

POVERTY AND BEHAVIOR

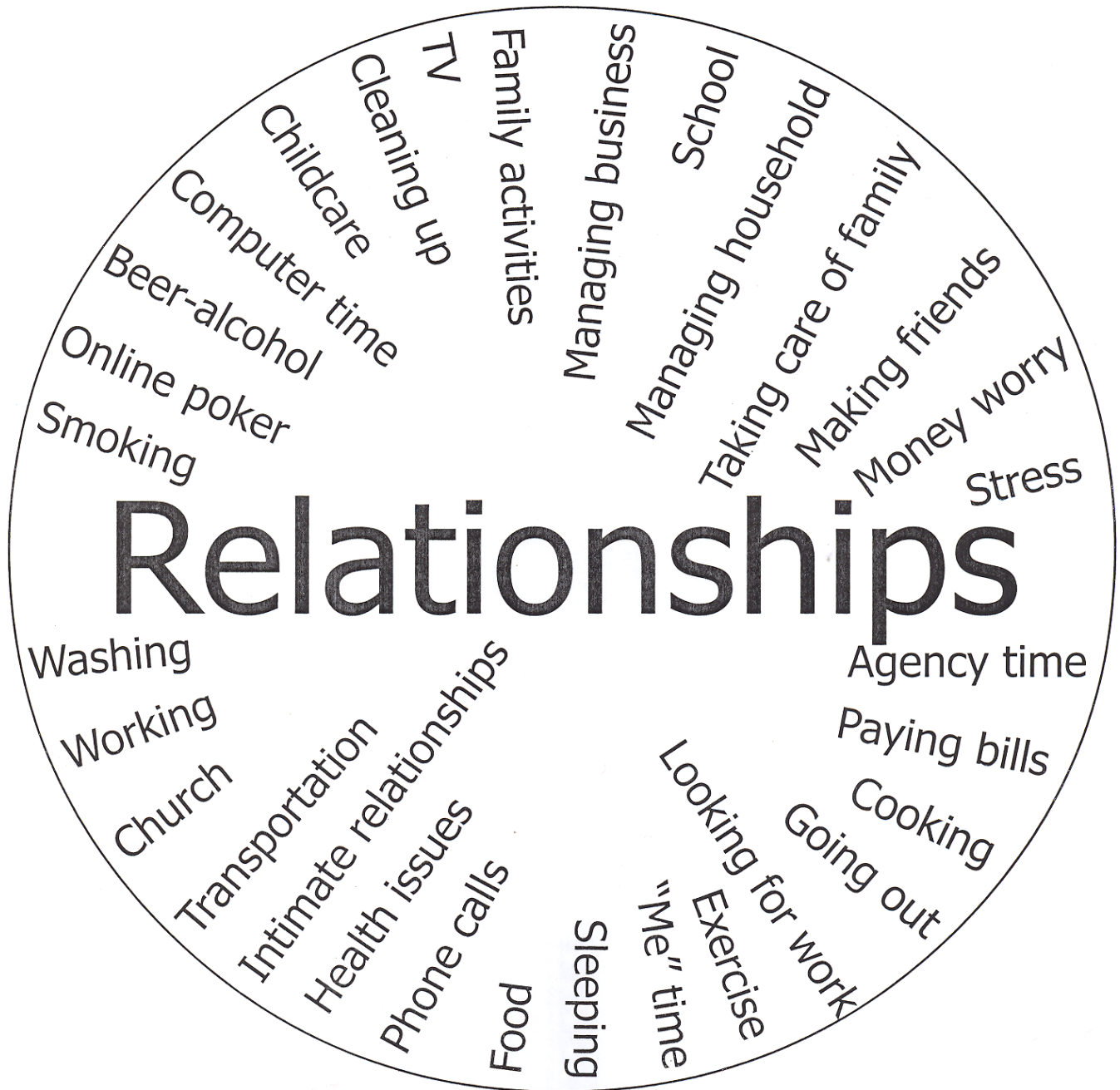
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Poverty



Middle Class



HIDDEN RULES affect how members of each class understand and respond to the world. For example:

time	poverty middle class wealthy	the present is most important – <i>decisions based on feelings and survival needs</i> the future is most important – <i>decisions made in terms of their future ramifications</i> history is most important – <i>decisions on the basis of tradition and decorum</i>
money	poverty middle class wealthy	to be used and spent to be managed to be conserved, invested
possessions	poverty middle class wealthy	= people – <i>the more people(kids) who are attached to me, the more assets I have</i> = things = one-of-a-kind objects, legacies, pedigrees
personality	poverty middle class wealthy	= entertainment – <i>a sense of humor is highly valued</i> = for acquisition and stability – <i>achievement is more highly valued</i> = for financial/social/political connections
destiny	poverty middle class wealthy	fate – <i>I can't do much to integrate change</i> choice – <i>I can change my future with good choices now</i> noblesse oblige
social emphasis	poverty middle class wealthy	inclusion of people I like – <i>if I like you, I will go overboard</i> self-governance/-sufficiency – <i>I'll do all I can to keep from asking for anything</i> emphasis on social exclusion
food	poverty middle class wealthy	did you get enough? <i>too many people, not enough food</i> did you like it? was the presentation done well?
clothing	poverty middle class wealthy	individual style and expression of personality - <i>flair</i> quality, acceptance in norms of mc – <i>labels are important</i> valued for artistic sense and expression, <i>the designer is important</i>
education	poverty middle class wealthy	valued in the abstract but not as a reality crucial for climbing the ladder of success necessary for making/maintaining connections
family structure	poverty middle class wealthy	matriarchal – <i>the mother (or another woman) is in charge is everything</i> patriarchal whoever has the money
worldview	poverty middle class wealthy	sees the world in terms of the local setting <i>eg, the local school, not the school system)</i> sees the world in terms of the national setting sees the world in terms of the international setting
love	poverty middle class wealthy	conditional based on whether I like you – <i>if not, "I hate him/her"</i> conditional based on achievement – <i>can he provide?</i> conditional related to social standing/connections
driving force	poverty middle class wealthy	survival, relationships, entertainment – <i>relationships = one's only assets</i> <i>something has to keep my mind off my poverty/living environment (fights, conflicts)</i> material achievement financial/political/social connections
humor	poverty middle class wealthy	sex, people (<i>their dress, hair, their flaw</i>) situations (<i>as opposed to the person herself</i>) social faux pas
power	poverty middle class wealthy	linked to personal respect, ability to fight – can't stop bad things from happening power/respect separated - power in information, institutions; responds to position in stability; expertise, connections influence policy and direction

**believes that one is
fated or destined**



the behavior



not get caught



deny



**punished
forgiven**



PUNISHMENT-FORGIVENESS
CYCLE

If an individual

depends upon a random, episodic story structure
for memory patterns,

lives in an unpredictable environment,

and has not developed the ability to plan,

THEN ...

If an individual cannot plan, then
s/he cannot predict.

If an individual cannot predict, then
s/he cannot identify cause and effect.

If an individual cannot identify cause and effect, then
s/he cannot identify consequence.

If an individual cannot identify consequence,
s/he cannot control impulsivity.

If an individual cannot control impulsivity,
she/he has an inclination toward
criminal behavior
(or getting labeled non-compliant
or getting benefits cut).

Dr. Reuven
Feuerstein, Instrumental Enrichment: An Intervention Program for
Cognitive Modifiability

(1980)

POVERTY: *the extent to which an individual does without resources*

DEFINITIONS OF RESOURCES

FINANCIAL

Being able to purchase the goods and services of that class and sustain it.

EMOTIONAL

Being able to choose and control emotional responses, particularly to negative situations, without engaging in self-destructive behavior. Shows itself through choices.

MENTAL

Having the mental abilities and acquired skills (reading, writing, computing) to deal with daily life.

LANGUAGE

You have the emotional control, vocabulary, language ability, and negotiation skills to succeed in school and/or work settings.

SOCIAL SUPPORT

Having friends, family, and backup resources available to access in times of need. These are external resources.

PHYSICAL

Having physical health and mobility.

SPIRITUAL

Believing in (divine) purpose and guidance.

INTEGRITY AND TRUST

Your word is good, you do what you say you will do, and you are safe.

MOTIVATION AND PERSISTENCE

You have the energy and drive to prepare for, plan, and complete projects, jobs, and personal changes.

RELATIONSHIPS/ROLE MODELS

Having frequent access to adult(s) who are appropriate, nurturing, and who do not engage in destructive behavior.

KNOWLEDGE OF HIDDEN RULES

Knowing the unspoken cues and habits of a group.

BRIDGES IN THE COURTROOM
Judge Carol Ann Robb
Columbiana County Municipal Court

Challenge: to identify obstacles within the Municipal Court system for those living in generational poverty, then eliminate them without jeopardizing the integrity of the court.

Policy changes:

1. The probation officer meets with the defendant immediately after sentencing, when questions concerning probation are addressed. The probation officer is encouraged to take time to listen and build a relationship. As a result, defendants communicate with the probation officer on issues that had been ignored and resulted in probation violations or bench warrants.
2. When the probation officer is not able to meet with the defendant, the defendant is ordered to meet with the probation officer when the officer is available *before* 4 pm on the next Friday. This flexibility has eliminated bench warrants for failure to meet with the probation officer.
3. Instead of requiring a defendant to surrender to the county sheriff when a bench warrant is issued, defendants may voluntarily surrender to the court during normal business hours, thus saving jail space, deputy time, and the defendants' dignity.
4. The court now converts fines, costs, and fees to community service at the rate of \$10 per hour for indigent defendants, thus providing an option to satisfy the monetary sentence and demonstrating value for the service rendered to the community.
5. Electronically monitored house arrest (EMHA) was long available to defendants with the financial means to pay to cost of EMHA for nonviolent offenses. The county commissioners allocated a budget of \$10,000 per year to pay for EMHA for indigent defendants, saving the county thousands of dollars in jail fees and medical expenses.
6. Notices are now sent to defendants who fail to post bond in the time period provided. Proceeds from bondable cases increased, failure-to-appear warrants decreased, and driver's licenses of indigent defendants are not being suspended.
7. Defendants in generational poverty can easily become entangled with the Department of Motor Vehicles. The DMV supervisor visits the court on a quarterly basis to meet with defendants under suspension. As a result, several defendants now hold valid driver's licenses, and so are more able to obtain and retain a job.
8. A TANF grant was obtained to fund Getting Ahead courses for indigent defendants. The Getting Ahead course has proven a powerful tool for helping people investigate the impact poverty has had on them and make plans for building resources and getting out of poverty.
9. Recognizing the transportation needs of indigent defendants, the court obtains bus passes through the county transit system and given to defendants admitted to the court's mental health docket, allowing them to attend meetings with the court.

Through these efforts, many obstacles facing defendants from generational poverty have been eliminated or reduced. The policy changes better serve the residents of our county, save tax dollars, and maintain the court's integrity. By adopting Bridges in the courtroom, our system of jurisprudence rededicates itself to equal justice under the law for all persons.

RESOURCE AND ASSET INVENTORY

Based on work of Ruby Payne and the Search Institute.***

RESOURCES	Indicate how resource is present	Circle asset present in child's or family's life	SERVICE NEED
FINANCIAL Sufficient funds to purchase goods and services?		#10 - Safety, #32 - Planning & decision making, #37 - Personal power,	
EMOTIONAL Ability to choose & control emotional responses, particularly to negative situations, w/o engaging in self destructive behavior.		#1- Family Support, #2 - Communication, #4 - Caring Neighborhood, #5 - Caring school, #11 - Family Boundaries, #24 - Bond to school #38 - Self esteem, #40 - Positive view of future	
MENTAL Having the mental abilities and acquired skills (reading, writing, computing) to deal with daily life.		#6 - Parent involved in school, #12 - School Boundaries, #17 - Creative activities, #21 - Achievement motivation, #22 - School engagement, #23 Homework, #24 - Bonding to school, #25 - Reading	
SPIRITUAL Believing in divine purpose and guidance.		#19 - Religious activity, #26 - Caring, #27- Equality & social justice, #28 - Integrity #29 Honesty, #30 - Responsibility, #31 Restraint, #35 - Resistance Skills	
PHYSICAL Having physical health and mobility.		#7 - Community values youth, #10 - Safety, #13 - Neighborhood Boundaries, #18 - Youth programs, #20 - Time at Home, #36 - Peaceful conflict resolution, #37 - Personal power,	
SUPPORT SYSTEM Having friends, family, and backup resources available to access in times of need. These are external resources.		#3 - Other adult relationships, #4 - Caring Neighborhood, #5 - Caring school climate, #6 - Parent involved in schooling, #8 - Youth as resources, #9- Service to others, #15 - Positive peer influence	
ROLE MODELS Having frequent access to adult(s) who are appropriate, who are nurturing to the child, and who do not engage in self destructive behavior.		#3 - Other adult relationships, #14 - Adult role models, #34 - Cultural competence #39 - Sense of purpose	
KNOWLEDGE OF HIDDEN RULES (Generational or situational Poverty) Knowing the unspoken cues and habits of a group		#34 - Cultural competence, #33 - Interpersonal skills, #16 - High expectations, #37 - Personal Power	

Ruby K. Payne, Ph.D., A Framework for Understanding Poverty ** * The 40 developmental Assets, Healthy Communities-

RFT Publishing Co.

Healthy Youth, Search Institute, Dr. Peter Benson

Comparative application compiled by Charles F. Pratt, Judge, Allen Superior Court, Ft. Wayne, IN



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PRO BONO | CLIENTS

strategies for success

7

Forestall Future Problems

- Probe for other legal issues and refer your client to appropriate resources for further assistance.
- Suggest referrals to appropriate social service agencies. Your local legal services or pro bono provider can assist in making appropriate referrals.

8

Become Culturally Attuned—

see the world through your client's eyes

- Learn about the problems your client faces daily.
- Fill out a welfare application and consider how difficult this task would be for a person who is semi-literate.
- Visit a homeless shelter or soup kitchen.
- If from a different ethnic background, learn about your client's culture.
- For helpful information on untreated mental illness, go to www.nami.com.

Note: This brochure focuses on clients from *generational poverty*, which is defined as being in poverty for two generations or more. This brochure is based on patterns—and all patterns have exceptions. It is always important to focus on the individual, who may or may not fit within certain patterns.

RESOURCES

online

- www.usccb.org/cchd/povertyusa/tour.htm
- www.usccb.org/cchd/povertyusa/povquiz.htm
- www.abaprobono.org
- www.abaprobono.org/clients.html

books

- A Framework for Understanding Poverty* · Ruby K. Payne, Ph.D.
- Nickel and Dimed: On (Not) Getting By in America* · Barbara Ehrenreich
- The Working Poor: Invisible in America* · David K. Shipler

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

—American Bar Association, Model Rules of Professional Conduct, Rule 2.1



For your pro bono clients to succeed in court, you must understand their hidden rules and teach them the rules that will make them successful. We can neither excuse clients nor scold them for not knowing; we must advise them and provide support, insistence, and expectations.

—Ruby K. Payne, Ph.D.



Defending Liberty
Pursuing Justice



AMERICAN BAR ASSOCIATION
CENTER FOR
PRO BONO
www.abaprobono.org

assisting clients in poverty

Many pro bono clients come from “generational poverty” and have inherited mindsets and skills that differ from those of middle-class clients. Awareness of these differences can improve an attorney’s ability to provide effective representation. Here are some tips to help attorneys understand and effectively serve their pro bono clients.

1

Build Trust Over Time

- Prior encounters with the legal system may have been disappointing. Be patient if you meet with some distrust.
- Address your client respectfully as Mr., Mrs., Miss, etc.
- Explain your role as an advocate who is “on your side.”
- Keep your client informed.
- If your client’s first language is not English, speak slowly and use simpler terms. If your client would be more comfortable with a translator, try to obtain one.

3

Listen Carefully; Communicate Clearly

- Build rapport—maintain eye contact as appropriate and delay note-taking until the client is comfortable.
- Gently keep your client focused on the legal issues.
- Don’t assume lack of education or language skills equals lack of intelligence.
- If helpful, speak slowly and use simpler terms.
- Explain the legal system and how this case fits in.
- Review written documents verbally.

2

Be Alert For Roadblocks

- Does your client have a job? Can he or she get time off for meetings?
- Does your client have children? Can he or she get childcare for meetings?
- Does your client have a phone? Is there somewhere you can leave a message?
- Does your client have a social worker? Can you work on the case together?
- Does your client have reliable transportation? How long does it take your client to get to your office? Can you meet somewhere else?

4

Help Empower Your Client

- Thoroughly explain available options.
- Offer advice on alternative consequences.
- Help your client clarify his or her goals.
- Let your client decide based on what’s important to him or her.

6

Coach For Courtroom Success

- Stress importance of proper attire and respectful demeanor.
- Thoroughly prepare testimony so your client knows what is and is not important.
- Role-play court procedure to allay fears, build confidence.
- If your client’s first language is not English, consider arranging for a translator at court appearances and use shorter sentences at the hearing.

5

Promote Time & Task Management

- While your client may have many daily challenges, emphasize the need to stay focused on the tasks of this case.
- Explain the importance of keeping appointments, following instructions, and staying in touch.
- Explain the consequences of a missed court appearance.
- Help your client organize and safeguard case paperwork (even offer to keep paperwork for him or her).
- If your client chronically fails to follow through, consider withdrawing from the case.



CHARACTERISTICS OF GENERATIONAL POVERTY

- **Background "noise":** Almost always the TV is on, no matter what the circumstance. Conversation is participatory, often with more than one person talking at a time.
- **Importance of Personality:** Individual personality is what one brings to the setting - because money is not brought. The ability to entertain, tell stories, and have a sense of humor is highly valued.
- **Significance of Entertainment:** When one can merely survive, then the respite from the survival is important. In fact, entertainment brings respite.
- **Importance of Relationships:** One only has people upon which to rely, and those relationships are important to survival. One often has favorites.
- **Matriarchal Structure:** The mother has the most powerful position in the society if she functions as a caretaker.
- **Oral-Language Tradition:** Casual register is used for everything.
- **Survival Orientation:** Discussion of academic topics is generally not prized. There is little room for the abstract. Discussions center around people and relationships. A job is about making enough money to survive. A job is not about a career(e.g., "I was looking for a job when I found this one")
- **Identity Tied to Lover/Fighter Role for Men:** the key issue for males is to be a "man" is to work hard physically, and be a lover and a fighter.
- **Identity Tied to Rescue/Martyr Role for Women:** A "good" woman is expected to take care of and rescue her man and her children as needed.
- **Importance of Nonverbal/Kinesthetic Communication:** Touch is used to communicate, as are space and non-verbal emotional information.
- **Ownership of People:** People are possessions. There is a great deal of fear and comment about leaving the culture and "getting above your raising."
- **Negative Orientation:** Failure at anything is the source of stories and numerous belittling comments.
- **Discipline:** Punishment is about penance and forgiveness, not change.
- **Belief In Fate:** Destiny and fate are the major tenets of the belief system. Choice is seldom considered.
- **Polarized Thinking:** Options are hardly ever examined. Everything is polarized; it is one way or the other. These kinds of statements are common: "I quit" and "I can't do it."
- **Mating Dance:** The mating dance is about using the body in a sexual way and verbally and sub verbally complimenting body parts. If you have few financial resources, the way you sexually attract someone is with your body.
- **Time:** Time occurs only in the present. The future does not exist except as a word. Time is flexible and not measured. Time is often assigned on the basis of the emotional significance and not the actual measured time.
- **Sense of Humor:** A sense of humor is highly valued, as entertainment is one of the key aspects of poverty. Humor is almost always about people - either situations that people encounter or things people do to each other.
- **Lack of Order/Organization:** Many of the homes/apartments of people in poverty are unkempt and cluttered. Devices for organization (files, planners, etc.) don't exist.
- **Lives In The Moment; Does Not Consider Future Ramifications:** Being proactive, setting goals, and planning ahead are NOT generally operative in generational poverty. Most of what occurs is reactive and in a moment. Future implications of present action are seldom considered.

