

## **From Service Delivery to Capacity-Building: A Scalable Approach to Legal Empowerment**

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**Abstract:** This case study highlights the experience of a legal services social worker and her clients using a method for legal empowerment. It explores a simple way to integrate capacity-building into practice at the micro-level as part of a systemic change strategy at the macro-level.

### **Introduction**

*“It’s important because your voice can be heard. It’s important because in having your voice heard, you’re not forgotten, you’re not left aside. A lot of time people get skimmed over because they’re silent. What I think is the most important thing with [the right question strategy] is that it allows people who are normally silent to be heard.”* -- RQI session participant, Sacramento, California.

COVID-19 has wreaked havoc on the welfare of people in low-income communities across the globe. Further, it has created more crushing demands on systems of services. Frontline service providers are charged with delivering services at a time when sources of financial support are scarce, in spite of the increased demand.

In this context, people seeking services will need key skills for navigating systems and advocating for themselves and their families. How can we efficiently use the point of contact between a frontline direct service provider and a client as a skill-building opportunity to build that capacity? A single change, illustrated by this case study, can transform this micro-level interaction. This article explores a simple way of integrating capacity-building into practice at the micro-level as part of a systemic change strategy for the macro-level.

The Right Question Institute trains direct service providers across fields to use a simple set of methods and tools to build the self-advocacy skills of the people they serve while fostering feelings of self-efficacy. One of these methods, the Voice in Decisions Technique (VIDT), helps people discover decisions being made that affect them. It further builds their capacity to participate in those decisions. Critical decisions impacting their housing, access to job training, child support and more are often obscured from view. Often, it is not clear that a major decision is being made, let alone how it is being arrived at. Clients are forced to deal with the consequences of decisions only after they happen. Recognizing this problem, VIDT is designed to make it easier for people to identify decisions that affect them. It provides a step-by-step

process for them to ask questions that highlight key aspects of the decision made. Specifically, they become skilled in focusing on the reasons and processes behind the decision. They also understand better the role they can and should play in the decision-making process.

Jane is a social worker for a legal services organization in a primarily rural state. We have changed her name and removed some identifying details because of confidentiality concerns. Jane works with youth experiencing or are at risk of homelessness. She coordinates with colleagues across the region, including shelters and schools, who refer homeless youth and young adults to her organization when they may have a civil legal issue.

Jane learned how to use VIDT by attending a training session with her organization and has been using it with her youth clients. She modeled how to make a change at the micro-level in her interactions with clients. This helps build her clients' confidence and sense of agency, preparing them to engage more productively with their attorneys and advocate for themselves in the legal system. By taking a capacity-building approach, she also equips her clients with skills they could use in the long-term.

Youth and young adults experiencing or at risk of homelessness may face many legal challenges. These may include housing, benefits, school discipline, domestic violence, emancipation, immigration, and crime victims' rights. They deal with many intersecting systems, the core of which is often the legal system. Rural homelessness presents an additional set of challenges, including invisibility, and the lack of availability and accessibility of essential services such as shelters, transportation, and child care.<sup>1</sup>

When Jane first meets with her clients, they are often traumatized, overwhelmed, and distrust the system that failed them. They are typically focused on fulfilling their basic needs. She meets them over Zoom, where relationship-building is often difficult. She finds that they do not know the problems they are facing are 'legal' in nature, problems that need to be addressed within the legal system.

Jane recently met with a teenage mother living in a homeless shelter. Lia (name changed for confidentiality) was referred because she needed a parenting plan: a document describing how she planned to parent her baby after separating from the baby's father. This was to be used in court to determine a custody arrangement. The father of the baby was in his mid-twenties and lived with his well-off parents. They hired an attorney to sue Lia for custody. Lia had just been served with the official paperwork informing her that she had to appear in court to fight for custody of her child, and she was terrified. As Jane later learned, when the father would come to pick the child up for the weekend, Lia would not be able to sleep, fearing that if she did not have a plan, he and his family would take her baby away from her.

When they first met, Jane tried to get to the core of the problem, identify Lia's goals, and determine what needed to be done by asking a series of questions: What would you like a parenting plan to look like? When you get housed, how are things going to change? When are you going back to work? What will you do for child care? Lia, frozen with fear, could barely respond. Questions just overwhelmed her more. She had no answers, and no questions for the

social worker on the Zoom. She shut down completely. Jane knew that if Lia met with an attorney at the legal services organization at that point, it would be a painful 50 minutes of the attorney trying to get Lia to talk about her goals, before ultimately deciding against representing someone in what would be a difficult case. Lia would be left to represent herself in court and hope that she did a sufficient job in explaining to a judge why she needed to continue to raise her child even though she lives in a homeless shelter.

Jane decided to try a different approach by using VIDT. Instead of giving Lia a lot of complicated information about her legal problem or expecting Lia to have answers to questions Jane posed, she gave her a simple paragraph describing her legal situation. She then facilitated a short process in which Lia came up with as many questions as she could about her legal situation, without stopping to judge or edit herself, and changing every thought she had into a question. Soon Lia had a list of 28 questions, where before she had none. Generating those questions allowed her to identify what she needed to know and do, what was most important to her, and to envision new possibilities. Jane walked her step-by-step through a process of improving and prioritizing her questions, and identifying questions that addressed different aspects of a decision. By the end of the experience, Lia had formulated and developed eight priority questions for her meeting with the attorney. This seemingly simple matter — prioritizing questions — was a new form of agency and strategic thinking, flowing from the experience of generating and working with her own questions.

The following week, Jane sat in the Zoom call with Lia and the attorney. Lia came prepared with her questions and felt confident, organized, and ready to fight for her goals. The attorney, who would have been terrifying to Lia, saw her and thought, this is a fight we can win, and signed on to fully represent her. They continue to fight her case in court. Jane shared:

*If I had sent [Lia] in to meet with the attorney in the state that she was in, there was no way that that attorney would have represented her. The attorney couldn't have, she wouldn't have known what to do.*

*At the end of using the VIDT, [my clients] have developed questions that are going to make their experience, and their appointment with their attorney, far more productive. It has empowered them to be able to even formulate what their goal is in the process.*

*Utilizing this is definitely putting into practice a trauma-informed approach. I'm not making up the questions for them. I'm not labeling what is of the utmost importance for them. You're really putting them in the driver's seat and allowing them to be able to determine what's best for their situation.*

*Young people come out of this with an actual list of things that they want to get answers to, and accomplish during their time with an attorney. It makes them feel capable, and shifts their identity going into this appointment with an attorney, which is intimidating. Once again, the young person has become the driver. Instead of just being talked at by the attorney, they've got this list of questions because they know what their agenda is and why they're there.*

*Working with people at difficult times in their lives, there's a real vulnerability there, and this structure helps for people to feel safe and to build*

*relationships. When you can go through something with someone where they are coming upon their own discoveries, it's pretty powerful.*

The problem in this case study is a familiar one. A client, traumatized and facing multiple overwhelming challenges, seeks assistance. The provider seeks to help, but traditional methods — asking questions of the client, pushing them to consider the consequences of major decisions, giving them explicit instructions that may be overwhelming for someone in crisis — can inadvertently leave the client feeling more disempowered and helpless. When the provider uses a capacity-building model to help the client become an active agent in the process, the client begins to feel a sense of self-efficacy. They are made able to use their own questions to advocate for their needs.

What implications does this micro-level interaction have for systemic change and long-term resilience of societies? We need ways of working on the micro-level that provide immediate assistance in the form of capacity building. The skills acquired in those interactions are critically important for the continued navigation of systems and for fueling the sense of self-efficacy and ongoing advocacy that the client will need for the long haul. The client can now address the coming challenges with new skills, capacity, and confidence.

A young mother in California who had learned VIDT said, “It’s important because in having your voice heard you’re not forgotten, you’re not left aside”. In the aggregate, using individual interactions as capacity-building opportunities can transform clients’ experiences and in turn, transform systems. Moreover, the skills clients learn at this micro-level are also relevant at the macro-level, where public officials make policy decisions and take executive actions that impact everyone. By building people’s capacity to ask questions and participate effectively in decisions, we can also strengthen democratic societies for the long-term.

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<sup>i</sup> *Missed Opportunities: Youth Homelessness in America, National Estimates*, Chapin Hall at the University of Chicago, November 2017, <https://voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin-Hall-2017.pdf>; *Youth Homelessness Overview*, National Conference of State Legislatures, 2019, <https://www.ncsl.org/research/human-services/homeless-and-runaway-youth.aspx>.