

Beacon Homily April 26, 2015, Michael Bradshaw

Courage and Transformation

I am a lawyer specializing in Family Law. Fresh out of law school in 1978, I happened into a child protection case. In that case I acted for two parents whose 5 children had been taken from them by social services. That case set me on a course that shaped my law practice in ways I could not have anticipated. I found the work stressful and exhilarating. I found myself looking for opportunities to take on more such cases and such clients. I found I had a talent for finding solutions for the children caught up in the drama of parents who were doing so many wrong things and were in conflict with social workers. I found I had a passion for looking for solutions for the children. In the 37 years since that first case I have focused my law practice on child protection work. I have worked variously for parents, for Child Protection agencies, and for children over those years. The choices I have made over those years have ensured I did not make the big bucks my fellow lawyers take for granted. The choices I have made, however, have given me the feeling of making a positive difference in the world.

(PAUSE)

I am here to talk about courage.

What is courage?

I define courage as taking action in the face of insurmountable odds, of acting when your whole life is on the line, when the possible

consequences include your own destruction and the loss of everything you value.

I'll be telling you two stories of courage and transformation of clients I have worked with. In the face of insurmountable odds, each displayed tremendous courage and each was transformed by their experience.

In the first story, my client was a mentally handicapped mom in her early thirties. Her history is an important piece of the story. She had given birth to two children some years earlier, both of whom had been taken from her by child protection authorities and had been made permanent wards. The two children had been removed from her because of some unexplained injuries which were attributed to her inability to properly care for her children. A third child was later born who developed a very serious medical condition and subsequently died before his first birthday. The mom had reported the medical condition, which had not been diagnosed, as very similar to a congenital medical problem which had taken the life of her brother as an infant.

Because she was labelled mentally handicapped and because her doctor did not recognize her child's medical condition, the mom's reports were brushed aside. Only after that baby died was a proper diagnosis made that confirmed the child did have a congenital problem that was incurable and cost the baby her life. It was also confirmed by the medical professionals that this mom's brother who had died in infancy had died of the same inherited condition. Despite that medical finding, the child protection authority made a direction in their file on the mom that any further child born to her was to be immediately removed from her care. Some time later a fourth child was born to this mom. However, the agency direction to remove the child was not

noticed by the social workers until the child was 10 months old. The direction was brought to the attention of the local social service managers, who panicked and ordered a social worker to immediately remove the child from this mom. The social worker went to her home and removed her son.

LSS contacted me and asked me to take this mom on as a client. I immediately contacted the mom who told me some of her story. From a review of the social services files, I learned much of the negative details of her history. My client gave me the names and contact information for the people she had been working with. From them I learned the mom had been doing very well with this new baby since learning she was pregnant. She had reported her pregnancy to her family doctor who made a referral to a public health nurse. That public health nurse then set up further supports for the mom and the expected baby. The mom cooperated with the public health nurse and the supports set up for her throughout her pregnancy and following the birth of her son. This mom's supports included a non-profit agency that specialized in providing support services for mentally handicapped parents. The support team, including the family doctor, the public health nurse and the educator with the non-profit agency, worked very well together, keeping in close touch and ensuring a smoothly functioning safety net for the baby and his mom. Not only were the team members I spoke with extremely positive about their experience with this mom, but horrified at the child protection agency's action in removing the child from his mom.

In speaking with my client, I pushed the point that my role was largely a supporting role, as a backup adviser and advocate to ensure her voice was heard. I said her voice was the most important voice for the judge

who was to make the decision whether she would be given the chance to resume parenting her child. Because of my client's history, including her learning delays, she had learned that her voice was not listened to and that she was required only to agree with what people were saying to her, whether she understood it or not, whether she agreed or not. She had learned to smile and nod and not to ask questions.

But I was now telling her that she must listen carefully to what people were saying to her and understand it and she must speak up and advocate for herself. She was very frightened about the unfolding process. Having learned never to question what was being said to her, silent acquiescence was her standard response to all persons of authority. The prospect of being in court facing a hostile social worker and a judge, and now being told she must question everything being said and advocate for herself was a terrifying prospect. All her plans for herself and her child were about to be crushed. She was almost paralyzed. But with the support of the members of her support team, she rose to the occasion and did speak up and question the social worker's actions. And in so doing, she experienced success. The judge returned her child to her. She continued to work with her support team and her child has remained with her. In addition to her success in court, she also learned the power of her voice. I kept in touch with her for years after these events. Her son continued growing and thriving in her care. But she had also become a public speaker, working with other mentally handicapped moms, both in education and advocacy. Her child is now an adult who has greatly benefitted from his relationship with his mom and her expanding potential as a parent and a human being.

The second story I wish to share is about another client who was referred to me following the removal of her young son from her care.

The child protection social worker in that case was applying to court for a permanent guardianship order. The social worker believed this mom's lack of parenting skills and her learning disability would prevent her from providing adequate care for her son or learning the required skills.

As a child, this mom had experienced much abuse and neglect and had been taken from her mother and placed in foster care. As a child, she said very little. While she remained in foster care, social workers embraced the idea that she suffered from fetal alcohol spectrum disorder (FASD) because she had been exposed to alcohol during her mother's pregnancy. The FASD conclusion meant to the social workers that she was severely learning disabled and could not succeed in school or other settings requiring learning skills. As a child her silence reinforced the view that she was learning disabled and would not benefit from education efforts.

As expected, she did not succeed in school. As an adult, she continued to remain silent when social workers spoke to her and demanded responses. But about the same time that this mom became my client, she also became involved with a counsellor who questioned the FASD label.

The counsellor looked into this mom's medical history in the child protection agency records. The counsellor learned that no medical professional had made the FASD diagnosis, that it had become a part of this mom's official record from a mere theory put forward by a social worker frustrated by the child's nonresponsiveness with social workers and school teachers.

The mom's counsellor explored other possible explanations for this mom's observed silence. Employing counselling techniques, she observed this mom's responses were more consistent with post traumatic stress disorder (PTSD) explained by her exposure to abuse and neglect as a child. Placed in a safe and supportive environment, such as a counselling session, this mom could be very responsive.

The counsellor shared her observations and her theory with both this mom and with me. I then requested that the social worker and my client participate in mediation and challenged my client to begin advocating for herself. My client was terrified at the prospect of sitting at a table with a social worker and being expected to speak up for herself. But she agreed to participate in the mediation and found her voice in the mediation. To her surprise, she discovered that the social worker and the social worker's supervisor, and medical professional participating in the mediation, not only listened to what she said, but came to rely on what she said and began to support the positions my client was articulating. That experience changed forever my client's view of herself and the power of her voice. The social worker subsequently withdrew her application for the permanent guardianship and voluntarily returned my client's child to her.

That child has been successfully raised to adulthood by her mom. This mom enrolled in a training program to become an advocate for other parents and began a successful career as an advocate for parents. This mom's display of courage in that terrifying mediation environment transformed herself and her child's life. She has gone on to use her transformation to assist other moms who find themselves in seemingly hopeless circumstances.

What life lessons for me? First, I learned to take the opportunity to listen and to look for the transformative potential in people seeing their own strengths. I have found hope. I have found inspiration. I have learned that each of us has the potential to act with courage, and with such action, the potential for transformative change.

May it be so.

Michael Bradshaw