens pathways toward healing — even within structures designed to do the opposite.

Here are some ideas on how these core elements can be a part of our legal advocacy:²⁷

1. Caring, Empathetic Connection

Relationships and connections are among the most important elements of healing. As lawyers we should be talking to our clients, both children and parents, about their critical connections and then advocating vigorously to honor and protect them. Relatives, friends, teachers, mentors, therapists...whoever is important to our clients should be important to us as their lawyers and we should be thinking creatively about how to ensure our clients stay connected.

Lawyers can also name and call out how the child welfare system devalues this critical component of healing. Connections are critical yet children and youth are often placed with strangers, are moved frequently and without warning, and are institutionalized. As pediatrician Dr. Rachael J. Keefe told us, the child welfare system is set up to break connections, removing children and youth from everything they are connected to, and then it does that over and over and over again. These actions result in disconnection and a profound lack of safety that prevents healing and causes significant trauma.

In addition, we should not underestimate the power of our own relationships with our clients. Even brief experiences of connection can counter feelings of isolation produced by system involvement. We should focus on being present for our clients by slowing down and really listening, honoring them, establishing trust, demonstrating respect, building strong relationships, believing them, treating them as the experts that they are, and normalizing trauma responses to unfair, oppressive, or violent societal experiences. These approaches result in empathy and the ability to understand what our clients are experiencing, which counters the destructive shame that the system imposes on our clients. As social work researcher Brene Brown found “the antidote to shame is empathy”.²⁸

²⁷For more information and tips see, “Lawyers Supporting the Right to Heal: What Legal Advocates Can and Should Do”.

²⁸Brown, Brene (2021) Atlas of the Heart: Mapping Meaningful Connection and the Language of Human Experience. Random House, New York.

2. Agency and Self-Determination

Carceral systems strip families of agency. Parents lose authority over their children; youth lose control over daily activities, placements, and relationships; and families are subjected to decisions made by strangers. As author Roxanna Asgarian noted, this lack of agency is particularly damaging to survivors of abuse, in particular sexual abuse, as they need to re-establish control over their own body as part of their healing.

Lawyers can counter this dynamic in several ways. Within the lawyer-client relationship, clients can and should have agency regarding legal advocacy and the direction of their own case. Lawyers naturally assist our clients in enforcing their own rights by listening, educating about rights, and assisting in self-advocacy. We as lawyers should be intentional in the way that we perform these duties, being mindful that we are not centering ourselves and flexing our own power, but instead that we are supporting our clients in asserting their own power. The legal counseling role of a lawyer should be focused on ensuring that clients fully understand their rights and options and that they have ample opportunity to share their own wishes and perspectives. The child welfare system is not skilled at asking and delivering on what people actually need, instead the system generally imposes what it has to offer. In contrast, as lawyers we should be regularly asking our clients what they need and, importantly, we should be asking them what helps them to feel joy and connection.

In terms of a clients' case, lawyers should be zealously advocating for our clients' agency and self-determination whenever possible. While for some this may be readily apparent, it is worth emphasizing the importance of lawyers advocating that parents continue to have meaningful input on issues like placement, visitation, medical and education decisions; and that children and youth have meaningful input on issues like who they live with and stay connected to and the health and mental health care they receive. We should be actively listening to our clients, giving them choices whenever possible, and ensuring that others are listening to them as well. Agency is itself healing. Feeling like you have a choice reestablishes dignity and control — two things trauma often interrupts.

3. Imagination and a Future Orientation

Trauma narrows imagination, making the future feel distant or impossible. Lawyers can and should help clients reconnect to possibility by talking to their clients about their hopes and dreams for the future, as well as identifying and advocating for what needs to happen in order to help our clients reach their long-term goals. Our legal advocacy should be focused on securing opportunities that support future-building, including opportunities to simply play. Depending on our clients' wishes, that might include education, stable housing, extracurricular activities, and opportunities for rest, joy, and play for both youth and parents. Supporting joy might include restorative and fun family time, including the opportunity to enjoy celebrations together. There might also be opportunities to secure a mentor or even a life coach for clients who can help dream and plan for the future. A healing-centered advocate helps clients see themselves beyond the crisis of the moment.

4. Understanding Trauma and Development

“Understanding the short and long-term effects of trauma and adverse experiences on the health and development of children and youth is fundamental to helping them heal and thrive. Importantly, adolescence and young adulthood is a time when interventions can be highly effective in helping young people heal from past trauma, with the right services and supports.”²⁹

Lawyers should be trained in normal child and adolescent development, brain development and trauma, including historic, intergenerational, and institutionalized trauma. This information should inform our advocacy from our very first meeting. As Sarah Katz points out, if we approach a case by focusing only on the individual allegations against our clients then we are not putting the allegation into the larger context, resulting in us having a less nuanced understanding of our clients’ needs.

We should also utilize this information to contextualize our clients’ behavior to ensure that courts and agencies understand how our clients’ behavior makes sense in terms of the trauma they have experienced. As Dr. Resmaa Menakem points out, “Trauma can cause us to react to present events in ways that seem wildly inappropriate, overly charged or otherwise out of proportion.”³⁰ Carceral systems often punish people for trauma responses. Lawyers should look out for this and advocate to ensure that our clients receive care rather than punishment for a trauma response. Included in this is making sure that clients have the opportunity to repair mistakes, which are an expected element of childhood and adolescence, and a critical part of learning for youth as well as for adults. For example, rather than losing a school or foster care placement due to a conflict or mistake, is there an opportunity for repair and healing so that our client does not lose important connections? Lawyers can advocate within educational and social service settings for this type of repair that allows connections to remain rather than be broken and can also look to community based programs that might provide additional opportunities for repair.

Legal advocates should also name and fight back when systems are violating the personal boundaries of our clients by expecting immediate and full vulnerability from children, youth, and parents prior to establishing trust, something we know can take months or years to establish even within a strong therapeutic relationship. Dr. Hillary McBride says that “having boundaries on what we share can actually be part of the healing itself” and calls it a boundary violation when

²⁹Pilnik, L., Cooper, H., Tiede, L., and Pokempner, J. (2022). The Journey to Success Campaign: Creating Healing, Family and Economic Security for Youth and Young Adults Who Experience Foster Care. Journey to Success Campaign. <http://www.journeysuccess.org> (Page 4).

³⁰Menakem, Resmaa (2017). My Grandmother’s Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies. Central Recovery Press. Page 8.

systems expect people “to share intimate details about their lives without any relational safety or assurances of confidentiality.”³¹ Yet the child welfare system routinely and often openly shares intimate details of the lives of parents and children in a variety of ways and expects them to openly discuss wounds with no establishment of relationship or safety. Corey Best named this as “woundability” and talked to us about how lawyers, caseworkers and courts expect too much, they expect “woundability” prior to establishing trust and a relationship.

5. Understanding Somatics

“Contrary to what many people believe, trauma is not primarily an emotional response. Trauma always happens in the body... [W]ithout a clear and present focus on the body, trauma cannot be fully addressed.”

– Dr. Resmaa Menakem³²

Trauma has a biological impact on our bodies, which means that somatic approaches are a critical aspect of healing. Prentiss Hemphill says, “Somatics is the study of how our experiences and traumas live in the body. It’s also a story of how our bodies can be resilient.”³³ Somatic work is anything that works to address and metabolize the trauma in our body and can range from deep breathing, to physical activity like running or dancing or sports, to body work like yoga or Qigong, to rest, creative activity and even joy and humor. Not every approach works for everyone; people need to identify and to be able to choose what works for them. For our clients we need to have a good understanding of somatic healing and we need to talk to our clients about what activities they are interested in that can help them reconnect to their bodies.

We should be advocating for these activities as well as reminding stakeholders that medication and talk therapy are not always the most effective way to address trauma.³⁴ In addition to somatic healing work, there are a variety of therapies beyond talk therapy that might be a better fit for our clients such as EMDR,³⁵ Trauma Focused Cognitive Behavioral Therapy, Internal Family Systems, or even hypnotherapy.

³¹McBride, Hillary. (2025). *Holy Hurt: Understanding Spiritual Trauma and the Process of Healing*. Brazos Press. Page 167

³²Menakem, Resmaa (2017). *My Grandmother's Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies*. Central Recovery Press. Page 7 and page 58.

³³[Prentis Hemphill](#)

³⁴For more information, visit [NICABM Experts - Bessel van der Kolk, MD - NICABM](#), National Institute for the Clinical Application of Behavioral Medicine.

³⁵Eye Movement Desensitization and Reprocessing (EMDR) is a psychotherapy treatment that is designed to alleviate the distress associated with traumatic memories. [What is EMDR? - EMDR Institute - EYE MOVEMENT DESENSITIZATION AND REPROCESSING THERAPY](#).

Lawyers can also honor the need for somatic healing in our lawyer-client relationships. Offering breaks during our meetings, grounding techniques, physical comfort, ensuring physical needs are met (e.g. offering food and water), offering to take a walk during a meeting or calm meeting spaces — all of these recognize the embodied nature of harm. Lawyers should also be offering choices wherever possible - where do our clients feel safe meeting and how would they like to sit? What brings them comfort? Legal advocates should also recognize the importance of co-regulation with our clients where our calm, grounded presence can help to reduce a client's stress even in stressful moments. This requires us to be connected and calm within our own bodies when we are with our clients and pause, take deep breaths, and re-regulate when we are triggered by information or interaction with our clients.

Lawyers should also recognize the way that the system impedes somatic healing. Children and youth are often restricted in their movements, from being told they need to stay in a placement that may not feel comfortable or safe to not being allowed to participate in normal extracurricular activities or even to being placed into locked facilities. In contrast, lawyers should be advocating for opportunities for movement and somatic healing experiences for our clients. For parents, they are often required to do cognitive services like parenting classes or counseling, though they might benefit more from a somatic approach like a dance class, yoga, drumming, basketball league, animal-assisted therapy, or singing in a choir.

6. An Expansive View of Time

Carceral systems demand quick compliance. Healing requires time and is non-linear. People need safety, stability, and time to change, grieve, and heal. We should talk to our clients regarding healing interventions offered or available to understand if they are ready and want those interventions as well as whether those interventions are a good fit. Lawyers may also need to advocate for different healing modalities depending on what our clients want and they need to understand that what they want and need can change over time. Ultimately lawyers should advocate for autonomy for the client within their own healing journey.

7. Cultural Identity, Community, Language, and Tradition

People often have their own meaningful cultural traditions for addressing and healing from trauma.³⁶ Lawyers should be talking to clients about their culture and identity – advocating for placements, connections (or reconnections), and activities that recognize and embrace our clients' culture and history. Many families, communities and cultures offer their own healing and support that our clients might want to access. For example, communal rhythmical activities and rituals of support (e.g. going to ceremonies, beading, religious gatherings, communal dancing, drumming, and/or singing) can be tremendously healing.³⁷ Naming culture as a strength also challenges system narratives that minimize the importance of culture or even pathologize non-dominant cultural practices.

³⁶ See as an example the work of NICWA which has as a value "We believe that **our cultures are our strongest resource** for helping children and families." [About NICWA - NICWA](#).

³⁷ See as an example the programs of Two Feathers Family Services which is a national leader in Native mental health advancement through a blend of innovative approaches that center community building and cultural affirmation to address long standing mental health challenges in Two Feathers' geographically isolated and economically challenged region. <https://twofeathers-nafs.org/>.

Parents and children might also be participating in activities that are healing but not recognized by the system or the court and thus might be required to participate in duplicative and less helpful services. For example, if a client is accessing services through their church, mosque, or community center that meet their needs, then advocate so that your client doesn't have to complete a duplicative but system-approved service through another source that is unhelpful, culturally harmful, or a bad fit.

In addition, generational harms such as genocide, displacement, slavery, segregation, racial terror, internment, family separation, forced assimilation, stolen land and homes are significant sources of trauma that also might be addressed. Lawyers need to know and have a solid understanding of these generational harms. Our clients are impacted both by these historical harms and by the way they continue today in their own communities and families.³⁸

8. Accountability, Repair, and Transformative Justice

Our clients may want to explore accountability for and repair of harm beyond how carceral systems respond. Many survivors and those who have committed harm have found punishment administered by child welfare and criminal legal systems limiting, non-healing, ineffective, and unsatisfying.³⁹ Some alternative examples might be transformative or restorative justice practices, or accountability or healing circles, all practices which address harm and conflict in a way that promotes healing and repair. Often these practices are offered by communities rather than the state.

Transformative justice, sometimes called community accountability, requires an openness to new ways to address harm and support repair without relying on punishment, incarceration, or policing.⁴⁰ Writer and social justice facilitator, adrienne maree brown asserts: "Instead of responding to the surface-level symptoms of conflict and misalignment, we reach to the roots, looking for the patterns of systemic and structural impact. We acknowledge we cannot go backward, but we seek a way forward that honors people's dignity and capacity to recover, to heal, to reclaim themselves, and possibly to return to each other in new relationships. We release the binary of right and wrong and instead pay attention to the complexity of the situation in front of us: What happened? How can the community support resolution and possibility?"⁴¹

This type of approach may provide healing that our current system does not.

³⁸ For more information on this topic see [The Importance of Historical Context](#) which is part of [Anti-Racist Lawyering in Practice](#) produced by the [Family Justice Initiative](#).

³⁹ For example, see [The Survivors of Child Sex Abuse Who Don't Want Their Abusers Punished | The New Republic](#). The New Republic (December 2, 2024).

⁴⁰ For a helpful source of additional information see Dixon, Ejeris and Piepzna-Samarashinha, Leah Lakshmi. (2020) *Beyond Survival: Strategies and Stories from the Transformative Justice Movement*. AK Press

⁴¹ brown, adrienne maree (March 29, 2022). *Murmurations: Realizing Our Abolitionist Dreams*. Yes! Solutions Journalism

Families may also want assistance with other areas of repair. Sarah Katz discussed ways that lawyers might be involved in identifying ways to repair the parent-client relationship after a termination of parental rights or after a reunification. Lawyers might assist a family with mediation and/or in figuring out how and when parents and youth may want to be in contact. Legal advocates might also identify healing resources to assist with the tending of individual and/or familial wounds because of the trauma experienced through separation as well as by the harm inflicted by the system itself.

9. Collective Harm and Collective Healing

“[T]rauma and healing aren’t just private experiences. Sometimes trauma is a collective experience in which case our approaches for mending must be collective and communal as well.”

– Dr. Resmaa Menakem⁴²

Following thinkers like Resmaa Menakem, healing must be understood as collective.⁴³ Advocates can help clients contextualize individual and family experiences within broader histories of racial, economic, or community oppression and trauma — not to minimize responsibility but to increase solidarity. Lawyers should interrupt the individualization of what are actually larger societal problems, like challenges related to environmental health impacts; history of land and property loss; community displacement and genocide; impacts of violence, policing and surveillance; redlining and segregation; governmental abandonment and disinvestment; loss of community members due to criminal legal, child welfare, or immigration actions; to name a few. This framing disrupts the harmful and shaming narrative that any individual can overcome any hardship and pull themselves up by their bootstraps on their own. It also compels us all to participate in efforts that create an environment for collective healing.

Lawyers can connect to broader advocacy efforts to meet families’ basic needs like housing and food perhaps through supporting existing work such as family resource centers, pre-petition and preventative legal services⁴⁴ or mutual aid, and assist in developing non-carceral approaches to family healing, perhaps by supporting the development and adoption of transformative or restorative justice practices in our communities. Lawyers can also support communities in advocating for what they need, for example child care centers, access to nutritious foods and places to gather and play, livable wages, etc. Lawyers need not do this work alone but can connect to local and national advocacy efforts, such as through bar associations, and parent and youth advocacy efforts.

⁴²Menakem, Resmaa (2017). *My Grandmother’s Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies*. Central Recovery Press. Page 13.

⁴³For more information on collective healing see Page, Cara and Woodland, Erica (2023) *Healing Justice Lineages: Dreaming at the Crossroads of Liberation, Collective Care, and Safety*. North Atlantic Books, Berkeley, California.

⁴⁴[Preventive Legal Advocacy – Barton Child Law and Policy Center](#).

Lawyers might also talk to their clients about whether they would like to get involved in systems change work and advocacy, which can be very healing for some people. As always, we should be led by our clients and should ask them what they want and need.⁴⁵

Engage in Policy Advocacy for Structural Change

Legal advocates can collaborate with communities to reshape laws, funding structures, and institutional practices so they support accountability and healing rather than punishment. Advocates might:

- Push for policies that emphasize care, not surveillance, for example changes to mandated reporter policies or policies that support families through housing or other concrete supports;
- Write op-eds or other pieces to share information about the current system, how harmful it is, and what concrete things are needed to support the clients you represent;
- Advocate for flexible funding streams that allow families to access healing supports—housing stability funds, childcare, culturally-grounded services, transportation;
- Challenge metrics that prioritize compliance or family separation over well-being of children and parents;
- Promote measures of success that track connection, stability, relational health, community safety, and long-term thriving;
- Challenge limited service arrays that are one-size-fits-all and which are not based in healing tenets; and/or
- Oppose expansions of mandated reporting, surveillance technologies, or punitive family regulation.

Policy change is not only legislative; it includes shifting norms, narratives, and expectations within local agencies and courts.

Cultivating a Healing-Centered Legal Culture

Healing-centered advocacy must also take root within our legal organizations. This means organizations where humanity is welcomed and valued; where relationships matter and where every staff person has the opportunity to process past trauma as well as reflect on current caseloads. Organizations can center relational safety, equity, and dignity and can work to create spaces for self-reflection and awareness both at an individual and collective level. Legal advocates should be continually learning about trauma, healing, cultural humility, anti-carceral practice, and embodied regulation. Healing tenets need to be integrated into supervision, evaluation, and team culture and cross-disciplinary partnerships might be built with community healers, cultural practitioners, organizers, and youth advocates. This does not mean just an

⁴⁵For example, Come Back to Care offers practical strategies for supporting parents in healing and healthy parenting in the context of social justice work. See <https://www.comebacktocare.com/> for more information.

assortment of self-help tools but instead means a “holistic investigation of an organization’s culture, strategy and systems.”⁴⁶ There are examples of this happening across the country, including the work of Washington state lawyer Adam Ballout, whose office uses reflective practice to support lawyers and their practice.⁴⁷ Ultimately, a healing-centered legal culture helps advocates show up fully and sustainably for clients so that we can zealously advocate for them.

As a legal profession, building healing-centered culture also means being accountable for past harms. Trainings and webinars from the National Association of Counsel for Children⁴⁸ and the ABA Center for Children and the Law, particularly through its National Alliance on Parent Representation,⁴⁹ have promoted more holistic and historical understandings of the impact of racism on our laws and actions. These trainings have been extremely important but we also want to note that there has been insufficient public, national work done to repair the harms of family separation both through the child welfare/family policing system but also through our history of laws that have facilitated the separation of children and families, particularly Black, Indigenous, and immigrant families.⁵⁰

The child welfare system has inflicted significant harm on children, youth, families and communities. And despite the best of intentions, each of us has likely participated in harms in a particular case. We need to foster spaces to talk about and address these harms so that we can take accountability, change practice, and become stronger partners and advocates for children, youth and parents.

⁴⁶Healing Justice Lineage. Page 254.

⁴⁷For more information see [The F.I.R.S.T. Legal Clinic: A New Frontier of Partnerships to Stop Trauma](#).

⁴⁸[Race Equity Resource Hub - NACC](#).

⁴⁹[White Supremacy in the Institution of Child Welfare](#).

⁵⁰Historical Context, Family Justice Initiative, [Historical-Context-PDF.pdf](#).

Conclusion

Healing should be understood as a basic human right — the right to safety, belonging, dignity, and the opportunity to grow. Legal advocates occupy a unique and powerful role. Healing-centered advocacy is not outside the lawyer’s role — it is central to it. We hope that this paper will be a call to action for legal advocates and be part of a broader dialogue about recognizing our own wounds and the need for healing; to commit to a healing orientation in our daily practice; to center healing in all of our legal advocacy from the lawyer-client relationship to our motions practice; and to advocate for policies and structures both in individual cases and systemically, that support family and community healing.

Over time, healing-centered advocacy can help shift our systems away from coercion and toward care; away from punishment and toward repair; away from surveillance and toward community safety.

Healing is not a dream for the future. It is a practice we build now.



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