

**THE IMPORTANCE OF
CULTURAL COMPETENCY
IN THE GUARDIAN AD LITEM INVESTIGATION**

Karen A. Forman MSW
Guardian ad Litem

Both voluntary immigration from other regions as well as the results of the Atlantic slave trade, brought a mix of people to the Americas, including Europeans, Africans, and, to a lesser extent until the 20th century, Asians. Thus began the process of diversifying the population of the Western Hemisphere. While the majority of the U.S. population were white immigrants from northern and western Europe and their descendants, they maintained most of the power, social and economic, of the nation.

In the U.S. context, immigration from the 1840s onward diversified the ethnic composition of the nation. During the early part of the 1900s, southern and eastern European immigrants and their descendants became a larger percentage of the population, but as recent immigrants concentrated in urban areas were also very often poor and lacking in basic healthy living and working conditions. Descendants of African slaves and immigrants faced a much more difficult challenge due to their skin color and discrimination enforced by legal systems, such as the Jim Crow laws in the United States. Since the 1960s, African Americans as well as other minority groups such as Mexican Americans have gained greater social and economic status and power.

Nonetheless, the dominant models of education and social services retained models developed by northern and western European intellectuals, even such well-meaning and important reformers as Jane Addams and Jacob Riis. After the Civil Rights movement of the 1950s and 1960s, though, social workers, activists, and even some healthcare providers began to examine their practices to see if they were as effective in African American, Latino, and even Asian American communities in the U.S. The arrival of more than half a million Southeast Asian refugees, from 1975 to 1992, for example, tested the ability of medical and social workers to continue effective practice among speakers of other languages and among those coming from very different understandings of everything from mental health, laws, law enforcement, education, gender roles, religion, spirituality, economics and many other factors in the life-space of a human being.

*** refer to pages (7-9) for diagrams/information on migration in the United States and state specific percentage of population growth from minorities.**

1.

Cultural Competence refers to an ability to interact effectively with people of different

cultures. **Cultural Competence** comprises four components: (1.)Awareness of one's own cultural world view, (b.)Attitude towards cultural differences (3).Knowledge of different cultural practices and world views (4.)cross-cultural skills.

Developing **Cultural Competence** results in an ability to understand, communicate with, and effectively interact with people across cultures.

The United States is constantly undergoing major demographic changes. The 1990-2000 population growth in the United States was the largest in American history with an increase in people of color from 20-25 percent. The complexities associated with an ever increasing country of cultural diversity affects the systems and agencies put in-place to deliver services to the population. The judicial system, particularly that of the Family Court, has been put in the position of providing services to a broad-range of clients.

The Family Court appointed Guardian ad Litem is placed in a unique situation. Guardians are in the position of conducting an investigation on the child's (ren's) family system to assist the Family Court in primarily placing the minor(s) with one parent or the other. This investigation strives to delineate the parental and environmental situation that is in the child's(ren's) best interest. As a Masters trained Social Worker acting in the capacity of a Guardian ad Litem there is a traditional assessment approach I use when representing the child (ren) in a custody dispute. Traditionally, the Social Work profession has emphasized the dual concept that all people are part of two systems: 1. The larger societal system, and, 2. Their immediate environments. Social Workers are trained to use the person-in-environment framework in their assessment of a family system to include varying degrees of important **cultural factors** that have meaning for the family/client.

Cultural knowledge, cultural awareness, and cultural sensitivity all convey the idea of improving your understanding and/or cross-cultural capacity, as illustrated in the following definitions:

Culture: the integrated pattern of human behavior that includes thoughts, style of communication, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social group. **Culture comes in many shapes and sizes. It includes areas such as politics, history, faith, mentality, behavior, and life-style.** Culture is often referred to as the totality of ways being passed on from generation to generation. It is the way that people of diverse backgrounds experience the world around them.

2.

Cultural Knowledge: Familiarization with selected cultural characteristics, history, values, belief systems, and behaviors of the members of another ethnic group. (Adams, 1995).

Cultural Awareness: developing sensitivity and understanding of another ethnic group. This usually involves internal changes in terms of attitudes and values. Awareness and sensitivity also refer to the qualities of openness and flexibility that people develop in relation to others. Cultural awareness must be supplemented with cultural knowledge. (Adams, 1995)

Cultural Sensitivity: Knowing that cultural differences as well as similarities exist, without assigning values, i.e. better or worse, right or wrong, to those cultural differences. (NIH 1997).

refer to pages (10-13) **Cultural Sensitivity Model.

Developing **Cultural Competence** results in an ability to understand, communicate with, and effectively interact with people across cultures. It is an open-ended process by which individuals and systems respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, religions, and other diversity factors in a manner that recognizes, affirms, and values the worth of individuals, families, and communities. It is the END result of achieving cultural knowledge, sensitivity, and awareness.

Consider the Following:

* **Cultural Competence** is a set of congruent behaviors, attitudes and policies that come together as a system, agency or among professionals, and enable that system, agency or those professionals in agency to work effectively in cross-cultural situations.

* **Cultural Competence** requires that organizations have a defined set of values and principles, and demonstrate behaviors, attitudes, and policies that enable them to work effectively cross-culturally.

***Cultural Competence** is a developmental process that occurs over an extended period of time. Both individuals and organizations are at various levels of awareness, knowledge, and skills along the cultural competence continuum.

The healthcare professions were the first to promote the idea of being culturally competent in service delivery. In the healthcare professions, the level of cultural competence directly effects the clinical outcomes of the services delivered to the patients. Cultural Incompetence in the medical setting can in fact result in fatal outcomes. The issue of cultural competency has also been embraced by the larger business community. As a result of cultural incompetence, the business community was observing an increase in employee law suites related to management's lack of knowledge and awareness of certain cultural factors.

3.

Can you measure Cultural Competency? There are four solutions identified as markers for developing cultural competence. (Martin and Vaughn, DTUI Magazine 2007).

1. **Awareness: a consciousness of one's personal reactions to people who are different.**
2. **Attitude: exploring your reactions and feelings of personal cultural biases and beliefs in general.**
3. **Knowledge: are our beliefs about certain cultural groups consistent with our behavior? "Know thyself".**
4. **Skills: practice cultural competence. Communication and also non-verbal communication are the fundamental tools of how people interact. How are you perceived?**

Gallegos (1982) provided one of the first conceptualizations of cultural (ethnic) competence as..“a set of procedures and activities to be used in acquiring culturally relevant insights into the problems of minority clients and the means of applying such insights to the development of intervention strategies that are culturally appropriate for these clients.” For the role of the Guardian ad Litem, this may include knowing the right questions to ask, observing the home life, observing the parent-child interactions, and researching customs and beliefs of a given minority. In certain cases, a Guardian must be comfortable with discussing personal topics ,such as,: sexuality and sexual orientation, sexual behaviors, personal hygiene, cleanliness of home, prescription drug use, mental functioning and many, many other issues.

Social Workers clearly have an ethical responsibility to be culturally competent (NASW Code of Ethics, 2001). Culture and ethnicity may influence how individuals cope with problems and interact with each other. Social Workers are trained to be tolerant and respectful in the area of diversity. What is acceptable in one culture may be not be in another culture. Social Workers struggle with ethical dilemmas arising from value conflicts. Social Workers must also consider and adhere to the United Nations Declaration of Human Rights as not all human behavior will be tolerated. Cultural Competency is not a static process. Guardians need to be prepared to research, learn, and become knowledgeable about a certain group, family, or individual's cultural beliefs and values. Self-awareness is the first step in appreciating the importance of multi-cultural identities in the lives of people.

4.

The Guardian ad Litem needs to examine their own cultural backgrounds and identities to increase their awareness of personal assumptions, values, and biases. **Remember: Know Thyself!** It is fundamental to the Guardian ad litem investigation to understand your own cultural

beliefs and values Examine your biases and what may “push your buttons”. Cultural Competence includes knowing and acknowledging how fears, ignorance, and the “isms” (racism, sexism, ethnocentrism, heterosexism, ageism, classism) influence your beliefs, feelings, and attitudes toward certain populations of people.

Conclusion:

As a Social Worker and a Guardian ad Litem I would like to see Cultural Competence training in the Family Court System. Cultural Competence is an ethical standard for Social Work practice. It is my belief that both Guardian ad Litem programs (DSS and Private) would have better outcomes for the children and families involved if Cultural Competence training became a standard for Guardian ad Litem entering the system. Guardian ad Litem need a wide range of skills to work successfully with people of varying populations. Guardians need to have self-awareness of how their personal values may influence the way they view a family. Guardians must be aware of the topics and/or life-style choices that “push their buttons” and render them biased and unable to provide an even and balanced investigation. If necessary, Guardians become social scientists and research a certain culture of the family they are investigating.

Country	Average	2000	2004	2010	%2010	
	#immigrate Per year					
Mexico	175,900	7,841,000	8,544,600	9,600,000	23.7%	
China	50,900	1,391,000	1,594,600	1,900,000	4.7%	
Philippines	47,800	1,222,000	1,413,200	1,700,000	4.2%	
India	59,300	1,007,000	1,244,200	1,610,000	4.0%	
Vietnam	33,700	863,000	997,800	1,200,000	3.0%	
Cuba	14,800	952,000	1,011,200	1,100,000	2.7%	
El Salvador	33,500	765,000	899,000	1,100,000	2.7%	
Dominican Republic	24,900	692,000	791,600	941,000	2.3%	
Canada	24,200	678,000	774,800	920,000	2.3%	
Korea	17,900	701,000	772,600	880,000	2.2%	

***Historical Data from 2000 U.S. Census and 2004 Yearbook of Immigrant Statistics,

Percentage change in Foreign Born Population 1990 to 2000

STATE PERCENTAGES

North Carolina	273.7%	South Carolina	132.1%	Mississippi	95.8%
Wisconsin	59.4%	Vermont	32.5%		
Georgia	233.4%	Minnesota	130.4%	Washington	90.7%
	52.7%	Connecticut	32.4%	New Jersey	
Nevada	202.0%	Idaho	121.7%	Texas	90.2%
Hampshire	31.5%			Alaska	49.8%
Arkansas	196.3%	Kansas	114.4%	New Mexico	85.8%
Ohio	30.7%	Michigan	47.3%		
Utah	170.8%	Iowa	110.3%	Virginia	82.9%
	30.4%			Wyoming	46.5%
Tennessee	169.0%	Oregon	108.0%	Missouri	80.8%
	37.6%	North Dakota	29.0%	Pennsylvania	
Nebraska	164.7%	Alabama	101.6%	South Dakota	74.6%
	37.2%	Rhode Island	25.4%	California	
Colorado	159.7%	Delaware	101.6%	Maryland	65.3%
	35.6%	West Virginia	23.4%	New York	
Arizona	135.9%	Oklahoma	101.2%	Florida	60.6%
Montana	19.0%	Massachusetts	34.7%		
Kentucky	135.3%	Indiana	97.9%	Illinois	60.6%
	1.1%	Louisiana	32.6%	Maine	

*Source: U.S. Census 1990 and 2000

Average change in U.S. from 1990 to 2000 was a 57.4% increase in foreign population

2000-2007

The immigrant population exceeds 4 percent. Immigrants make up more than 4 percent of South Carolina's population, according to census figures, and Latinos and Asians have a significant effect on the state's economy

The Immigration Policy Center, which is based in Washington, D.C., reports that immigrants are a vital part of the state's economic health.

South Carolina had 190,014 immigrants in 2007, the latest year for which figures are available.

The percentage of the foreign born population rose to 4.3 percent in 2007 from 2.9 percent in 2000, according to the U.S. Census Bureau. For example, there were 3,531 Hispanics in Anderson County in 2007, and they made up 2 percent of the population, according to the bureau.

In 2008, the purchasing power of South Carolina's Latino population totaled \$3.3 billion, and the buying power of the Asian population was \$1.9 billion, according to the Selig Center for Economic Growth. The center is part of the University of Georgia.

Definition of Cultural Sensitivity

Cultural Sensitivity means being aware that cultural differences and similarities exist and have an effect on values, learning, and behavior.

Stafford, Bowman, Eking,
Hanna, & Lopoies (1997)

Components of Cultural Sensitivity

- *valuing and recognizing the importance of one's own culture.
- *valuing diversity.
- *realizing that cultural diversity will effect an individual's communication and participation in education in various ways.
- *a willingness to adapt one's communication and behaviors to be compatible with another's cultural norms.
- *a willingness to learn about the traditions and characteristics of other cultures.

11.

**Interacting and Communicating in Culturally Sensitive
Ways**

*the primary source of communication should come from the professional

*relationships with families are strengthened when you use a strength focused approach.

*it is important to indicate a willingness to listen

*active listening: listen fully, without interrupting, clarify, acknowledge, reflect, or expand and build on what is being said.

*effective communication is enhanced when empathy is conveyed. Put yourself in the other's shoes....

*avoid interactions that may be perceived as demeaning. Be age appropriate in use of language and voice intonation.

12.

*be persistent in maintaining open communication.

*fact: there are basic differences in the ways people

of different cultures communicate.

*within cultures individuals differ in communication styles.

*be nonjudgmental

*take an active interest in the culture and norms of others.

*openness, caring, and mutual respect of the dignity of individuals are essential to effective communication.

