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IRVINE

Spatializing Child Welfare:
Edelman Children's Court and the Geography of Juvenile Dependency

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Criminology, Law and Society

by

Akhila Lalitha Ananth

Dissertation Committee:
Professor Susan Bibler Coutin, Chair
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2014

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I met Vivek Mittal the night before my first day of graduate school; seven years later, he is the binding and glue for this dissertation. Having born the brunt of all of this with the least formal recognition, this project is dedicated to him, the next phase of our lives in incubation, and the feminist domestic space we are cobbling together week by week, year by year.

My dissertation committee came together from across UCI's campus, and they provided consistent and coordinated support. Thank you especially to my chair, Susan Coutin, who sometimes emailed comments at 3:30 in the morning and supported my endeavors outside academia. Sora Han mentored me closely throughout, and Tiffany Willoughby-Herard and Lilith Mahmud anchored me in Women's Studies. Geoff Ward was also a great source of support. Thanks as well to the other people who comprise my scholarly community, including Marisa Omori & Jasmine Montgomery (my "criminology sisters"), Anjali Nath (this project's faithful godmother), Sriya Shrestha, Jih-Fei Cheng, Rohini Khanna (though that is not her name in this text), Alexis Wall, Lee Douglas, Aaron Roussell, and David Henderson, who collectively commented on drafts, competitively worked with me, offered me whiskey, and nodded solemnly when I proposed firing confetti bombs of shredded business cards at the end of my defense.

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ABSTRACT OF THE DISSERTATION

Spatializing Child Welfare:
Edelman Children's Court and the Geography of Juvenile Dependency

By

Akhila Lalitha Ananth

Doctor of Philosophy in Criminology, Law and Society

University of California, Irvine, 2014

Professor Susan Bibler Coutin, Chair

This dissertation combines a spatial analysis with the traditional ethnography by examining the design of the Edmund Edelman Children's Court with the practice of juvenile dependency law in Los Angeles. In each chapter, I connect the design plans of the courthouse with my ethnographic and archival research on dependency law to understand the various expressions of power that deconstruct protection from black and nonwhite families.

Chapter 2, "The Prison Within Dependency Law," tracks the discursive bifurcation between innocence/whiteness and culpability/blackness enacted by the network of carceral spaces in the courthouse and the history of the court's construction. In this chapter, I argue that in so graciously expanding the scope of law and the spaces of law to accommodate the minor as a legal subject, the very discursive logic that eventually ensnares minors and parents in the criminal justice system is mobilized. Chapter 3, "Protection through Punishment," examines the normative domesticity conjured in the design of the monitored visitation rooms and administration of social services through juvenile dependency law for its raced implications. This chapter explores the masking of punishment in dependency law as "protection" and "guidance", both in the set-up of monitored visitation spaces in the court and in the well-intentioned way courtrooms dole out access to social services. I argue that there is a classed and raced

domesticity being materialized in these spaces that, first, is not the norm in lower-than-middle-class homes, and second, is experienced by black and nonwhite families as a jail for the sheer fact that it is so heavily surveiled. Chapter 4, "The Best Interests of the Child," looks at the expansive children's play space in the court alongside the court's unflinching focus on the best interests of the child. In this chapter, I draw connections between the children's playspaces in the courthouse to the best interests of the child paradigm at play in the court that is determined by the stringent regulations of Adoption and Safe Families Act in 1996 and the Multi-Ethnic Placement Act in 1994. I argue that the sentimentality around children and childhood obscures the "post-racial" discourses of privilege and universalism through which dependency and criminal law work in collusion.

In sum, this project finds that the cheery dressings of Edelman Children's Court are not just the creative contexts, but the cog and continuation, of an American prison society directed toward black and nonwhite communities.

CHAPTER 1: INTRODUCTION

In the Edmund Edelman Children's Court of Los Angeles, bright, festive murals mask the grey cement walls of a parking structure, while a painting of a large box of crayons with the words "Children's Court" and an arrow directs families to the entrance, which features a pink, triangular roof placed over two sets of metal detectors and a crew of security personnel. Through the entrance into the courthouse, a two-story high mural is covered with artwork made by minors that depicts emotive scenes of family violence with captioned aphorisms, including "Link your love to your kids" and "Be careful with what you say; words can make a big impression." Families await their few minutes in court in expansive waiting rooms on the third, fourth, and fifth floors of the courthouse. The waiting rooms are lined with contiguous windows that face the green scenery of the Monterey Park Golf Course and, if a rainy day has cleared the Los Angeles smog, the striking San Gabriel Mountains of Angeles National Park. Minors are running around the room, rarely sitting still to watch the constant stream of the Disney channel over several wall-mounted television sets. Volunteers with a program called Free Arts ask permission of adults before rounding up minors to "use creative arts to express negative feelings" (Center for Families, Children, and the Courts, 2001), a task that usually involves copious amounts of construction paper, crayons, and glitter. Meanwhile, inside the courtrooms, walls are covered with holiday decorations, Disney posters, or cultural artifacts.

It's hard to tell what is really happening between the living rooms of families' homes and the pink and green hallways of Edelman Children's Court. The juvenile dependency system is as confusing for those who have been in contact with it their entire lives as it is for the researchers

and advocates peering inside. Yet, glimpses of this byzantine and still-expanding area of law surface in mainstream news and social networking sites regularly. A young, biracial woman named Ashleigh MacDougal posts a picture on Facebook of herself with a sign pleading to find her biological brother, with whom her last contact was in the DC foster care system in 1990. She lists his birthdate, legal name at the time, and her contact information with a caption that reads, "Please, please, please like and share this photo everyone. I have been unsuccessful trying to find my brother on my own so I need facebooks [sic] help. I know he is out there and I go to bed in tears because I feel incomplete. He is the last missing piece to my puzzle and I want my kids to know their Uncle. I need to know that he is okay." On Christmas Eve in 2012, the Los Angeles Times publishes a story about a young, black woman, who has been searching for her biological siblings every holiday season since she last saw them in the Los Angeles foster care system fifteen years ago (Therolf, 2012). The radio show This American Life airs a story of a white, abused, and abusive father, his biological daughter, and the 27-year old black foster son that comes into their family after having survived several abusive foster homes and murdered his biological parents. The story notes the childhood attempts of each family member to incapacitate her/his parents, whether or not the context was to protect themselves or another parent, and whether or not the attempt was successful (Bitzel, 2013).[1]

The anatomy of abuse is complex, but despite the vast disparities in experience, we know some things are true. More than any other race or ethnicity, black children are more likely to enter child welfare, and have the greatest odds of being removed from their homes and the smallest chance of being reunited with their parents or adopted to another family. Inadequate access to housing, counseling, education, and public resources is one explanation; another is that

[1] Despite the similarities in their stories, only the young, black man is processed through the juvenile dependency and criminal justice systems.

the detection and definition of child abuse overlaps exactly with poverty-related stress, and black families in America are more likely than other races and ethnicities to be poor (Roberts, 2002). We know this with as much empirical certainty as we know that there exists abuse, as we know in Los Angeles that the sun shines and the ocean waves. Child welfare works to police the reproduction and sexuality of women of color, and Americans make this political choice over and over again, confirming a system of value that renders black parenthood negligible and pathological through institutional racial bias, cultural prejudice, and the persistent reiteration of racist tropes (Roberts, 2002).

We also know that the future awaiting youth who have experience in foster care is anything but promising. Psychological and sociological research studies recount that maltreated youth placed in the foster care system are disproportionately represented in the juvenile justice system (Blumberg, Landsverk, Ellis-MacLeod, Ganger, & Culver, 1996) and are more likely than their non-maltreated counterparts to display violent and delinquent behaviors (Sandberg, 1989). A study of the Administration for Children's Services in New York City revealed that while many adolescents entered ACS after going through the juvenile justice system, most had initially entered the juvenile system immediately following ACS' custody (Armstrong, 1998). The researchers found the rate of entry into the juvenile justice system from ACS to be eight times higher than what was predicted by census data. A broader study of previously incarcerated youth in Oregon indicated that youth with experience in the foster care system were four times more likely to be "early start" delinquents than youth with no experience in the foster care system (Alltucker, Bullis and Close, 2006).

In sum, the research suggests that the foster care system is an incubator for an American prison society directed toward black families, situated in a network of institutions that police

black movement, life, and being. The spaces of isolation in poor neighborhoods, racist incarceration and ghettoization of black communities, and architecture of American prisons, schools, housing projects, and courthouses are all integral parts of how civic and legal processes work (Shabazz, 2009; Gilmore, 2007; McKittrick 2006). In South Chicago, the Robert Taylor housing projects were constructed on the cheapest land that offered a physical barrier (an expressway) to keep black residents from nearby affluent neighborhoods, jobs, and resources; the very architecture of the projects included high security, special police forces with unique surveillance equipment, resident identification systems and curfews (Shabazz, 2009). Foucault was perhaps most famous for exposing the way spatial configurations mask exchanges and exercises of power, conceal the institutional gaze, or deny the way human geographies are inscribed with dominating ideologies (Foucault, 1975).

This dissertation critically assesses spatial and legal narratives of dependency law in order to trace the bifurcations between liberal feminist definitions of progress and black feminist critiques of these definitions. In the brief histories I have outlined above, I call attention to two assumptions of liberal feminist movements, including the maternalists' efforts to create categories of juvenile and family law in the first place, that persist in dependency practice today. First, liberal feminist efforts are broadly considered benevolent for the sheer fact that the betterment of children's lives is the goal. As I demonstrate in Chapter 2, newspaper reports leading up to the construction of the children's court extoled the efforts to accommodate children while simultaneously vilifying adult criminality. This process occurs despite the fact that the incarceration of parents can cause their children to be placed in the dependency system and that, statistically, many children who were once in the dependency system eventually are incarcerated themselves. In Chapter 4, I examine how the passage of the Adoption and Safe Families Act

("ASFA") in 1996 reinforced this dynamic by emphasizing the safety of children in ways that increased the liability of the court. Statutory restrictions make it more likely for parents, foster parents, and children housed in group homes to be incarcerated or terminated from parental rights; thus the benevolent monitoring of families, family preservation, and adoption efforts become the mechanisms by which parents and children can enter criminal justice and juvenile delinquency systems.

Second, the presumed neutrality of liberal feminist efforts, specifically with respect to race and class, in fact work to ensure that poor and nonwhite families remain the targets of dependency law. As demonstrated in Chapter 3, the model of parenthood adjudicated in dependency courtrooms, along with the ideals of domesticity modeled in simulated living spaces in the courthouse, is experienced as a constraint for black and nonwhite families who were not privy to that idealized norm. For example, though monitored visitation rooms in the courthouse are decorated to look like a living room, families' accounts of monitored visits are marked primarily by references to the jail-like surveillance of social workers, regardless of the surroundings. Poverty and blackness mark an aberration from the established norm in dependency law by the very definition of the norm, rooted for example in the same ideals that created suburbia in the 1950s for white homeowners. In this case, social services offered through dependency law, refashioned as guidance, become another vessel for what Gustaafson calls the criminalization of the poor (Gustaafson, 2009). In Chapter 4, neutrality emerges as a theme in two contexts. First, despite being class-neutral, standards set by the Adoption and Safe Families Act limit the ability of people without access to resources, financial or otherwise, to retain custody of their children. Second, bench officers are no longer allowed to use the race of a child to determine his or her placement, thus "freeing" black and nonwhite children to be fostered and

adopted out of their race. Framed as an attempt to make dependency practice more race-neutral, such regulations undid the extensive campaigning by the National Association of Black Social Workers in the 1970s.

In Edelman Children's Court, these contradictions are materialized through the dynamics of dependency law as well as the spatiality and design of the courthouse. The genealogies that manifest in contemporary dependency law in Edelman Children's Court are presented as a set of controls over black and nonwhite families propelled by liberal feminist logics. In this dissertation, I track two features of liberal feminism, neutrality and benevolence, as they appear in the design and practices of dependency law in Edelman Children's Court. The cheery dressings of Edelman Children's Court are thus not just the creative contexts, but the cog and continuation, of an American prison society directed toward black and nonwhite communities.

Theoretically, this project has several implications. First, it poses a critique of liberal feminist readings of dependency law and children's architecture. Rather than push for reform, my intention is to understand the assumptions of legal and spatial progress in this site for its racialized implications. I track in my findings a tension between liberal feminist and black feminist understandings of dependency law, which I explore further in the section below entitled "Race, Class, Gender" and to which I contribute a reading of the spaces and design of the court.

This project secondly supports the body of scholarly work that uses geography, aesthetics, and spatiality as markers of contemporary social phenomena. Like the cognitive map of a city (Jameson, 1990), I posit a relationship between the design of Edelman Children's Court and the complex racialization of dependency law. In the prison network, monitored visitation rooms, and playspaces, subjects of the court are interpellated into hegemonic ideologies that

valorize whiteness and wealth and that devalue blackness and poverty. Jameson notes, "Our daily life, our psychic experience, our cultural languages, are today dominated by categories of space rather than by categories of time," (Jameson, 1990, p. 16) providing the impetus for a dissertation like this to conceptualize the spaces of Edelman Children's Court as one of the ways dependency law is administered by the court and experienced by families, materially and metaphorically. This project begins with the assumption that the spatiality of this court is as important as the legal histories that lead up to it.

In a more practical sense, this dissertation presents a plea to practitioners and the scholarly communities of critical race theory, socio-legal studies, and juvenile justice to engage more with the dependency system. One of the goals of this dissertation is simply to demonstrate that dependency law is an amalgamation of various genealogies of law, including at least family and juvenile law, and that it works in collusion with the criminal justice system. What happens in Edelman Children's Court is relevant and integral to understanding juvenile delinquency processes, the reach of the criminal justice system, and how race, class, and gender are constructed in the law generally. In studies of juvenile delinquency, the structure of dependency law is automatically implicated; in the various areas of study consumed under criminology, dependency processes must be treated as part of the apparatus of criminal justice surveillance.

The policy implications of this study are thus complicated. The findings of this study suggest that nothing short of the abolition of the juvenile dependency system, along with all of the hegemonic ideologies and institutional structures that sustain it, could unravel the assumptions that ensure its empirically disproportionate impacts. Yet, I concede that there are a number of measures that might alleviate some of the immediate issues in the court. What if we ensured housing and health care for all Americans? Can we prioritize access to resources and

strength public school systems? Can we address incidents of sexual, physical, and emotional violence without resorting to technologies of incarceration? Doing so would address the experiences of individuals and families in the dependency system today while leaving untouched the broader structures of violence in law and architecture that this dissertation critiques.

The Dependency Case

The thousands of people entering the Edmund Edelman Children's Court at 8:00 AM entered the system long before their first day in court. Reports suspecting child abuse or neglect are filed with the Department of Child and Family Services ("DCFS"), where emergency response social workers interview the child and family to determine whether to remove minors immediately from their parents' custody, file a detention report for a judge to consider within five days, or discard the referral entirely. Sometimes DCFS is alerted through an intricate system of identified mandated reporters surrounding minors, including doctors, teachers, child care workers, family therapists, and police; other times, it is a vengeful and anonymous neighbor, relative, parent, or sibling with "reasonable suspicion" of maltreatment.[2] In cases that involve child abuse or neglect that is also a crime, two separate investigations may commence—one by law enforcement with the goal of prosecuting a defined crime, and the other by child welfare services with the goal of maintaining the minor's safety. Parents must then cooperate with an investigation of child abuse, and an assigned dependency investigator (also a trained social worker) will report to county attorneys as to whether the petition should be sustained or dismissed.

[2] Reasonable suspicion means that it is "objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect." (Penal Code 11166(a)(1)).

At this point, a host of social workers may become involved in a dependency case. A services worker will handle referrals for programs and drug tests; another services worker might come onto the case after it moves to disposition or if the child is transitioning out of the system. If the case goes to permanent planning services with the goal of adoption or legal guardianship, another dependency investigator is assigned to handle the report, along with an adoptions worker who works with the adopting family, and an ASFA worker to make sure the receiving home is safe and can be approved by the department. Minors with medical needs meet with medical services worker, and minors with behavioral issues may be assigned a D-RATE worker.[3] And, when parents want to relinquish parental rights, another specialized social worker is assigned.

If the minor is held in protective custody (that is, if she or he has been removed physically "detained" from her/his home), a dependency petition is filed and, within forty-eight hours, an initial detention hearing date is scheduled.[4] At this hearing, the bench officer might order a pretrial resolution conference or mediation, during which social workers prepare a social study and propose a plan to settle the case without a trial. If parents and their attorneys do not agree to the terms, the case moves forward to a jurisdictional hearing to determine the basis for the court's intervention, and then to a disposition hearing to make the limit parents' control over the minor, place the minor in the appropriate home, and order visitation rights and reunification services. At the jurisdictional hearing, parents can also assert their rights, if they possess them, to ICWA protections; that is, if the minor(s) in question are members of federally recognized tribes, the tribe has the decision to retain the case under tribal jurisdiction. At this point, no more than thirty calendar days will have passed since the initial petition.

[3] D-Rate refers to the level of funding that's given to a child who has behavioral issues. F-Rate is the level of funding for medically fragile children.
[4] If the child is not in custody, the initial hearing will happen within 15 court days.

In these cases, parents will each be assigned their own attorneys from the Los Angeles Dependency Lawyers, Inc. ("LADL"), and an assigned attorney will represent the social workers in the interest of the Department of Children and Family Services ("County Counsel"). Minors may individually be assigned attorneys as well from the Children's Law Center ("CLC"), or, if all the minors' stories and interests align, a single CLC attorney will represent all siblings. To avoid conflicts of representation, LADL has incorporated in it four separate firms; the CLC three. A lawyer from each of the four firms under LADL, each of the three firms under CLC, and two lawyers from County Counsel are assigned to a single courtroom, thus forming a tight-knit courtroom workgroup (Eisensten & Jacobs, 1977) overlapping in thousand or so open cases on a courtroom docket representing a specific service provider area. Thus, cases are distributed by the originating region of Los Angeles.

Open cases are reassessed regularly on a time schedule determined by the presiding bench officer at each court appearance. Federal funding is granted in six-month increments up to eighteen months; at the end of every six months, the bench officer makes the decision to keep the case open for the next six months or close the case and dismiss the minor's dependency status. At the end of eighteen months, if sufficient progress has not been made, the case will go to trial, one possible end result being the termination of parental rights. If the minor entering the dependency system is under three years old, the court is mandated to also begin "permanency planning" concurrent with family reunification services. In other words, the court must prepare to find a permanent adoptive home for the minor at the same time it provides services to the minor's family to meet the court's orders.

At each of the six-month review hearings, legal guardianship of the minor can be returned to the parents "unless there is a substantial risk to the minor's physical or emotional

well being or when the parents have failed to participate regularly in any Court ordered treatment programs". Thus, minors and parents on a dependency case are suspended in a delicate nexus of the personality and demeanor of the presiding bench officer, the relationships and distributed responsibilities between the dozens of people working on a single case, and the political economy of DCFS-approved service providers in Los Angeles County.

Liberal Feminism and the Politics of "Progress"

Though liberal feminism can mean a number of overlapping historical processes and material realities, this project challenges its relation to legal, temporal, and spatial "progress." In other words, this dissertation argues against liberal feminist tropes of progress. Liberalism is broadly defined as a tradition of thought "whose central concern is the liberty of the individual" (Losurdo, 2014)—an individual whose dilemmas and relation to structures of power are conceived of as universal. Povinelli writes, "A core obligation of liberalism is to decide public matters on the basis of autonomous, reasonable, and rational subjects ("private persons") bracketing the social differences that exist among themselves […]. (Povinelli, 2002, p. 10). Thus, contradictions, paradoxes, and contingencies, including for example the massive and ever-expanding archive of minority and subaltern experiences, necessarily accompany liberal projects; Povinelli writes that the impasses of late liberalism "are a total social fact" (Povinelli, 2002, p. 3).

The liberal impulse of critique in this project is what Janet Halley calls "governance feminism," which she defines as a series of feminist justice projects that take seriously the labor of parenthood but use a universalist understanding of motherhood to focus on the welfare of children generally (Halley, 2008). Though Halley clarifies that all feminist positions are liberal in some sense, liberal feminism "has policy reform projects in all the domains where it observes

that women are at a disadvantage, whether in the family, reproduction, sexuality, access to education and employment, [or] access to political power" (Halley, 2008, p. 80). In these projects, a critical relationship with liberalism refocuses the feminist project from the rights of any mother to the obvious moral knowledge of a certain class of privileged mother over matters of the family. So, the sympathetic mother of liberal feminism is not the one who may biologically be related to a child; she is the one who determines what constitutes the acceptable treatment of a child.

The story of juvenile law that ends in this courthouse tells a clean narrative of progress. Before, Anglo-adversarial law did not address the private spaces of patriarchal households; fathers were the masters of the domestic domain and of the variety of property and chattel it contained. With the rapid urbanization of American cities and the subsequent formalization of juvenile law, the problem of poor, wayward, non-yet-white children engaging in juvenile delinquency had to be addressed. The problem of children's criminality would be solved by the creation of a juvenile court; the needs of poor families in raising children would be accommodated by a modified practice of law, an industry of social services, and a pervasive cultural morality around parenthood and child-rearing that now seems like a series of simple, human facts. Then, the failure to adequately meet children's socio-spatial and environmental needs would be solved by the innovative designs of the Edelman Children's Court. Thus proceeds a story of law that has moved incisively at each juncture to address and incorporate its liberal critiques.

In histories of family law, a similarly progressive trajectory is posited. At the same time the first juvenile courts are being constructed, newspaper accounts chronicling rising divorce rates, juvenile crime, absent fathers, abusive parents, and neglected children, family law

provided maternalists an arena to build the political visibility of motherhood and the legal subjectivity of white women generally. Wealthy, white maternalists became the "watchword of custody law" (Grossberg, 1995, p. 286), born out of white, upper- and middle-class antebellum ideals of domesticity (Mezey & Pillard, 2012). Indeed, the expanding legal identities of white women were intricately bound to their proclaimed expertise over maternal and domestic matters (Cornell, 1998).

The maternalism that stands at the top of Edelman Children's Court's genealogy propelled shifts in law and social mores surrounding the sanctity and penetrability of the family unit that remain qualified with the obligatory caveats of "race" and "class". As maternalist and feminist logics convinced a society that women and families deserved to be considered by the law, this recognition had opposite repercussions for women of color and poor women. Feminist movements in the early twentieth century are, of course, not monolithic. As discussed in Chapter 2, there were also groups of wealthy, black women invested in the futures of young, nonwhite children; their efforts, however, were intended to protect nonwhite children from maltreatment and from the racist legal and civic structures created to deal with juveniles. To give another example, in the case of federal day care policies, the feminists who supported day care as a program that would help women become better mothers did not, for example, always agree with feminists who supported day care as a program to allow women the choice to work (Zylan, 2000). In the end, welfare reformists who opposed the single, black mothers who were increasingly the main recipients of welfare co-opted the daycare movement to instate work requirements and other prohibitive caveats (Zylan, 2000). This story is interesting, because it tracks the originary moments of public welfare and child welfare institutions that simultaneously turn against understandings of daycare that would primarily benefit nonwhite motherhood. Zylan

notes significantly that these are choices made by welfare reformists and officials from the Children's Bureau and Aid to Dependent Children (Zylan, 2000).

In hindsight, it is commonly argued, the maternalists fought to gain the very recognition by the law that enacted increased surveillance over their families and jeopardized their rights to their children if they strayed from a stringent set of mores (Grossberg, 1995). However, the women, medical professionals, and state bureaucrats who sought legal recognition of motherhood and control over and through a regulated family were not the same women who would reap its destructive repercussions; juvenile justice and family law continued efforts to bolster white citizenry in contrast to black family formation whose deconstruction was at the crux of each punitive turn of child welfare (Roberts, 2002). And so, 114 years after the creation of the first juvenile court, the "disproportionality" of black families in child welfare persists, with different (though consistently bleak) outcomes and an amended range of families who face the collateral consequences of the law's impulse against blackness.

Liberal feminism, though posited as a counter to masculinist and patriarchal regimes of law, in fact reifies gender and racial hierarchies of power by drawing its authority from a set of moral sensibilities that advance the interests of limited class of privileged women. Even when treated as inference, Povinelli describes moral sensibility as a social phenomenon outside discourse that works "as an a priori type of 'knowledge.' People feel like they know what is morally right prior to arguments concerning why" (Povinelli, 2002, p. 9). In this project, I find a generative contradiction between the liberal feminist ethics encoded in the practice of dependency law and the vastly unequal experiences of black and nonwhite families without access to class privilege that constitute the majority of the dependency system's intervention. I

deconstruct a distinctly liberal aspiration for progress, in the related designs of both dependency law and the Edelman Children's Court.

Race through the Spatiality of the Prison

Scholars from both inside and outside the space of prison have theorized its purpose, origins, expansion, constitution, and implications. Foucault's most well-known analysis of the linkage between power and space is the panopticon prison, which represents a state of being in which surveillance is everywhere but invisible, resulting in the internalization of power structures and the performance of conformity to those structures; thus, for Foucault, the prison represented the modern disciplinary order through which people are controlled (Foucault, 1975). For George Jackson, writing from inside a New York State prison, the urgency of rebellion and revolution in prison represented retaliation to the violence perpetrated by a racist state in the "free" world outside (Jackson, 1990). Since the 1980s, young black men and women in the United States have served as the "raw human material" through which prison expansion has been possible (Davis, 2002), against an economic, political, and cultural milieu "wherein the death of black men […] is naturalized" (McKittrick, 2011). Prisons are thus the material spaces through which inequality and punishment are articulated and exacted outside—from the surveillance structures of public housing (Shabazz, 2009) to zero-tolerance policies in schools (Skiba, 2000; American Civil Liberties Union, n.d.) to the histories and geographies of urban poverty (Lipsitz, 2007; Pulido, 2000), to name a few.

The objects of study in this dissertation are haunted by the ways the prison, as a material and metaphorical space, produces race, gender, and class. In Chapter 2, the prison is a physical network of passageways and spaces in the courthouse; in Chapters 3 and 4, jail provides the metaphor for surveillance in the court and underwrites efforts emphasizing children's safety. In

each of these contexts, the incapacitation and incarceration of black communities that draws on metaphors of captivity and slavery (Spillers, 1987) is a constant presence, both ideologically and in practice. Like Wacquant, I agree that the prison produces (or co-produces) a power relation between whiteness and blackness in America, in specific ways that match the framework and findings in this project:

> [T]he prison and the criminal justice system more broadly contribute to the ongoing reconstruction of the 'imagined community' of Americans around the polar opposition between praiseworthy 'working families'—implicitly white, suburban, and deserving—and the despicable 'underclass' of criminals, loafers and leeches, a two-headed antisocial hydra personified by the dissolute teenage 'welfare mother' on the female side and the dangerous street 'gang banger' on the male side—by definition dark-skinned, urban and undeserving (Wacquant, 2002, p. 58-60).

In other words, incarceration is the metaphor that defines the treatment of black skin in this country and that contingently impacts other nonwhite communities. In Edelman Children's Court, incarceration takes on multiple forms, and race as a power relation between blackness and whiteness is implicated in each of those contexts. Like McKittrick, I mobilize a framework in this project that recognizes that an economy of black bodies—that is, the naturalized and spatialized death of black people, whether through the prison cell or suburban living room—is what makes race a complicated and onerous relation. McKittrick argues that the spatial logic of the plantation has persisted despite emancipation, most obviously in the form and function of the American prison. She notes, "racial violences (concrete and epistemic actions and structural patters intended to harm, kill, or coerce a particular grouping of people) shape […] black worlds"

(McKittrick, 2006). The prison thus becomes metonymic for the range of "modern human social arrangements" that keep blackness and poverty in its destructive crosshairs and that repeat the racial violence of slavery (Spillers, 1987, p. 205). In drawing attention to deeply ingrained assumptions about neutrality and benevolence, this project attends to the spatial and legal dynamics of child welfare in Los Angeles targeted against black families and experienced by proximity to those tropes by other nonwhite families.

In practice, race emerges in the way actors in Edelman Children's court treat white families and the ways culture and language are perceived as mitigating factors for Latino and Asian families (discussed in Chapter 3). Ideologically, race informs the structure and requirements of dependency law, and race incites each punitive turn in dependency law. Dorothy Roberts notes that punishment-oriented care is a political choice that happens when black families enter the dependency system. Recounting its history, she writes, "If you came with no preconceptions about the purpose of the child welfare system, you would have to conclude that it is an institution designed to monitor, regulate, and punish poor Black families" (Roberts, 2002, p. 6). Part of her explanation is that in most urban cities in the U.S., "there is a geographical overlap of child maltreatment cases, poverty, and Black families" (Roberts, 2002, p. 45) and that, though poverty is a de jure defense against neglect, it works as a de facto enhancement of parental culpability for black families (Roberts, 2002, p. 38). Thus, in child welfare systems, anti-black and anti-poor rhetorics (and practices) overlap. In Edelman Children's Court, race is harkened in the implied vilification of the careless, welfare mother (Lubiano, 1992; Onwuachi-Willig, 2005) and the valorization of suburban, middle-class norms (Kaplan, 1998). The tension between these two forces in both the design of the court and in legislated standards of the law is central to the arguments of both Chapter 2 and Chapter 3.

Race is also a statistical fact in dependency courts. Empirically, though Latinos comprise the majority of families in the dependency court in Los Angeles, black families are still disproportionately represented. This statistics become the impetus for a number of corrective measures instituted by the chief judge of the court and state legislators, including a task force of California congresspeople charged with assessing the disproportionality of black children in foster care and mandatory yearly "diversity" workshops for all people working in the courthouse. Some of these efforts are aimed at addressing how individual actors in the court implicitly use race to determine who is deserving and who is undeserving. Other efforts attempt to identify and correct the way racial bias is coded into the structure and requirements of the law. Yet, despite that these statistics are compelling—at least enough to incite responses toward reform and social change generally—these reformist responses are also the objects of my critique in this dissertation. In asking what the mechanisms through which black and nonwhite families are unraveled, I find that narratives of "progress" based on empirical assessments of dependency law also reproduce paradigmatic relations of power and race. Even when reformists acknowledge that the operations and spatializations of dependency law are not race-neutral, the fundamental orientation of dependency law against blackness and poverty does not change.

Thus, in this project, race takes on multiple meanings, at various levels of experience and structure. Like many prison studies scholars (including for example Davis, 2002; Gilmore, 2007; Wacquant, 2002), I find that black communities are the target of intervention in dependency law and that other nonwhite communities, including and especially Latinos, poor whites, and poor Asians in Los Angeles, experience dependency law in relation to how the court constructs their identities against white ideals and black counter-ideals. For this reason, throughout this dissertation I distinguish between "black," "white," and "nonwhite" to specify the structural

differences between those categories even when, experientially, other markers of alterity (like poverty) may be a unifying factor. This project is deeply interdisciplinary in that it draws together two sometimes-conflicting types of data (discussed further under "Methods"). My ethnographic encounters and the ideologies that drive the design of the courthouse come together theoretically in the ways they are a part of the legal structures that reproduce racial inequality. As they emerge across the data in this project, however, racial categories sometimes refers to the simple demographics of the court's composition and sometimes refers to the discursive figures that animate the racialization of dependency law generally. The slippage between the two throughout this dissertation demonstrates a limitation of racial terminology in interdisciplinary endeavors.

Gender, Race, Class

Adults may be incarcerated for criminal matters related or unrelated to the reports of childhood maltreatment that incite the intervention of juvenile dependency law, but their treatment and designated spaces in Edelman Children's Court emerge not only from the broader history of the American prison but also from gendered and classed genealogies of poverty and welfare discourses within the law. In their work on the U.S. welfare state, Fraser and Gordon argue that "dependency" is an ideological term that has replaced early 20th century discourses on poverty (Fraser & Gordon, 1994). In its preindustrial usage, dependency was the normal condition in society, in which laborers were subordinate to, and therefore dependent on, their employers. This status precluded workers from citizenship and such subjection was the norm, until those who occupied this non-legal status began demanding rights and liberties. It was not until industrial capitalism that "the semantic geography of dependency shifted […and] its meanings were radically democratized" (Fraser & Gordon, 1994), stigmatizing some forms of

dependency while normalizing others. As a result, dependency was feminized and raced as a biological defect of a gender, race, or individual.

The "dependency" of the post-industrial United States was explicitly white; it referred to hard-working white families who faced widowhood, joblessness, or poverty as an incidental experience, not as a structural phenomenon. Legal, socio-legal, and media scholars agree that patriarchal ideologies construct the concept of "motherhood," especially in poverty discourses and that the restructuring of families by the law consistently confirms paternalistic family structures (Fineman & Karpin, 1995). But a legal system built on the political and economic needs of slavery to later accommodate industrial and post-industrial production necessitated racialized constructions of family, parenthood, and childhood. Though the black family was ordained "free" with the abolition of slavery, there was a duality to this freedom. On the one hand, black men and women were free to develop contracts and sell their capacity to work, but on the other hand, they were free from the means and resources to survive, having previously been collateral property of the existing economic structure and having been denied adequate reparations (Davis, 1972). In the early 20th century, black freedom entailed the ability to retain biological kin but precluded the material needs to sustain a family. This is true in different ways of the immigrant dependent as well, whose work was relegated to home-making and care-taking tasks as the white, bourgeois mother could attend to philanthropy and estate management (Donzelot, 1979).

Because she represented both the "good" dependency of home making and the "bad" dependency of needing relief from poverty, the poor, black, single mother became the prototypical welfare dependent (Fraser & Gordon, 1994). The extent to which this cultural notion of dependency is politically significant is exemplified by the Moynihan Report in 1965, in which

Senator Daniel Moynihan argued that the Black community was destined for an unhealthy dependence on welfare. Moynihan argued that the root of the problem was the lack of strong father figures attributable to the injustices of slavery and Jim Crow laws, and a historically-based "tangle of pathology" that necessitated a matriarchal family structure out of line with mainstream America —neglecting, of course, the historical, epistemological, and ontological realities that render this thesis impossible (Davis, 1972; Lubiano, 1992). Today, black women continue to represent in the American imagination "the agent of destruction," the cause and effect of poverty, crack use, sex work, among other social evils (Lubiano, 1992). These realities become apparent in the legal and media treatment of black mothers, both in the aesthetics of their representation and the sordid outcomes of their cases (Hancock, 2004). The young, nonwhite mother can neither withdraw from the labor market nor turn to the state for protection and relief (Gilmore, 2007), marking the confines of her perpetual "dependency" as the incarceration of black and nonwhite parents (both mothers and fathers) skyrocketed.

A complex range of interesectionalities between race, class, and gender animate the prison as an analytic in this project. The incapacitation that occurs through dependency law is not only exacted through the sentencing of an individual. Rather, in dependency law, the unit of intervention is the family, constructed by specific ideologies of race, gender, and class. For example, cultural constructions of the "welfare queen" are bound to tropes of black criminality, working-class "dependency" (or, poverty), and failed domesticity. As such, though each chapter in this dissertation attends to the specific ties between the operations and spatiality of dependency law and each of those ideologies, it is impossible to isolate the ways these processes are produced together. The discursive bifurcations between criminal parent and dependent child in Chapter 2 demonstrate how cultural expectations of childhood innocence are produced in

tandem with adult criminality. Then, in Chapter 3, I discuss the ways relations of the family are constructed from hegemonic ideas about middle-class motherhood and the spatialities of white domesticity. Finally, in Chapter 4, I identify the ways requirements of the Adoption and Safe Families Act of 1996 work effectively to criminalize poverty. These various perspectives render the spaces of Edelman Children's Court as a site of integrated mass institutionalization, with manifold implications for families entering the dependency system.

Methods and Analysis

This project began in the summer of 2008. A series of conversations with a professor of children's law at Whittier Law School (Prof. Bill Patton) lead me to a meeting with the executive director of the main parents' defense organization in Los Angeles and a plan to shadow a parents' attorney in the Edelman Children's Court for one week. My intentions were to investigate the way courtroom workgroups functioned in juvenile dependency law (Eisenstein and Jacobs, 1977). I was particularly interested in how the administration of dependency law, through various legal representations and re-representations, affected, changed, or distorted the sordid experiences of families in the foster care system. Upon stepping into the courthouse, however, my research moved from the question of how legal actors treat families to an interdisciplinary survey of the history of juvenile law, the racialization of innocence and culpability in the narrative of the court's construction, and the tension between protection and punishment through which the black family becomes the focal point of the dependency system.

Site

The main site of this research is Edelman Children's Court in Monterey Park, California, five miles east of downtown Los Angeles. The Court houses twenty-five courtrooms, including the courtroom designated for the handling of Indian Child Welfare cases. Los Angeles has a satellite children's court in Lancaster, CA, named the Alfred J. McCourtney Juvenile Justice Center, where two additional courtrooms run for cases in the Antelope Valley area in the northern part of the county. Observations were conducted only in the Edelman Children's Court, and interviews with lawyers, social workers, and other personnel were conducted outside the courthouse.

Ethnography: Observations

I conducted observations in several different areas in various contexts. For some of my observations, I shadowed attorneys in the courtroom or followed supervising attorneys from courtroom to courtroom. While shadowing supervising attorneys, I walked through the attorney-client rooms in a dozen different courtrooms, thus coming into contact with the conversations between attorneys and between attorneys and clients. Though this experience, I gained sense of the circulation of the courthouse, of interest especially since attorneys, social workers, and translators are always circulating in and out of different courtroom, over the course of a day or a year. During these trips, I frequently found myself in informal conversations with attorneys and other legal actors.

At other times, I spent three to four hours (from 8:30 to 12:30 AM, or 1:00 to 4:00 PM) inside one courtroom in a day, taking notes on the details of each hearing and observing interactions during the downtime between cases. These experiences were helpful to gain a cross-sectional perspective of what a dependency case looks like. I learned about dependency statutes, the trajectory of a case, and the range of typical cases seen in the court. I also saw how attorneys,

families, and court personnel interacted in and used the spaces of the courtroom, though the number of interesting uses of space is limited in the courtroom as it is typically overcrowded with employees and families. I witnessed important variations (i.e. when one parent is incarcerated and brought in from the jail cell; when one or some kids have been placed in group homes and enter the courtroom through the judge's chambers; when drug court or other voluntary programmatic activities begin).

There were also periods in which I observed interactions in the waiting rooms or toured the protected children's and administrative areas of the court. In the protected administrative or children's areas, I was escorted by a member of the court staff to see the different areas and resources for children in the courthouse. In the waiting rooms, I noted people's interactions, from the communication within a family under supervision, to the communication between families, to the children running around, to near-physical altercations between members on a case, to discussions between attorneys, clients, and sometimes translators.

Finally, I conducted observations in other field sites, including community outreach events hosted by non-profit organizations supporting the dependency system, public meetings related to the operation of foster care held by concerned California assembly members, and informational sessions held by the Department of Child and Family Services. These observations allowed me to connect what happens inside the dependency courtroom to the efforts outside that shape hearings.

Ethnography: Interviews

I have conducted twenty-five interviews, each lasting between one to four hours. In the interviews with people who worked or had experience in the court (including attorneys, social

workers, advocates, bench officers, and volunteers), I focused on changes in the legal system, because rarely did the design of the courthouse incite significant commentary. In these interviews, I got a sense of the range of experiences with the system, the different kinds of cases, and theories about the trajectories and outcomes of cases. In several interviews (particularly the two to four-hour ones), I got detailed enumerations of a dozen or so dependency cases each. Surprisingly, the interviews with children's, parents', and county attorneys were more similar than different from each other. This may partly be because most of my interviewees were people who had worked in the system for a long time and were distinctly progressive in their politics. Most were also people of color, whose own experiences as raced, classed, and gendered individuals frequently came up during interviews. Even when their primary sympathies were with their clients (minors, parents, or the county), most interviewees reflected comfortable on structural inequalities and the dependency system broadly.

I also interviewed two architects and building designers: Susan Goltsman, who designed Edelman Children's Court, and Beverly Prior, who has designed a number of juvenile detention centers. In those interviews, I gained a sense of how civic buildings are imagined and created, from abstraction to the moment it is used as a legal space. Both designers spoke passionately about the effects of the design of a space on the ways people—particularly children—experience what is happening in that space. Both told stories of being deeply disturbed by the ways people responded to authority in the physical context of an institutional space, which lead them to examine and re-consider the look and design of institutional spaces. The designers were interested in the comfort and ambiance of an institutional space after assuring its design as efficient, judicious, and fair. Finally, the designers were inspired by the quality of interactions

between certain categories of users, such as a children's attorney and a minor, lawyers and the bench officer, or parents and their children.

Secondary Data: Families' Experiences in the Dependency System

For a number of reasons, I made the difficult decision not to interview parents and minors being processed in the dependency system in Los Angeles. I began this research project with an interest in the legal culture of dependency law and how parents and parents' attorneys negotiated their rights in a children's space like Edelman Children's Court. My first interviewees were with attorneys, judges, bailiffs, and social workers, and my first observations were conducted of adults, families, and parents in courtrooms and waiting rooms of the courthouse. I experienced the courthouse in lawyers' shadows, and I was seen by security personnel, administration, and families in an official capacity of some sort, usually as a lawyer or law student. I was rarely asked to show security personnel the order that permits me to be in the courthouse, because the way I dressed and carried myself (as a middle-class South Asian-American) confirmed their assumptions that I was a visitor, not a subject, of this court. Accordingly, I felt that my privilege relative to families and minors in the court and the additional inquisition they would bear in the name of my doctoral research was too grave to transverse. When approached, however, I always engaged in casual conversation.

My data on families' experiences in foster care thus come from two main sources. To understand families' experiences in Edelman Children's Court, I look to my interviews and observations with Debra Reid and the community outreach events of the Jonathan Reid Family Resource Center, which Ms. Reid founded upon receiving a $1.1 million settlement from Los Angeles County after her son Jonathan passed away in foster care. To understand the array of parents' experiences in the dependency system, I look to the staggering archive created by the

parents who write for Rise Magazine, a tri-annual online publication by and for parents in child welfare systems across the country. The mission of Rise is to train parents "to write about their experiences with the child welfare system in order to support parents and parent advocacy and to guide child welfare practitioners and policymakers in becoming more responsive to the families and communities they serve". Topics discussed in the twenty-four published issues (each twelve to sixteen pages long) include "Addition in the Family," "Making the Most of Visits, "Parenting with Mental Illness," "Facing Termination of Parental Rights," "Parenting from Prison," "Raising Children in a New Country," and "Recovering from Sexual Abuse," among many others. The stories in these issues testified to how families got involved in child welfare systems, what happened during the course of their open cases, and how the cases resolved (if they had been resolved). As the themes listed above indicate, some stories were instructive for other parents in similar circumstances, and some were simply testimonials of the nature and force of child welfare in their lives. Additionally, many of the writers recounted their first involvement with child welfare as children or teenagers themselves, thus chronicling longitudinally the impact of foster care.

Archival Research: Court Design and "Best Practices" Materials

This category of data includes materials on Edelman Children's Court and juvenile prisons that explain the intentions of the design elements of legal/state spaces that treat minors. This information complements the interviews with the designers in different ways. First, the materials transcribe, in text, images, and diagrams, what the designers say about the process of developing legal spaces for minors. Second, they represent all the ideals of the designers with none of the realist logics to bridge between the spaces and its uses. In this way, they actually

perform a different function than the interviews with the designers in that they lack all the casual comments about the complexities and compromises of the space being constructed.

In this category of materials, I include the Blue Ribbon Commission and other California and Los Angeles-based task force reports, which assess the statistics and current state of the dependency system and set out plans for reform. Like the design materials, the materials either assess the dependency system for its empirical shortcomings or they prescribe a set of ideal solutions to address the issues.

Archival Research: Informational Materials and Pamphlets

In this category, I have collected informational materials and pamphlets from the various organizations that work within dependency law, including The Alliance for Children's Rights, the Children's Law Center, Grandparents as Parents, and the Jonathan Reid Family Resource Center. These materials pose a counterpoint to the previous category, as they are mostly created and distributed for the purpose of demystifying the procedures of dependency law and advertising important resources for families in court. Many of these materials came from the self-help center on the 5th floor of the courthouse, where people can come to access the various resources they may need during the course of a case. Most of these resources are free (paid for by philanthropic support of a non-profit), but some of them advertise paid services as well. Some of the informational materials from the court aren't from the court at all, such as photocopies of magazine articles intended to be motivational and inspirational, rather than informational or instructive, for families.

Archival Research: Los Angeles Times

Information on the construction of the court and public sentiment around the dependency law was obtained primarily from the Los Angeles Times and secondarily from other local newspapers in Los Angeles.

Legal Research: Welfare and Institutions Codes

The Welfare and Institutions Codes that create the juvenile dependency and delinquency systems are interesting both as a source of information and as an object of study. The Welfare and Institutions Codes complemented observations in the courtrooms; for example, the codes delineate a categorization of "offenses" that precipitate a dependency case and the different types of bench officers in juvenile courts. The codes were also generative in the way they support each other in a sort of narrative. For example, amidst more technical descriptions of juvenile law, some statutes address the various struggles that urban youth face with respect to the lack of local resources and the strains of poverty.

Analysis

To explore the relationship between the administration of dependency law and the spaces of a children's court, this study's research design and methods were informed by an intersectional approach in which research questions at the individual, structural, or institutional level can be integrated (Hancock, 2007). In this study, I look at how dependency law is administered alongside the designs of the domestic spaces of the court, because, as Hancock notes, they are not mutually independent (Hancock, 2007, p. 252). Ethnographic fieldwork in the court and close readings of design guidelines answer a single question: how do assumptions about mothers, fathers, and children in dependency courts materially and physically constrain black and other nonwhite parenthood?

The materials for this article were analyzed through a two-part coding process enumerated by Emerson, Fretz, and Shaw (Emerson, Fretz, and Shaw, 2011). Initially, I organized all of my archival data and fieldnotes and created a directory for myself with the type of document, the name of the document, and a brief description of what the document says or aims to do. Through focused coding, I conducted a line-by-line analysis to create subthemes and group themes analytically. Theoretical and integrative memo-writing clarified the links between themes and served as the mechanism of data analysis (Emerson, Fretz, and Shaw, 2011, p. 143).

First, I coded the materials detailing designs plans for Edelman Children's Court, drawing primarily from the sixty pages of designs, pictures, descriptions, rationales in the designers' published book, The Inclusive City. From these materials, I found four broad themes. The first theme combined text and design plans aimed to be universally beneficial and included text that referred to general inclusivity or accessibility for all ages, all abilities, or all races of people. For example, Goltsman writes, "[I]nclusive planning based on economic, social, environmental, and culturally sensitive policies that […] recognizes that every individual has the right to full and equal participation in the built environment—and that through their direct involvement they can shape their own environment to meet their own needs" (Goltsman & Iacofano, 2007, p. 4). The second category included data referencing children's perceived or expressed needs, as I found many instances in which the needs of the child were used as a proxy for the needs of a family generally. This category also aligned with the way "best interests of the child" rhetorics emerges in dependency practice, which I discuss later in the codes from my fieldnotes. For example, Goltsman writes, "The key to the entire design process was to view the building through the eyes of the children who are brought to the facility" (Goltsman & Iacofano, 2007, p. 38). A third theme referenced the spaces or actions in court that disguise intended

mechanisms of surveillance or control as "child-friendly" and "family-sensitive," and the fourth theme included instances of the opposite phenomenon: where spaces and actions of the court are intended to nurture family relationship but also surveil or restrain families. Because the first theme on universalism and inclusivity seemed to also be relevant for the project as a whole, the last three themes from the design materials became the initial framework for the three chapters of this dissertation. Though the chapters rely differently on the following types of evidence, all three chapters are grounded first in the design materials. For example, Chapter 2 relies more on historical data from newspaper accounts, Chapter 3 draws more evenly from my fieldnotes and RISE magazine, and Chapter 4 is based mostly on interview data and fieldnotes.

After coding the design materials, I turned to my fieldnotes and interview transcripts to parse through how people negotiate the trajectory of a dependency case with respect to or irrespective of the spaces of the court. Through this process, I found dozens of relevant themes and scores more that did not seem to quite fit this project. Some examples of these themes include: "Criminal justice system interacts with dependency," "Movement/use of space in court," "Juxtaposing old criminal court with new children's court," "Racialization in DCFS/police reporting," "Race, connecting history of child welfare to contemporary outcomes," "Race, culture, hair, language," "Court administration, crowding," "References to media," "The Best Interests of the Child, used verbatim," "Geography of LA, South LA," "Bench officers and the courtroom workgroup," "Drugs—in criminal justice and dependency," "ASFA," and "Empiricism and Progress." Many of these categories aligned with those from the design materials, so I grouped those themes together to create three chapters.

Next, I coded the hundreds of pages of articles in RISE Magazine, written by parents in foster care. I color-coded those texts and came up with a number of categories that again

matched the four themes from the design materials, including: “Perceived needs of the child,” “Incarceration made to accommodate family relationships,” “Family support experienced as jail,” “Countering dominant narratives of violence,” “Poverty and parenthood,” “Responsibility on individual for progress in case,” “Growing up in foster care,” “Parenting in foster care,” “Drugs as self-medication,” “Needing services to deal with court-ordered services,” and “Anger to compliance,” among others.

Chapter Breakdown

In this project, I combine a spatial analysis with the traditional ethnography by integrating the designs and intentions for Edelman Children’s Court with the functioning of dependency system inside. Thus, the spaces I refer to are both material (in the design of the court) and legal (in the design of law that brings families into the court). In each chapter, I connect the design plans of Edelman Children’s Court with my ethnographic and archival research on dependency law to understand the various expressions of power that deconstruct protection from black children and families.

Chapter 2, “The Prison Within Dependency Law,” tracks the discursive bifurcation between innocence/whiteness and culpability/blackness enacted by the network of carceral spaces in the courthouse and the history of the court’s construction. In this chapter, I argue that in so graciously expanding the scope of law and the spaces of law to accommodate the minor as a legal subject, the very discursive logic that eventually ensnares minors and parents in the criminal justice system is mobilized. Thus, the designs and practices of dependency law serve as incubators for what Wacquant calls the “first genuine prison society in history” [emphasis original] that defines black life in America (Wacquant, 2002, p. 60).

Chapter 3, "Protection through Punishment," examines the normative domesticity conjured in the design of the monitored visitation rooms and administration of social services through juvenile dependency law for its raced implications. I argue that an American domesticity grounded in white, middle-class motherhood and in denunciation of black, poor motherhood finds its metaphors in these corners of the courthouse. This chapter explores the masking of punishment in dependency law as "protection" and "guidance", both in the set-up of monitored visitation spaces in the court and in the well-intentioned way courtrooms dole out access to social services. I argue that there is a classed and raced domesticity being materialized in these spaces that, first, is not the norm in lower-than-middle-class homes, and second, is experienced by black and nonwhite families as a jail for the sheer fact that it is so heavily surveiled.

Chapter 4, "The Best Interests of the Child," looks at the expansive children's play space in the court alongside the court's unflinching focus on the best interests of the child. In this chapter, I draw connections between the children's playspaces in the courthouse to the best interests of the child paradigm at play in the court that is determined by the stringent regulations of Adoption and Safe Families Act in 1996 and the Multi-Ethnic Placement Act in 1994. I argue that the sentimentality around children and childhood obscures the "post-racial" discourses of privilege and universalism through which dependency and criminal law work in collusion.

When heart-breaking stories of foster youth surface in mainstream media, we are reaffirmed that either the foster care system works or it doesn't work, that black children in this country are doomed in it or outside of it, that "the system" is filled with crooks or heroes. We read and decide whether this system should exist at all, and if it didn't exist, what kind of a world we would live in. By the end of this dissertation, I aim to convince you that these contradictory conclusions might all be true. The foster care system does "work", and it doesn't; advocates in

dependency law defend their clients while balancing a crushing caseload; and black and nonwhite children are doomed both inside and outside of it, leaving the last question—the question of whether this system should exist and how—deafeningly rhetorical.

CHAPTER 2: THE PRISON WITHIN DEPENDENCY LAW

In the basement of the Edmund Children's Court, a set of locked doors open into a narrow room painted from floor to ceiling with a mural depicting a fictional aquatic world. Paintings of a purple octopus, tropical fish, and mythical underwater royalty with large cartoon eyes cover three walls of the room. The fourth wall depicts a large submarine and is lined by six windows providing glimpses into discrete rooms with all-white walls. There are painted dials under the window, where three rows of drilled holes allow conversations to pass between steel stools in the mural-ed exterior room and the enclosed, white interior.

Dressed as an aquatic wonderland, this room is the place in Edelman Children's Court where minors[5] are permitted to communicate with their incarcerated parents, for up to twenty minutes at a time under the supervision of an attorney or social worker.[6] Both sides of the painted submarine are secured from the public. Incarcerated parents are cuffed and brought from the jail in the bottom floor of the courthouse into the blank, interior room. On the other side, children are escorted by social workers or attorneys, who wait patiently for the sheriff to unlock the two sets of doors. The scene from both sides is heartbreaking. For the parents, this may be among the few times they get to communicate with their children, whether they are currently being held in county jail or at one of many state prisons in the rural heart of California. Contrasted with the stark visual context of the interior room and the prison generally, their

[5] Ballantine's Law Dictionary lists the definition of a minor as "a person who has not reached the age […] at which the law recognizes a general contractual capacity".

[6] Parts of this chapter are excerpted from an article I wrote entitled "The Gracious Spaces of Law: Raced Constructions of Innocence and Culpability in the Construction of a Children's Court," accepted for publication in *Studies in Law, Politics, and Society* (2014).

children appear from the outside world, in a bright and colorful scene and enclosed entirely in paintings of marine life. The children, depending on their age, do not always understand what the interaction means—why they are in this room, what exactly they are supposed to be doing, and why their parent is inside a "fishbowl," as one parents' attorney referred to it.[7] A younger child may not care at all about getting to see the parent; the parent is usually speaking through tears.

This chapter narrates a story of black and nonwhite parenthood devasted by the massive expansion of the prison industry, particularly in California (Gilmore, 2007). The United States has the highest documented incarceration rate in the world, four to seven times the world's average, and six times more frequently for black men than white men (Pew Center on the States, 2008). This prison industry is sustained through the work of various parallel institutions that regulate, police, and surveil black and nonwhite communities. As Wacquant notes, penal policies have rendered the prison "the main machine for 'race making'" in the United States, forging an association of blackness with criminality through a number of material and symbolic processes (Wacquant, 2002, p. 55). As described in the previous chapter, prisons are the material spaces through which inequality and punishment are articulated and exacted outside. Gilmore notes that prison life is both inside and outside the prison walls, in an American understanding of human life, kinship, and survival (McKittrick, 2011).

In lieu of recounting the impact of incarceration on black and nonwhite minors, this chapter looks to the spaces of incarceration in Edelman Children's Court and the coded criminalization of parents in the discourses around the court's construction. This chapter thus explores the racialization and relation between the "maltreated minor"—the object of the dependency system's protection—and the "culpable adult"—the object of the prison system's

[7] This is from a conversation with a parents' attorney, Ritu Kallur, who first escorted me to see the visitation room.

punishment. I ask the following questions: How is the movement to accommodate dependent minors in the design features of a children's courthouse linked to discourses on the increasingly punitive treatment of the culpable, black adult, who is "the main human raw material being used for the expansion of the U.S. penal system" (Davis, 2002)? I contend that the decisions to implement "child-friendly" designs in the court confirm the carceral containment of the black adult in the United States.[8] Through an analysis of the court designers' rationales and the public's response to court features, I reveal the inextricable relationship between regimes of care and regimes of punishment, between the minor and the adult, and between raced constructions of innocence and guilt. A dependency courthouse that imagines minors in an aquatic wonderland with their incarcerated parents in a fictional submarine does not only fulfill cultural imperatives to protect and nurture youth but also labors to maintain the logic and architecture of the American prison.

The Prison in Edelman Children's Court

If the façade of Edelman Children's Court is its epidermis, the twenty-five courtroom and facilities for supporting services (Goltsman & Iacofano, 2007, p. 35) serve as flesh and organs. It is in the courtrooms, waiting spaces, play areas, and resource centers that the court's "visitors"—whether raced subjects of dependency law or outsiders like myself—have the most tactile interactions with the aesthetics and functions of the court. In these spaces, parents, families, and minors engage in violent altercations, emotional breakdowns, and the millions of psychic variations between those extremes. These are the places where courtroom and courthouse ethnographies flourish.

[8] By "carceral containment," I refer both to the staggering rates at which black and nonwhite adults are incarcerated and to network of institutions which ensure these statistics through shared spatial and disciplinary practices. Examples include zero-tolerance policies in schools (Skiba, 2000) and the layout and design of housing projects (Shabazz, 2009).

Behind the courtrooms and waiting spaces, however, a complex network of passageways, elevators, prison buses, and holding cells encloses the spinal network of the courthouse: the jail. The majority of this system is on the bottom floor of Edelman Children's Court—though I have little information about what it is actually like and was never permitted to visit it myself, I know that it is an "award-winning" jail, designed by a team from the Los Angeles Sheriffs Department to accommodate the L-shaped design Goltsman wanted for the waiting spaces above. I also know that from this downstairs jail, a number of internal passageways allow for "custodies," or incarcerated parents, to be transported into contained areas to be able to attend their court dates. There are three sets of internal elevators to shield the movement of children in group homes, judges from prisoners and the larger public; minors are escorted through the internal hallway with doors to the judges' chambers, but cuffed prisoners enter through an entirely sealed set of pathways that lead to holding cells for each courtroom. My main interaction with this space was early in my fieldwork, when a bailiff in the courtroom I was observing offered me a tour of the holding cell area during a break. He led me to a door on one side of the judge's bench, through which a small white room held a set of elevator doors on one side and a caged holding cell with a bench on the other. He told me proudly, "You know, we got to help design the jail here. That's why it works so well."

Incarcerated parents interact with attorneys and courtroom personnel in the holding cells on one side of each courtroom, where they are escorted by a sheriff before their cases are called. Attorneys will walk into the all-white holding cell room through all-white bars. The exception is in the case when the parent is a juvenile on probation. Because they are not permitted to be in the same incarcerated spaces as adults, juveniles are brought to the court by parole and probation officers in a white van that sits in the parking lot of the court. Ritu Kallur, a parents' attorney,

comments, "I would go out and sit in the van with [my clients on juvenile probation], and I would ask the probation officers not to cuff them, so they could just sit there. The probation officer would step outside—and the probation officers generally are a lot more hands off. […] But, I had a kid that was sentenced to life--[…] it was 3:00 PM when I finally got outside! […] He had literally just been sitting in this van, sleeping there the entire day. It was awful. The one good thing is that he got to hang out, listening to music, but it's just awful."

Otherwise, Kallur tells me, the only other place in the court she sees incarcerated parents is the visitation room described in the opening vignette of this chapter. During one visit to the "fishbowl," I walked with two attorneys, a mother, and her two children from a courtroom on the third floor to the elevator bank and then down to the ground floor. Instead of turning into the open hallway that leads to the cafeteria and dining area, we walked into the sheriff's office to make sure it was okay for me to accompany the children. The attorneys told the sheriffs that I was permitted to be in the court for research purposes, and we walked with the sheriff to two sets of locked doors, with locks and handles but no knobs. These doors separate the public interior from the insides of the courthouse, where the courthouse jail circulates its "criminal" parents awaiting dependency cases.

The children apprehensively left their mother at the door and walked with us through the sloped hallway, between an octopus, fish, and an encompassing teal blue color for the water. At the end of this hallway was another set of doors, through which about six booths made it possible to peer into six windows. As the two children walked up to one of the booths, they saw their father against a blank, white space and heard him through a dozen drilled holes below the window. The older brother started immediately talking about what they had been doing, what his favorite video games were, and how his Tae Kwon Do classes were going. The younger brother,

only two years old, had no attention span for this visit, having waited the whole day in court with his mother and brother. He walked around the room and sat on the stools of different booths, since there were no other visitations happening at that moment. After fifteen or twenty minutes had passed, the children's attorneys told them that they had to leave; the father, his face strewn with tears, looked at us and said, "I can't believe how much they've grown."

Curiously, the design guidelines for the court exclude any mention of the visitation room for incarcerated parents, the holding cell in each courtroom, or the jail, except in two places. Under the category "Communication Links," the last of six bulleted considerations notes, "The bailiff needs to quickly communicate with Shelter Care and jail facilities to request individuals needed for the hearing room." A few pages earlier, in a diagram of the support facilities for a courtroom, a line with arrows on both ends connects the hearing room to a circle with the words "holding cell" in it. One-sided arrows connect the hearing room to circles indicating "chambers," "office space" and "children's waiting room", but neither the holding cell nor the jail in the bottom floor are mentioned anywhere else in the guidelines.

One of the most important elements of a courthouse—all courthouses—is the jailed interior. The complete omission of the jail in the design guidelines indicates a naturalization of the relationship between courthouses and incarcerated spaces; not only is the courthouse the place from where a person may be incarcerated, but it is also the place in which a person continues to be incarcerated. Jail and prison design, particularly in the case of adult facilities, need no specific accommodations in the courthouse, as no starker environment is needed to exact punishment. The only consideration, as the sheriff earlier mentioned to me, is the convenience of the correctional officers.

The jail network is almost entirely hidden from the rest of the courthouse and almost entirely left out of the design guidelines for the space, like the coded ways criminality is written into the story of Edelman Children's Court's construction, which I discuss later in this chapter. Yet, perhaps the most salient force in this court is the intricate relation between criminal justice and dependency systems; dependency cases are often accompanied by parallel cases in criminal court, and families in this court most certainly experience punishment in decisions made by dependency judges. This relation between criminal justice and dependency lies materially in the jail network of Edelman Children's Court, in the origins of child welfare systems, and the story of this court's construction.

Where did Child Welfare Systems come from?

Juvenile dependency law is a body of law that emerged in the 20th century out of feminist demands that children and families had the right to live healthy and safe lives. The problem of children's wellbeing would be solved by the creation of a juvenile court; the needs of poor families in raising children would be accommodated by a modified practice of law, an industry of social services, and a pervasive cultural morality around parenthood and child-rearing.

Prior to the early 1900s, public regulation over the private realm was limited and conditional. "Illegitimate," orphaned, and delinquent children were sent to live at religious orphanages or with artisans and skilled tradesmen as apprentices, where they were provided room, board, and vocational training at the cost of free labor (Grossberg, 1985). Under slavery, black men, women, and children were under the authority of their masters, at whose behest they were bred to build the American economy (Davis, 2002). Some argue that there were distinctions between the treatment of slave adults and children; others argue that those distinctions are not notable in light of the fact that all chattel were treated as children, or as property (and, this

conflation is important). Children were assigned different tasks than adults (Ward, 2012), though as a group, "black Americans were characterized as developmentally stagnant, as an odd subspecies who from birth to death remained morally and intellectually childlike" (Ward, 2012, p. 37). Juvenile law, from the outset, was a racial project.

The scholarly literature on the preservation of children, written by physicians, politicians, police, and military leaders, was just flourishing. For Donzelot, discourses on children in the mid- to late-1800s emerged in connection with the medial and social domains, "between the theory of fluids on which eighteenth-century medicine was based and the economic theory of the physiocrats" (Donzelot, 1979, p. 13). In guarding the French family unit generally against "social promiscuities," preserving children entailed the reorganization of educative behavior, the spread of household medicine monitored by physicians, and the consolidation of all aspects of the life of the poor, "so as to diminish the social cost of their reproduction and obtain an optimum number of workers at a minimum public expense" (Donzelot, 1979, p. 16). In working-class neighborhoods, where families might not have been able to afford doctors and where literacy might be low, Donzelot notes, "it was no longer a question of enacting discreet protective measures but of establishing direct surveillance" (Donzelot, 1979, p. 23).

After the Civil War, the close regulation of black family formation continued in different ways. Recently freed slaves were pushed aggressively to register their marriages with the state; failure to register warranted prosecution of the offense. In some states, black codes pre-emptively ordained legal marriage on couples that were living together, and former slaves who may not have divorced before marrying another were also prosecuted (Onwuachi-Willig, 2005). Marriage—monoracial marriage, that is—was mobilized not only as a "cure" for social ills but also as a means of 'civilizing' poor women, especially black women, who were dependent on

public assistance. More importantly, marriage registration was a way for states to transfer economic responsibility for recently freed slaves, particularly black children born during slavery, to wage-earning black men (Onwuachi-Willig, 2005, p. 1661). Like its reiterations in the 1930s, 1970s, and 1990s, the animus for such regulations was "to promote industrious among Blacks, gradually eliminating Blacks' dependence on any form of public assistance" (Onwuachi-Willig, 2005, p. 1661). Apart from the state's vested interest in financially severing the white public from restitution to black families, forced registration schemas testify to the ways black life was administered, surveiled, and ultimately criminalized. Prosecution was the consequence black women and men faced if they failed to register marriages and formalize divorces.

At the heels of the Industrial Revolution, rapid urbanization and massive immigration restructured the American economy and the contest over the maintenance or abolition of slavery divided the American conscience. Following an era of increased emphasis on child discipline as a civic duty and increased concern on the proper methods of child discipline (Pollock, 1983), a widespread movement known as maternalism emerged with a clear political agenda. Early maternalists connected the rise of modern society with the growing significance of the family unit and children as social groups (Ward, 2012). The business of "child-saving" was a segregated project, and nineteenth-century African-American clubwomen worked extensively to provide the rehabilitative services and facilities black children were being denied. The common explanation for these disparities was frequently no more than the reality that black children were genetically disadvantaged because of slavery—that black parents were "pathologically destined to create the environment for delinquency" (Nelson-Butler, 2013). Black youth and their parents were constructed as grossly degenerate and physically surrounded by criminality. Thus, family and criminal law converged on the outcomes of the juvenile delinquent.

Though support efforts were mostly segregated, child-saving for black clubwomen was at times integrated with similar efforts alongside white women. Butler narrates the accounts of Ida B. Wells' attempts to educate white philanthropist Jane Addams about the inequitable treatment of black youth and the institutional discrimination at every level of the justice system (Nelson-Butler, 2013, p. 37). But the most prominent black women's clubs, such as the National Association of Colored Women, operated separately from other efforts with the prerogative to save children from both criminality or abandonment and the racist machinations of American law (Nelson-Butler, 2013). NACW members fought for legal reforms to ensure due process with black defendants, rape laws that included black women victims, and integration in juvenile courts. They organized delinquency prevention efforts, created black reformatories and parenting classes, established kindergartens and black community centers, and conducted home-visits as informal social workers for black families in the system.

Efforts to protect and foster childhood came out of a collective effort to bolster white citizenry, proffered by women who were invested in securing an ideal of white childhood and family life for that end in itself, and its touted benefits sustained for those racial and ethnic groups who could eventually attain whiteness. The first legal application of parens patriae is in a 1839 case in which the Pennsylvania Supreme Court defended the state's decision to hold a minor in the Philadelphia House of Refuge as a result of her "orphaned" status as a pauper and not because of any discernable criminal act (Ward, 2012). To say that there were stark inequalities in the capacity for and possibility of child welfare services for black children would be a grave understatement, as "colored orphan asylums" were woefully lacking in resources and overcrowded (Roberts, 2002). For example, black families were being separated with less consideration than authorities gave Eastern European immigrants (Nelson-Butler, 2013). This

was a woman-led movement, interested in the political recognition and reformation of white women's roles in the home as mothers.[9]

The Juvenile Court

In 1899, Illinois created the first juvenile court, with California's juvenile court following soon after in 1905. The juvenile court primarily focused on delinquency matters, leaving the needs of parentless or maltreated children to the philanthropy of orphanages and religious charities (Grossberg, 1985). The form and function of juvenile law remained mostly stable throughout the first half of the twentieth century. In 1944, the Supreme Court had confirmed the state's authority to protect children by intervening in a family (Prince v. Massachusetts, 321 U.S. 158 (1944)), but it was not until the 1960s that the structure and purpose of the juvenile court began to change, incited by scholarship that pathologized the conditions and symptoms of the "battered child." The study, written by Dr. C.H. Kempe et al, listed the physical and psychiatric issues attributable to possible child abuse and identified legal recourse as the recommended response (Kempe, et al., 1962).[10] This study was later admitted as evidence in a California Supreme Court case[1], transforming "child abuse" into a diagnosable medical phenomenon, thus altering both its status under the law and the way it would be treated in public discourse. At this time, there was also a growing global awareness of minors' rights to "develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of

[9] It might be important to note that, in 1848, the historic summit of abolitionist and suffragist women in Seneca Falls, NY convened. The celebrated foremothers of American feminism from Elizabeth Cady Stanton to Lucrecia Mott cemented (if not constructed) the political landscape for white women to mobilize on anti-slavery and suffragist platforms. You see here an American politics of compassion converge in the context and flourishing of white feminism. The right to vote as women (the insistence that women should have political and legal agency) and the position against slavery (in the name of the human agency of black slaves) are bound by these maternalist and feminist critiques.

[10] Criteria for battered-child syndrome included the age of the child (usually under three years), evidence of bone injury at different times, subdural hematomas without skull fractures, or a discrepancy between the technical findings and the parents' explanations.

freedom and dignity," marked by the UN's adoption of the Declaration of the Rights of the Child in 1959 (Office of the High Commission for Human Rights, 1959) and growing publicity regarding the condition of the global child. By the 1960s, most U.S. states began overhauling state child abuse laws by mandating that physicians and school employees report child abuse (Wu, 2008). The population of minors had mushroomed because of the baby boom, and more than ever, government officials were also concerned with rising rates of poverty. In 1974, almost 11 percent of families in America were dependent on federal aid, and there was growing discomfort about the reality that minors constituted the nation's poorest demographic (Ashby, 1997). Minors not only needed governmental protection from maltreatment on the part of their parents, but also from structural poverty and disadvantage.

As public anxiety over minors' welfare grew, so did the public system's anxiety over monitoring and regulating that welfare—though this public anxiety was specifically directed toward children "in need", the victims of criminal parenting. In 1974, the federal government passed the Child Abuse, Prevention, and Treatment Act ("CAPTA"), providing states with the authority and funds to create laws and services to pursue remedies for child maltreatment. The juvenile court, which previously addressed both delinquency and dependency issues, was formally split into two separate legal systems; moreover, states were required to submit reports on both systems in order to receive federal funding. At the time that CAPTA passed in 1974, 37% of minors in foster placements were black and the majority of foster families were white, evidencing the racialized and criminalized image of dependency. Arguing that racism motivated patterns of foster care placements, the National Association for Black Social Workers

("NABSW") advocated for the adoption of black dependents by black families only (Billingsley & Giovanni, 1972).[11]

On the other hand, juvenile delinquents were on a diverging trajectory. This bifurcation in the treatment of juvenile delinquents and dependents is a defining moment; if juveniles were delinquent—that is, if they had committed a crime—it was not clear to lawmakers and their constituents that they deserved the compassionate treatment that their dependent counterparts might, despite that dependents and delinquents were frequently the same youth caught in different systems. The 1960s and 1970s also saw major reforms for the juvenile justice system, as American voters grew increasingly intolerant of juvenile delinquency.[12] As early as 1972, elected city officials in Los Angeles bemoaned the juvenile system, arguing that it needed to "hold the individual responsible" for juvenile crimes at around the same time that dependency and delinquency proceedings were being separated (Shuit, 1972). This sentiment prevailed through the 1990's, by which time Californian voters passed Proposition 21, which mandated that juveniles accused of committing certain felonies would be tried in adult criminal court (Kumli, 2002). At the same time, California moved to break up juvenile courts and create family courts to emphasize counseling rather than litigation in family matters ranging from maltreatment to divorce (McBee, 1973).

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[11] A similar struggle ensued over minors of Native American descent, who had been long subjected to federal and state policies that removed them from reservations to the "civilized" homes of non-Native American foster families. Concern over these minors' placement was twofold: first, minors were completely cut off from their cultures and locations of origin, and second, it was indeed suspicious that such policies seemed only to affect minors of color. In 1978, federal legislators passed the Indian Child Welfare Act, which recognizes tribal jurisdiction of a minor of Native American heritage. ICWA status is identified by one of several criteria: the minors' length of residence on a reservation, the minor's participation in tribal activities, the minor's fluency in a tribal language, tribal membership of the minor's parent or guardian, interest asserted by the tribe, or the minor's self-identification. In the consideration of tribal membership, cases can be taken to courts in which the minor's culture of origin is acknowledged, presumably to accommodate the U.S.'s political and legal relationship with tribal jurisdictions.

[12] In a series of cases beginning with In re: Gault in 1967, the Supreme Court moved to grant juveniles equal protection under the law with respect to arrest procedures, incarceration, and sentencing schemes. This was a major development for minor's rights movements, which asserted that minors had been doubly disserved by being denied legal agency but held to adult standards of culpability in the juvenile justice system.

In 1980, federal legislators approved the Adoption Assistance and Child Welfare Act, which established the legal standards for child welfare systems and modernized the language of child protection. These federal statutes ushered in a new era of dependency law, in which the vocabulary of the field was made more neutral and the focus was shifted to providing "reasonable efforts" to preserve and reunify biological families (Wu, 2008). In 1987, Californian legislators moved to create more specific definitions of "abuse," to clarify the emphasis on minors' health and safety, and to expedite the process whereby a judge could develop a permanent plan for a minor. California's legislation anticipated the requirements that the Adoption and Safe Families Acts created in 1997 (hereafter "ASFA"), which transformed the objectives and impact of the juvenile dependency system at a time when, because of the implementation of draconian drug laws, the majority of dependents and their families were black and nonwhite. ASFA shifted the emphasis of child welfare away from family reunification and toward the permanent placement of minors in adoptive families by shortening the time period in which families had to comply with judicial orders and providing financial subsidies for higher adoption rates, among a myriad of other transformative regulations.

The functional effect of ASFA was that parents had much less time to comply with more stringent orders, and so the rate at which the juvenile court removed minors from their families and into adoptive families skyrocketed. This legislation followed at the heels of the Multi-Ethnic Placement Act in 1994, which made it a federal offence to select foster and adoptive families for dependents based on race. Thus, at the time when black and nonwhite families became the majority of child welfare cases, juvenile dependency courts were being financially incentivized to (a) require more of parents in less time to get their children back and (b) more swiftly remove minors from their parents into adoptive placements that were not required to be near minors'

biological families or familiar to the adoptive minor. This legislation had the effect of formalizing the way dependency and delinquency hearings proceeded at the heels of desegregation and the Civil Rights Acts.[13]

In other words, the "progress" of the juvenile dependency system, like the "progress" of various other arenas of American law that depart from their Anglo-adversarial roots, is built upon deep contradictions[14]. On one hand, it advances beliefs of the neutrality and flexibility of Anglo-American law to graciously account for legal subjects never considered before. However, this is accomplished through the crucial juxtaposition of the maltreated minor and the black, criminal parent or the delinquent youth. The development of the juvenile dependency system in Los Angeles and the construction of Edelman Children's Court are made possible by this epistemological split. In considering the legal architecture of the juvenile dependency system in California, we gain a sense of the discursive practices through which the innocent minor and culpable adult are antagonistically situated.

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[13] Meanwhile, legal research on the dependency system focused on the ethical role of legal personnel and the purpose and form of legal processes in dependency law. Juvenile dependency law is one arena in which adversarial legal proceedings were seen at odds with the project of child welfare, and as such, statutes were written to make more subjective the stringent requirements and assessments of the law. Research on the terms of this more "flexible" system of law has hinged on various issues, including the obligation of attorneys to either zealously advocate in the minors' best interests or merely represent the minors' and parents' needs in court (Buss, 1996; Garcia & Batey, 1988; Guggenheim, 1984). Scott notes that the inconsistent legal treatment of adolescents as both incapable of adult reasoning and simultaneously culpable for adult-like actions serves ulterior political motives, including the alleviation of public fear of juvenile crime (Scott, 2002). Yet other scholars grappled with the way confidentiality requirements in juvenile courts work to protect minors from public stigmatization and simultaneously restrict public accountability and oversight (Patton, 1999; Gilbert, 2007) and the way children and adolescents are treated differently with changing notions of citizenship and government (Tananhaus & Bush, 2007). In the trial context, scholars diverged on the capacity of minors to testify in court (Orenstein, 2007; Ahern, Lyon, & Quas, 2011), the necessity and requirements of expert testimony (Poulin, 2007), and at the broader level, the structural dynamics between psychology and law as fields of knowledge production (Motzkau, 2008).

[14] There are other similarly "soft" arenas of law which emphasize the inquisitorial approach that dates back to the *parens patriae* doctrine of English chancery courts. *Parens patriae* gives the court the right to intercede and act in the best interest of a child or otherwise incapacitated individual. Examples of such arenas include: homelessness courts, drug courts, and "justice of the peace" courts. These court systems, unlike juvenile dependency, require defendants to waive their rights to be processed in a traditional court.

Architecture, Power, and the Construction of Edelman Children's Court

In dependency law, black and nonwhite childhood is treated as aberrant, animated by two ideologies. First, adults are considered to be responsible, rights-bearing subjects, capable of knowingly entering a just legal contract. The "culpable adult" is not considered to be a "human becoming," as Thomson notes, one that is still learning, adjusting, and changing (Thomson, 2007); the "culpable adult" has arrived and is a being. Power over this the adult subject is not executed through an institutional structure of command but by a relation between power and knowledge that is enforced by our shared values and truths (Foucault, 1975). To be an adult is to be responsible for one's actions, and "bad" actions can be met by state interventions through a range of carceral strategies. Our common understandings of what adulthood means are thus rooted in and exemplified by the prevailing regime of punishment.

Second, black and nonwhite parenthood is seen as non-normative, and therefore criminal. Racialization has historically defined child welfare practices, and punishment for the consenting and capable adult is no longer the consequence of an act or an opportunity to engage with rehabilitation and reparation. The prison now symbolizes who the culpable adult fundamentally is (Foucault, 1975). This trajectory has posited the subject of punishment, the nonwhite adult, as the archetypical individual legal subject and the antithesis of the "innocent child." Through containment, surveillance, and architecture, the criminalization of black and nonwhite adulthood is accomplished in the name of safety and protection of a universalized understanding of the "innocent child" (McKittrick, 2011; Gilmore, 2007).

Edelman Children's Court bears testament to the significant role of the public, architects, and design professionals, who are often only tangentially associated with legal processes. Here, courtrooms and courthouses became cognitive maps of prevailing "topograph[ies] of power"

(Taylor, 2005). There exists extensive scholarship on the design of courts; for example, a change in the architectural style of courthouses might be symbolic of a region's recently accomplished ambitions and deep-seated optimism for the future (Caldwell, 2001), just as it might reflect the specific community it serves and its function (Kearney, 1989). Importantly, these characteristics—and the spatial configurations that enable and express them—change regularly with shifting notions of the court's particular power and grandeur (Mengin, 2005). For example, federal courthouses are built to express "solemnity, integrity, rigor, and fairness" to incite "respect for the tradition and purpose of the American judicial process." The architects and builders are instructed to use subdued colors and natural, durable, and regional materials in the construction of federal courthouses "to invoke a sense of permanence" (Judicial Conference of the United States, 2007).

In the late 1970s, psychologists began to suggest that there were characteristics of spatial environments that influenced child development, particularly with respect to classroom set-up and size in schools (Weinstein, 1979), the ambient qualities of the classroom (Lackney, 2005), the effects of noise and crowding in a classroom (for example, Hutt & Vaisey, 1966). Research proliferated on how children perceived the spaces around them, particularly when those spaces were mediated by adults' presence and prerogatives (James, 1990). Theoretical research on the impact of the physical environment of hospitals on children had been long established as connected to prevailing theories of disease and epidemiology, but by the 1960s, children's hospitals were also being designed to incorporate the "natural" activities of children to mitigate the shock of being admitted to a hospital (Prior, 1988). Child-friendly environments were believed to require several overarching dimensions, including accessibility, diversity, control, safety, autonomy, socialization, and participation, among other qualities (Francis & Lorenzo,

2002), which varied with respect to their age groupings and race (Watt, 1998; Valentine, 2003), religious identification (Hopkins, 2004), and disability (Holt, 2007), among other markers. Drawing on the idea that children required specific environments in order to develop adequately and to receive and provide sensitive information about themselves, psychologists and architects in the 1980s turned their attention to the space of the courthouse, where children and families were similarly being protected and "treated."

From the moment the site for Edelman Children's Court was acquired, to the process of researching and designing the courthouse's architectural features, and to the completion of the building's design–there is a near-constant engagement with the characteristics—and limits—of the "child" in need. In the following section, I attend to the design plans of Edelman Children's Court in order to acknowledge the way that the spaces of law have shifted with changing ideas about how nonwhite adults should be surveiled and, concomitantly, how minors must be treated.

Acquiring a Site in Monterey Park

In Los Angeles, from 1905 until 1974, dependency and delinquency matters were heard in the same courtrooms. This ended when regulations set by CAPTA forced county officials to formally split the two systems (Woodyard, 1989). The dependency court was then moved to a temporary facility.[15] In 1978, a new Criminal Court building opened in downtown Los Angeles, where dependency courtrooms occupied the 12th floor (O'Shaughnessy & Wood, 1988). Despite the spatial proximity of dependency and criminal cases, public accounts depict the maltreated minor and adult criminal as polar opposites. Media reports at the time indicate that the Criminal Courts building was grossly overcrowded as the backlog of criminal cases accumulated due to

[15] The temporary facility was located at Sunset Boulevard and Broadway, in the West Hollywood (Los Angeles County).

increased public scrutiny of child abuse reports. Indeed, overcrowding was so severe that the court was cited by fire marshals (Miller, 1989). Several front-page articles of the Los Angeles Times described the decrepit state of the dependency court, noting that termites could be seen trailing the walls of the attorney interview rooms (Woodyard, 1989). Moreover, conducting child abuse hearings in a criminal court house elicited concern over the psychological ramifications of minors' exposure to the features and structure of a traditional courthouse. The "imposing and intimidating" features of the downtown criminal courthouse contributed to an ambiance in which "adults are judged and held accountable for their misdeeds." The judge sat upon a high bench, "garbed in a somber black robe, convening an image of authority" that served a specialized purpose in the adult trial context (Mulcahy, 2007). Such features were considered to be "frightening and bewildering" for the child involved in a dependency case in the downtown criminal courts building, thus "increasing their sense of helplessness and victimization." In the Criminal Courts building, children were noted to have been subjected to walking through a "poorly-lit, cavernous, concrete-walled parking garage," transported alongside "jeering" criminals, including the iconic figures of criminality in Los Angeles at the time, including the "Hillside Strangler" and the "Nighttime Stalker." Reportedly, an eight-year-old child once saw the building and asked, "Am I a criminal?" (Boland, 1991)

As early as 1974, Los Angeles Superior Court judges, County officials, and child advocates initiated efforts to create a separate facility for child abuse and neglect cases. In 1988, county supervisor Edmund Edelman secured an order from the board of supervisors to search for a new court location. Soon thereafter, city councilmember Baxter Ward accused other city council members of changing county policy to decentralize dependency courts for the purpose of purchasing a building from a prominent campaign donor for approximately $10 million more

than it had sold the year before (O'Shaughnessy & Wood, 1988). The scandal was quickly resolved, and by 1989, county supervisors approved a new county structure and entered real estate negotiations with the city of Monterey Park.

The site was briefly considered for the construction of a new women's jail, the second in Monterey Park.[16] Local residents had voiced concerns over the existing women's jail, the Sybil Brand Institute, having dealt with "just-released inmates [wandering] into the neighborhood, asking to use residents' phone or prostituting themselves" (Smith, 2008). In February of 1989, the Board of Supervisors agreed to purchase four acres of land from Monterey Park for $3.5 million with the specific intention of constructing a court (San Gabriel Valley Digest, 1989). With the cooperative development of California Partnerships, Kajima International (the architectural firm) and MIG, Inc. (the design firm), Los Angeles County began designs for the construction of a $59.7 million children's court (Boland, 1991).[17]

The image of the eight-year-old child facing the word "criminal" written on the court building is a poignant starting point to think about the inextricability of discourses on children and criminality. The juxtaposition of a building suitable for the treatment of the likes of a "Nighttime Stalker" and a building appropriate for an eight-year-old victim of childhood maltreatment is an important juncture in the story of Edelman Children's Court. It launches a

[16] The Sybil Brand Institute for Women was a women's jail located at 2500 East City Terrace Drive in Monterey Park, California. It was damaged in the Northridge earthquake in 1994 and was eventually shut down in 1997.
[17] Around this time, the structure of legal representation in the dependency court was changing as well. Until the early 1990s, the Department of Child and Family Services counsel was responsible for representing minors' interests, and parents could request representation by one of a panel of attorneys at each courtroom. But because panel attorneys were beholden to judges' preferences and mode of operation, this system was generally acknowledged to result in a lack of advocacy for both minors and parents. In 1990, the Los Angeles Superior Court created Dependency Court Legal Services, a non-profit organization consisting of three law firms that would represent both minors and their parents. In 1996, the Dependency Court Legal Services became the Children's Law Center and changed their focus to exclusively representing minors, leaving the responsibility for parents' representation to panel attorneys and, by the early 2000s, the newly formed Los Angeles Dependency Lawyers, Inc. (LADL, Inc.).

critique of the possibility that law is contained to books and legislation, and it recognizes that the power of law is experienced in life-altering moments (Ewick & Silbey, 1998), such as the termination of parental rights, and in seemingly inessential details, such as the walk into a courthouse. The image of an eight-year-old facing the words "criminal" is provocative, however, because, in this moment, the child and criminal are assumed antitheses. In the litany of characteristics that might define a child, "criminal" is simply not one of them.

Indeed, the entire project of building the children's court was undertaken with a sense of primacy rooted in a presumed moral obligation to prioritize the needs of dependent minors over both their adult parents and the nonwhite "guilty criminals" who inhabit a jail. The site on which Edelman Children's Court was built was not approved for a women's jail, because black and nonwhite incarcerated parents were not as important a cause as maltreated minors. The scandal over city council members' involvement with a potentially unethical exchange of property and money similarly met public scrutiny. While the cement walls of the parking structure and termite-infested attorney rooms were perceived as inappropriate for minors, they were not assumed to be inappropriate for adults in the criminal justice system. In these accounts, we see an active and opinionated public[18] vocalized on issues of neighborhood quality and governmental accountability. These examples are productive of a dichotomy; with each mention of the "innocent child," there is an implicit or explicit reference to the culpable adult. The designers of Edelman Children's Court are both a part of and accountable to this public, whose collective interests and tax dollars determined the scope and direction of the project. These are moments in which the simultaneous regulation of criminality and domesticity in black and nonwhite

[18] I am using Michael Warner's definition of a "public" as a self-organized relation among strangers constituted by cognitive recognition and "created by the reflexive circulation of discourse" (Warner, 2002). It is "a kind of social totality" and a fundamental characteristic of social life.

communities becomes apparent: The Los Angeles public moved to accommodate maltreated minors while confirming their antithesis as the adult criminal.

Designing a Children's Court

The decision to build a new children's court in Los Angeles was motivated by an enthusiastic and willing public, and the design process was led by a passionate and experienced design team, head by Susan Goltsman of MIG, Inc. The shift from the 12th floor of the Criminal Courts building to the first American courthouse dedicated solely to children in the dependency system entailed extensive planning and research. Whereas "everything that was being done in the old building [had] negative impacts on the kids," the new court would be "dignified," "child-sensitive," and "family friendly," to mirror the way the court would run inside (The Inclusive City, n.d.). Moreover, the features of the new court would be defined not by law-makers or academics but by those who were being processed through and worked in the court.

Upon being selected for design programming and environmental design, Susan Goltsman of MIG, Inc. developed a massive participatory research plan to define "child- and family-sensitive design" for the context of a court of law. The design team conducted focus groups, interviews, surveys, and extensive field observations with over forty identified user groups of the court, including parents, children in foster care, foster parents, attorneys, social workers, clerks, court officers, judges, and mediators to ascertain how users navigated the courtroom spaces to accomplish their tasks. The courthouse was a place where children faced major traumas, but it was also a workplace in which the court of law had to carry out its prescribed functions.

After months of research, the design team determined that there were two terms to describe what the ideal children's courthouse would be: "dignified" and "friendly." Thus, the

plan was to design a building with simple lines, symmetrical spaces, subdued colors, and durable building materials, with extensive indoor plants, windows and daylight, and a view to the outdoors (Goltsman & Iacofano, 2007). The design team set up four mock courtrooms in different configurations. Each mock courtroom reflected a different understanding of the objectives and functioning of a dependency courtroom: Some more closely resembled traditional criminal courtroom set-ups with straight tables facing a high judge's bench. Others incorporated the more egalitarian configurations with all legal parties, including the judge, seated at a circular table. After conducting pilot tests with non-users of the court, the research teams determined that a circular arrangement of furniture was the most conducive to children's comfort and participation. Upon consulting and piloting the proposed configuration, judges expressed feeling powerless in the new set-up while minors felt intimidated; thus, the design plans were changed to modify a more traditional courtroom layout, with the judge at the head of the court and the other legal entities facing him or her.[19]

Throughout the design plans for the court, it is emphasized that the new court "had to be a serious and dignified place so parents would remember why they [were] there," even as it had to "empower children [and] promote healing" (Goltsman & Iacofano, 2007). Indeed, all child-friendly designs in the courthouse were tailored to serve two purposes: to remind parents of their alleged and potential wrong-doings and to assuage children's anxieties about being in the court in the first place. In response to the possibility of a circular seating arrangement in the courtroom, many judges were uncomfortable with such a spatial challenge to their authority; after all, it was ultimately their responsibility to manage a dependency case and order changes in

[19] Lawyers who were practicing in the court at the time recount that because the fire alarms were placed at a height that children could reach, building evacuations due to false alarms occurred regularly, inciting the designers to move the fire alarms out of children's reach to an adult height.

the family in question. Though the place of dependency law in Los Angeles would look different than that of a criminal court, Edelman Children's Court had to remain fundamentally a court of law, in which the paternal authority of the judge enforced the control and normalization of black and nonwhite parents in the court.

The designs of Edelman Children's Court could never only be about children; they had to incorporate elements either distinguishing children's from adults' needs or chastising adults for their supposed wrong-doings. Caricatures of the "innocent child" and "culpable adult" thus informed the earliest intentions of the designers, whose role and influence in the power of law are amplified in this example. These designs for the courthouse were innovative in several respects. Drawing on the research, they accounted for minor's perspectives of the uncomfortable formality of a traditional courthouse, and they labored to maintain the paternalistic power of the law over the black and non-white adults in the court.

In the instances where designs for Edelman Children's Court represent both the gracious consideration of children and the scrutiny and incrimination of parents, Foucault's visions of the disciplined adult body come into clear focus, animated by the adult/child dichotomies that are foundational to late capitalist systems (Ennew & Morrow, 2002). Like adults, the identity formation of a child is both tied to the functioning social order and performed as citational and fluid (Thomson, 2007). Unlike adults, the child represents the originary site of deep-seeded adult psychic phenomena, the "alternative, inhabitable space that realizes the philosophical subject and its thinking" (Castañeda, 2002). Yet, the innocent child is not treated as the precursor to culpability and adulthood, and parents accused of maltreatment are not understood in the context of their childhoods or with the compassion reserved only for children. Instead, the very reference to minors' vulnerability confirms the intractability of their adult counterparts.

In this court, children are constructed as the criminal's constitutive other. Where possible, children's comfort was combined with the chastisement of their parents' criminal behavior. Incarcerated parents in this court inhabit spaces with white walls, white bars, and limited design accommodations, in start contrast to the colorful and customized children's designs of the rest of the courthouse. And so, like the courthouse's sealed interior jail network, children's accommodations in the court are accompanied by ulterior connotations about criminality and adulthood.

Conclusions, Questions

Underlying the politics leading up to the construction of Edelman Children's Court and in the concealed jail network of the courthouse, a discursive bifurcation between childhood innocence and adult culpability is enacted. For the children in the aquatic wonderland-themed visitation room, incarcerated parents appear as inside a mocked-up submarine, but for the parents, the room is another scene from the stark confines of the cage they are sentenced in. Both vistas, however, only exist with each other, making the thin piece of glass between parent and child instructive. Like the story of the inquisitive eight-year-old at the footsteps of the Criminal Court, these scenes render Edelman's Children's Court as the happy ending to a fable of American law that has dichotomized and racialized childhood and criminality. In asking what the appropriate environment is for a juvenile dependency case, the building designers and Angeleno public drew on a series of unstated assumptions about children and the place of law. These assumptions naturalize a universalized conceptualization of childhood as innocent and deserving, just as they concretize and racialize the culpable adults in this court and in the American prison as criminal and undeserving. In this context, the "overrepresentation" of black and nonwhite families in dependency courts and the "disproportionality" of black and nonwhite adults in the

American prison are not merely the consequence of extant discrimination at the level of policing or legal intervention; these statistics are ensured through the colloquial ideologies of a racial state that pit the "innocent child" against the "guilty criminal." This is accomplished through the syntax and vocabulary of dependency law and on the walls of the courthouse in which dependency law is practiced in Los Angeles.

This chapter exhumes the logics of American penality that play out in the construction of Edelman Children's Court. It focuses on the semantic pairing between guilt and innocence that make the unique spatiality and aesthetics of a children's court even possible. The history and features of Los Angeles County's dependency system demonstrate a move to redefine the spaces of courthouses and the experiences of minors and their families in those spaces. Despite this, the dilemmas faced by the dependency system have largely remained the same since the 19th century; "child"-centered campaigns continue to have great rhetorical power and politicians are unable to translate those campaigns into public policy (Grossberg, 2002). The belief that maltreated minors could no longer suffer awaiting their court cases in dark courthouses alongside "criminals" mystifies the inevitable violence incurred by the law's intervention and experienced in homes, over-policed communities, and in the racist public at large. Wacquant notes that lower-class African-Americans now live in the "first genuine prison society in history [emphasis original]" (Wacquant, 2002, p. 60)—one that operates through the child welfare and criminal justice systems. One-third of foster youth receive some sort of public assistance shortly after aging out of the system, about one-fourth will be incarcerated within two years of leaving the system, and over one-fifth will be homeless at some point after age eighteen. The "innocent children" for whom Edelman Children's Court was built eventually become the "guilty

criminals" against whom their cause was ideologically waged and won. Thus, the two figures represent two sides of the same coin.

The maltreated minor and culpable black adult are so intricately bound that they actively produce one another—both ideologically and in the spaces of law in which they are treated. Criminal justice can no longer be understood as an institution "on the other side of a fixed line of law," (Gilmore, 2007), distinguished from the systems that police families and protect minors. California's expansive prison network has restructured the geographical and discursive terrains of the state's regulatory systems such that the prison is now a part of human life, kinship, and survival for black communities (Gilmore, 2007). The way spaces of incarceration are literally and figuratively built into the story of Edelman Children's Court's construction demonstrate this point.

What makes Edelman Children's Court so striking is the way it has incorporated these assumptions into the very aesthetics of the building, from the way it looks to the choices made to in those designs. Warner notes, "Dominant politics are by definition those that can take their discourse pragmatics and their lifeworlds for granted, misrecognizing the indefinite scope of their expansive address as universality or normalcy," marking the quintessential feature of the public: the pervasiveness with which its politics are perceived to be "normal" (Warner, 2002). The visual elements of Edelman Children's Court are intended to cue deep-seeded convictions about the responsibilities of law to address minors' needs and the inevitable psychic trauma minors would experience were the environment any harsher. This is demonstrated by public concern over minors and adults being in the same environments, where hardened criminals and termites comingled. I might add that this has been accomplished quite successfully, as even in mobilizing a critique against such child-friendly aesthetics, we can not readily imagine a "better"

alternative. That is to say, even if we agree that there is something unsettling about the way Edelman Children's Court looks and the histories of "dependency" and dependency law it signals, we are unable to concede that the dependency courts should have been left in termite-infested corners of criminal court buildings.

In this chapter, I have traced a genealogy of the dependency system in Los Angeles through the story of Edelman Children's Court's construction. In so doing, I demonstrate that the rationale for the "child-friendly" and "family-sensitive" elements in the court is inextricable from the logic of penality and punishment that makes the United States a prison society. This is accomplished through strategic juxtapositions of minors in need of protection with minors and adults from whom society needs to be protected, resulting in the widespread support for the aesthetic design and construction of Edelman Children's Court even as public tolerance of juvenile and adult criminality waned.

In California, there were a number of changes enacted through federal and state-sponsored legislation, including the establishment of the regulatory mechanisms to increase protection for minors standardize the experience of families in dependency courts. Even as legislators accommodated the perceived needs of minors and their families, however, the acknowledgement and definition of its subjects and its non-adversarial format neglected the simple reality that adult prisoners were frequently once maltreated minors. This is the bitter irony of the creation and construction of Edelman Children's Court: that in so graciously expanding the scope of law and the spaces of law to accommodate the minor as a legal subject, we mobilized a discursive logic that eventually ensnares those very minors in the criminal justice system, into the unconscionable conditions of the American prison, and as the human material for the pervasive prison industrial complex.

This narrative has several sequels. Since the creation of Edelman Children's Court, many courts that cater to children have adopted new designs and aesthetic models, including the San Antonio Children's Court and the Miami-Dade Children's Courthouse. Until it was shut down in 2010, the T. Don Hutto Detention Center in Texas was a private detention facility that held men, women (sometimes pregnant), children and infants in pink and green cells, with secured play areas and educational wards (Garriot, Lyda, and Lyda, 2009). What this proliferation demonstrates is the salience of public faith in palliative designs as a way to deal with and cover up the life-altering trauma and pain that occurs within these spaces—even when the constitutionality of institution is in question, as in the case of the Hutto Detention Center. As such, the logic of penality that sustains these structures is nearly ubiquitous, which makes our struggles for prison abolition and reform much more complicated and nuanced than they seem.

CHAPTER 3: PUNISHMENT THROUGH PROTECTION

Beyond the security scanners at the entrance of the Edmund Edelman Children's Court, sculptures of palm trees stand under cloud-like light fixtures, a wall of self-portraits by children in foster care, and display cases featuring memorabilia of the courthouse's planning and construction. Floor-to-ceiling windows line the open waiting rooms on each of the floors of the court, and monitored visitation rooms at the entrance of the 10,000 square foot shelter care area for children housed in group homes are set up with movable furniture, artwork on the walls, and a large, bay window facing a security desk, where social workers and security personnel can monitor family visits. Inside the twenty-five courtrooms, negotiations over visitation rights, court-ordered social services, and the gendered division of labor in families characterize the standard operation of juvenile dependency law. The court closes at 5:00 PM and opens the next morning at 8:00 AM to start the whole process all over again.[20]

Inside the courtrooms, a gendered domesticity is enforced in the administration of social services through dependency law. Parents' and minors' lawyers and social workers work hard to serve the family members they represent, but their responsibilities over only a small part of what is happening in any given case restrain the efficacy of their actions. Parents are required to fulfill court orders that may not make sense when they are given, and parents are being compared to an always-changing standard that depends on a myriad of factors. And, if court orders are not fulfilled, parents face the threat of losing their children—a threat they always knew but maybe never faced directly.

[20] This chapter is excerpted from an article I wrote entitled "The Home the Law Built: Domesticity and the Racialization of Dependency Law," under review at *Politics and Gender* (November 2013).

In this chapter, I examine the administration of social services through the "home-like" and "family friendly" spaces constructed for the Children's Court. I argue that an American domesticity grounded in white, middle-class motherhood and in denunciation of black, poor motherhood finds its metaphors in these corners of the courthouse. The terms of dependency law's offerings, embedded in its racialized history, belie their equitable administration by the state. Throughout this chapter, I refer to "gender" not as the things a mother or father, woman or man, does. To be sure, there are explicit ways that gender is adjudicated in the court, for example in the services offered to fathers with children and in the assumptions about nurturing made about mothers. What I call attention to, however, is how the act of parenting is gendered as it is contained and adjudicated in the court. If a masculinist response to a wrong-doing is incarceration or incapacitation (discussed in the previous chapter), the feminist response at play in Edelman Children's Court is the offering of various social services that rely precariously on a number of factors to be effective. Thus, I examine the fundamental gendering of punishment. As Adrian Howe reminds us, a critique of punishment grounded in sexism is neither sufficient nor useful to understand how regimes of domesticity and criminality work in tandem (Howe, 1994). Howe challenges us to move beyond revisionist histories of feminist criminology and embark upon truly gendered analyses of prison.

Waiting Rooms, Monitored Visitation Rooms, and the Domestic Spaces of the Court

In the lobby and waiting spaces of Edelman Children's Court, a version of normative, American domesticity is conjured. To get there, a small, free shuttle bus runs every 15 minutes from the bus depot at the California State University, Los Angeles, from where unincarcerated family members can access the court by public transport. Walking from the covered bus stop or the concrete parking structure, one catches one's first close-up glimpses of the courthouse. The

Edmund Edelman Children's Court is a six-story structure, its floor plans shaped in an "L" to allow sunlight and views of the neighboring Monterey Park Golf Course to filter into waiting rooms and offices facing the inside. Families pass near square spaces lined by planters and file under the covered green awning of the entrance to the first floor the court. Two sets of double-doors are swung open, leading families, employees, and visitors through a set of security scanners, metal detectors, and a modest security staff manning the stations. To the left of the secured entrance, a locked door opens to a reception desk, where people check in to use one of several large monitored family visitation rooms. The rooms provide space for minors in group homes to communicate with up to twelve of their non-incarcerated family members and were thus designed to look and feel like living rooms, with "homey and comfortable" furniture, plants, generic artwork, and a large bay window with shutter detail facing the security desk. The interior windows allow for "easy monitoring," and "to make children feel as comfortable as possible," the room allows social workers to monitor family visits with minimal physical intrusion (Goltsman & Iacofano, 2007).

Monitored visitation rooms provide a sort of "soft" surveillance for the child welfare system in Los Angeles, where children are permitted to interact with their families in a comfortable setting under the guard of the state. Susan Goltsman, the designer of the courthouse, intended to provide "healthy human habitats [to meet] needs for: physical comfort and safety, community, connections and identity; stimulation and discovery; fun and job; and meaning" (Goltsman & Iacofano, 2007, p. 4). The experience of a family in such a space would be one of healing and learning rather than intimidation or fear. Like the rest of the court, "home-like" features are required to meet strict standards for security. Thus, the curved archway of the

entrance contains a metal detector, and the window with shutter detail of the monitored visitation rooms allows a line of sight for sheriffs and social workers.

Similar in inspiration and design, on each floor of the courthouse is an open waiting room, lined with large glass windows and rows of chairs alongside half-walls to create separations in the waiting room without compromising the free flow of light. The contiguous windows that face the green scenery of the Monterey Park Golf Course and, if a rainy day has cleared Los Angeles' haze, the striking San Gabriel Mountains of the nearby Angeles National Park. Facing away from the windows, the waiting rooms is met by eight doors leading into short hallways that lead into the courtrooms, called "departments" in Edelman Children's Court.[21] Each door has a rectangular window, with square, shuttered details, from which the courtroom bailiff can look out to monitor the waiting room and yell family names when their cases have been called.

To "promote family healing," waiting rooms were designed with simple lines, symmetrical spaces, subdued colors, and durable building materials, with extensive indoor plants, windows and daylight, and a view to the outdoors (Goltsman & Iacofano, 2007). There are TV monitors hanging from the ceiling facing some of the rows of seats; if they are on, they play the Disney channel. In one corner of half-walls, a cluster of short tables with proportionately tiny chairs are covered in copious amounts of construction paper, crayons, and glitter. Between 10:00 AM and 3:00 PM, these tables are monitored by Free Arts volunteers (often credit-earning students from local universities), who ask permission of adults before rounding up minors to "use creative arts to express negative feelings" and remind lawyers and

[21] No one ever explained to me why courtrooms are called "departments." I suspect it is in part to distinguish operations in this courthouse from other "traditional" courthouses, but it may also simply be a custom of dependency law.

judges of the "child's point of view when a victim child enters the courtroom wearing his or her work of art, such as a paper crown" (Center for Families, Children, and the Courts, 2001).

In my first weeks of fieldwork, I would sit in the waiting rooms for hours, observing families of color share details of their cases, contacts for public resources, and the responsibility of watching all the running children in the room. Young children pick up the dropped bottles and toys of even younger children; family members in seats lined against the sides of the waiting room commiserate about parenting and the various notable interactions and characters coming in and out of the courtrooms. The slim figure of a children's attorney is discussed among four women sitting to the right of me, the impeccable attire of a dapper child is quietly lauded by approving glances of all surrounding adults. Daily, I overheard conversations about where one person was taking anger management classes, or where another left her kids for daycare. In anonymous interactions, the waiting room provided a space for adults to share information about bottles, strollers, and services—all of this shared in quiet, hesitant interactions, in the several hours parents and family members might have to sit waiting for their case to be called.

In the seats facing each other, families also have the opportunity outside the courtroom, and inside the courthouse, to confront each other in askance glances and verbal threats. Daily, at least one person is escorted out of the courthouse by bailiffs and attorneys due to near-physical conflicts with another person in the waiting room—usually another family member involved in their open case. During one such incident, a young, black man stood up and began complaining that it wasn't right that his daughter had been placed with his wife's parents. His complaints grew louder in volume; the entire waiting room fell silent as he pointed at his father-in-law, and said, "You molester, you fucking pedophile." The grandfather, sitting next to his wife and dressed in a suit, looks back at the father solemnly with no response. Behind the half-wall right

behind him, young children continued gluing glitter with Free Arts volunteers. Three bailiffs from different courtrooms approached the man as the supervising attorney I was shadowing asked him to go take a walk with him. Among manicured hedges and potted plants outside the courthouse, the attorney sat and advised him sternly to keep his cool or risk losing his daughter to his in-law's for another six months, or worse, forever. The man looked defiantly back at him, and also at me. In sighs and half-sentences, he conceded but did not shake the flustered look on his face.

Waiting spaces were designed to be surveiled by the scores of bailiffs and sheriffs in the court for precisely these "disruptive" moments (Yngvesson, 1993). On the designs of the waiting rooms, Goltsman writes, "The area is organized so each courtroom has its own waiting space, but all areas are open so they can be monitored from a single point" (Goltsman & Iacofano, 2007, p. 48). Even the bathrooms are separated for men, women, and children, with infant changing areas "that can be monitored" easily (Goltsman & Iacofano, 2007, p. 49). Bailiffs frequently come out of the courtroom to call out cases, observing from a single point the entire expanse of the waiting room. When altercations arise, multiple bailiffs may page each other to step outside the courtroom to restrain the involved parties. At lunch, lawyers in the courthouse dining room share details of the latest altercation—noting whose clients were involved and how it resolved.

There are several notable things about this vignette. First, outside the courtroom but still inside the court, the waiting room gives the father the opportunity to confront the grandfather and current guardian of his daughter directly, without the representation of an attorney, without the social worker's report, and without the bench officer's looming assessment. In this way, the security objectives of the court are set up to fail, right outside the courtrooms at that. Second, rather than being placed in a group or foster home, the child at the center of this case has access

to what the court calls kinship care, a coveted placement in which the child can temporarily live with a family member other than the mother or father under surveillance by the dependency system. Kinship care not only costs less for the court as relatives are paid less than strangers to care for a minor, but it is considered a better placement for children, whose transitions may be softened by the familiarity of family members' homes. Yet, in this particular scenario, the ideal established by the court is anything but ideal for the father because he believes the grandfather to have sexually abused someone in the past. Performing in accordance to a certain set of middle-class norms, the grandfather does not respond. He doesn't have to; within a few moments, three bailiffs and the supervising attorney I am shadowing came out of courtrooms to approach the father for his verbal transgressions.

Third, neither the father nor the grandfather is apprehended in this situation, though that is the expected outcome of such an outburst inside a court of law. The father's verbal and physical response in the waiting rooms, though perhaps shy of an actual threat, is not seen as a detainable offense. Meanwhile, the grandfather is not even approached for the accusation made against him, despite being physically inside a courthouse that prosecutes abuse against children like what is being alleged about him. Instead, the supervising attorney admonishingly mentors the father to maintain a controlled disposition in order to get his daughter back—to conform to the norms of behavior enforced inside and outside the courtroom in order for his case to resolve—which indicates that the purpose of surveillance in this context is not to detain but rather to protect him from his own undoing. In this incident, the father was softly restrained from the potential violence of his confrontation through a reminder that it is his obligation to follow classed rules of behavior. Again, a liberal politics of choice is at play; the father can choose to

comply with the attorney's suggestions or risk rights to his child, regardless of whether his accusations are true.

Finally, and perhaps most interestingly, after the brief silence when the father first raises his voice, the hundred or so other people on that floor of the court simply continued doing whatever they were doing before. Adults continued to talk to one another, perhaps now to discuss their perspectives on the altercation, and children continued running about, working on art projects, or sitting quietly. The eight courtrooms on the floor are shielded from what is happening in the waiting room, so the circulation of attorneys, social workers, bailiffs, and translators in and out of the courtrooms also continued. After all, it is not until lunch that attorneys have the chance to gossip about the day's happenings, which on this day includes an altercation between father and father-in-law.

Though similar in design to the waiting rooms, monitored visitation rooms are different in that they are tightly secured and reserved only for families visiting children in foster care or group homes. Each room has seating room for four to eight people with small tables and fake plants. The chairs all face the large, floor-to-ceiling windows—that is, unless the furniture is moved, no one's back will face the window and security desk. Though it feels a bit like an office waiting area, the rooms face a wide hallway, giving the entire area an open feel. Some of the decorations lining the hallway change with the season; in October, I noted a bulletin board with black butcher paper and orange letters spelling "Happy Halloween." But, a string of small flags from different countries above the windows and doors and a number of posters with bright colors seemed to be a part of the permanent display.

The monitored visitation rooms on the ground floor of the courthouse house a completely different set of interactions than the waiting rooms. In one sitting, I saw a young, black boy

(eight or nine years old) walking into the room with his lawyer, a petite, black woman from the Children's Law Center. She asked him to come along with her and somewhat awkwardly guided him into the family visitation rooms by lightly touching the back of his shoulders. In the neighboring room, an older Latina woman and another relative negotiated with a member of the security personnel about their visits with their three- or four-year-old relative, standing nearby and donning a backpack filled with stuffed animals. There was a misunderstanding about how they could meet or what they could bring to give the child, but the security person, wearing all black but no discernable uniform, responded considerately to the woman's concerns. After the security person left, the elder Latina woman pointed at the letters on the bulletin board and told the young boy that it spells "Happy Halloween". Finally, in the room across the hall, a family of four or five people faced each other silently, except for the playful conversation between a fourteen-year-old playing with a one- or two-year old. A stroller was crammed in the corner, and the family appeared to be crowded in the space, and again, notably silent.

Though children's attorneys can also use them to meet with clients, it is mostly families that use the monitored visitation rooms, providing the onlooker a montage of scenes of families watching and interacting with their young relatives. The interactions between family members generally seem strained, even when they seem heartfelt and genuine, because of the fundamental reason they are in these rooms to begin with: a child in their family has been placed in foster care or in a group home outside their extended family. Children's lawyers can visit their clients here as well, but some opt to go for a walk outside or sit in the cafeteria with their children clients. "I want them to feel like they can talk to me, separate," Laura Connor-Mills explains of her relationship with her child clients. "If I can't make it down there, I'll just talk to the kids after the hearing in the hallway behind the courtrooms, ask them if they understood what happened. […]

It's their life, [and I] want them to know that if [the social workers] say they want monitored visits, and you get unmonitored, you might end up in foster care!" In other words, children are also expected to know what has been ordered in court to make sure that the people in charge of them, including social workers and their guardians, don't mistakenly disobey an order that might result in a change in their foster placement. Compliance with court orders is so important that children must also bear witness, or surveil, their own visits with their parents.

Monitored visitation rooms and waiting rooms in the court provide seating and open space for families to interact with one another, fulfill court orders, or learn about others' cases. At the same time, they also provide opportunities for family members to confront each other, sometimes within yards of courtroom doors, and they incorporate surveillance technologies to ensure the security of the courthouse. It is a strange combination; at the same time that it may be qualitatively a good thing to create comfortable spaces for children and their families to interact, the benevolence of the design intentions are belied by the security requirements of the court and of each child's open case. Does a friendly living room really address the root causes of child maltreatment? Do such spaces align with the way dependency law plays out in the courtroom, or do the homey corners of Edelman Children's Court semantically contrast with the devastating operations of the foster care system?

Because research has shown that the frequency of parents' visit with their children is a strong indicator of whether the family will eventually reunify, monitored visits are almost always ordered. In Los Angeles, parents are ordered monitored visits for a minimum of two to three times a week, for two to three hours each visit. These visits can be understood as a microcosm of the dynamics and emotions in a trajectory of a dependency case; social workers are standing by watching the only interactions parents and children may have with each other in a week.

Moreover, monitored visits are a formal block of time for parents and children to talk, play, or relate, in the context that many of those activities may have occurred (if they did) in more informal situations before the intervention of foster care. In other words, the interactions that might have previously occurred in transit time to school, or at the grocery store, or between shifts of work, would now be required in the confined space of an agency visit room and under the watchful eye of a social worker. An anonymous writer for RISE writes about visiting her daughter in the setting of a foster family agency while her daughter was in foster care in New York:

> After my daughter went into foster care, we had visits at an agency for two years. The visit room had a small red couch and some little chairs. […] So basically, it looked like an office. […] My daughter would come wearing clothes that were too small, and her hair was never really done properly. So when she first came in to visits, I would hug her and then take her to the bathroom to change her clothes and do her hair. […] I […] loved to be in the bathroom with my daughter, away from everybody else. It was my time to comfort my daughter and let her know that I loved her.

Notably, the red couch reminded the writer of an office, not of a living room or homespace. Without knowing exactly the designs of the agency's visit rooms, what important is that, for the writer, the couch transports her to the experience of being in an office such that it does not seem appropriate for her time to care for her child. Her experience in this space might depend on a lifetime of experiences in state agencies, doctors' offices, lawyers' offices, or places of work (among a myriad of other potential places), in the same way that her feelings about social workers might draw from any number of other people acting with authority over her life,

including doctors, lawyers, bureaucrats at state agencies, bosses, or school principals. In this moment, the office-like visitation room is not a place for intimate interactions between family members; it is the place away from that intimacy, where structures of authority over her life determine her performance in the space.

In this vignette, parenthood for the author means being able to engage with daily rituals with her daughter, and the fact that her daughter came to visits wearing small clothes and with disheveled hair is her call to mother on her own terms. She combed her daughter's hair, dressed her daughter in clothes that fit, and let her daughter know she loved her—and she narrates that it was clear that her daughter also needed her comforting in those ways. Because what she perceives as an office space does not feel appropriate for those activities, she takes her daughter to the bathroom to parent. And so, in the space of the bathroom, which may not specifically have been designed for this experience, the author fulfills the objective of the monitored visits: to allow parents to interact with their children in ways that are normatively seen as caring and that might complement the parent's fulfillment of other court orders (like completion of drug treatment or anger management programs, for example).

In this passage, there is no indication of restraint; the author is not prohibited from taking her daughter to the bathroom, and it is the distance from the social worker in the bathroom, her time "away from everybody else," that gives mother and daughter the opportunity to be intimate. Without being designed for this purpose, the bathroom provides the writer an unsurveiled space to attend to her daughter's emotional and material needs. For us, her readers assessing this scenario, her ability to recognize that her daughter's clothes do not fit signals the author's authenticity in her efforts. Perhaps for the (absent) social worker, it is the same.

The reference to spatiality in this passage is not metaphorical; it is material. In this interaction between the author and her daughter, the prescriptive designs of monitored visitation rooms in Edelman Children's Court seem both superfluous and set up to fail. If it is isolation from the social worker that feels most like the place where the author can parent—let's call that "home"—movable furniture and generic artwork are not as meaningful as the window through which social worker peer. And it is the act of being observed through the window in this space that would have prevented the author from mothering, and thus fundamentally from fulfilling the court order for meaningful visitations. Similarly, of her first interactions with her kids in foster care, Jeanette Vega writes:

> Our first few visits were rough. The visits were supervised. They felt like jail. […] Being watched and told how to talk or play with my own child drove me crazy. I felt so uncomfortable that I just wanted the visits to end (Vega, 2011).

Vega describes her downright aversion to the few hours a week she is permitted to spend time with her children. Importantly, she analogizes the monitored visit to the ultimate experience of every kind of restriction: incarceration. It may have been one thing to receive court orders from a bench officer, but it is a completely different experience for Vega to be told in the context of an individual interaction between herself and her child what to do and how to act. Broad court mandates find their incarcerative force in the regulation of a conversation between parent and child. Dion Jalen Buie, a teen in kinship care in New York, also writes of the jail-like visits with her mother:

> At first, I didn't enjoy the visits because the agency felt like jail. […] My mom now lives in Pennsylvania but she […] visits when my sister and I are both at my grandmother's house. We get along better when we're not being watched by other

> people. [D]uring these visits, I don't feel like I'm in foster care. My family is positive, and everyone isn't so stressed out about this situation (Buie, 2012).

In this example, the turning point is when Buie's visits are moved from agency facilities to a relative's home, where there is no need to simulate a home environment, since the visit is actually being held in one place Buie considers home. Like Vega, Buie notes that the agency felt like jail, and that the visits tended to go more positively when they weren't being surveiled by social workers and agency employees.

Because it is so common for parents to experience difficulty with monitored visits, a host of support services exists now to support court-ordered visits. In many parts of the country, programs with "Visit Coaches" help families have better visits. Lynne Miller, a visits coach writes:

> At first, parents often say, "My child wants to go home." But that's the one need that the parent can't meet. Coaches help parents stand in the shows and think, "What are the child's needs that I can meet?" [They] might start with physical needs, like being hungry, […] or basic emotional needs, like "My children need to know that I love them." The Coach's role is to ask, "Well, what would make your child feel that you love them? What are the fun things you did with your child before placement?" (Miller, 2011)

This is a poignant note. Miller reminds us that it really doesn't matter what parents or their children want. The visit is their time to prove they can live up to the courtroom's expectations.

This is not to say monitored visits are always experienced as painful or unnecessary, as some parents reflect positively on experiences with visit coaches. After surviving an abusive

childhood and escalating addiction problems since 12 years of age, Sandra Evans was ordered into a drug treatment program and parenting classes. While in treatment, she notes:

> I got to connect with my family in a much different way than I had when I was high. […] We had a class called therapeutic Childcare that gave us time and support to bond with our babies. The teacher, Ms. V., gave me confidence that, despite my childhood, I could raise my children without neglecting them. […] Now it's been 18 months since I came home from treatment, [and] I feel good. […] I'm so glad my social worker didn't just throw me out into the world […]. Even after my case was closed, she was there if I had a problem or question (Evans, 2011).

Yet, in this example, the crucial component is the fact that Evans's social worker goes above and beyond the listed responsibilities to support parents. The social worker's one-on-one work with Evans to process her own childhood is the turning point for her, not necessarily the experience of the visit or the surroundings.

Monitored visitation and waiting rooms do provide families the space and time they may need to communicate and fulfill court orders; yet, embedded in the designs for the space are assumptions about "homeliness" and compliance that are deeply subjective, class-based, and defined by the surveillance of a social worker. These "openness" and "transparency" themes of waiting spaces, marked by the open layouts and large windows, come from an ideal of domesticity based on assumptions about white, middle-class life entrenched in American culture, politics, and economics. In the 1940s and 50s, A. Quincy Jones designed the custom homes and affordable housing of the midcentury modernist canon and the Southern Californian landscape

by emphasizing how people moved through and occupied interior space. Featuring glass walls, skylights, indoor gardens, exposed natural elements, and "spacious, conveniently arranged rooms," it was proclaimed that in his designs, "the housewife reign[ed]" (Hammer Museum 2013). Indeed, as Dolores Hayden notes, "One can describe suburban housing as an architecture of gender, since houses provide settings for women and girls to be effective social status achievers, desirable sex objects, and skillful domestic servants, and for men and boys to be executive breadwinners, successful home handy men, and adept car mechanics" (Hayden, 2002, p. 17). White, middle-class divisions of household labor during this time period were thus embedded in the iconographies of the home and family.

The suburban ideal developed from an eschewing of the dirty and chaotic miscegenation of the cities and was supported by public policy. In the mid-1950s, state legislation allowing new relationships between major cities and local suburbs resulted in a massive expansion of suburbs around Los Angeles while Black and Chicano neighborhoods lost thousands of units yearly to the freeway construction connecting white suburbs to the city (Davis, 2006, p. 166–168). Like the revitalization of New York's Central Park as Harlem's Marcus Garvey Park remained dilapidated, political decisions in socio-spatial matters were made by a "fearsome, vengeful, and increasingly privileged ruling class" acting on Cold War-era fears of so-called "stranger danger" (Katz, 2006, p. 117) and Civil Rights-era fears of integrating black life. The efficient and comfortable designs of Southern Californian homes represented more than ideal of form and function; they enacted the insulation of white life in Los Angeles from its Black and other nonwhite counterparts.

My point is not to recoup a history of domesticity but to note the extant racialization that is enacted through the gendered designs of a monitored visitation room that looks like a

household living room. Suburbia created an ideal of middle-class white life in insulation from families of color in the metropolitan centers. Through federal mortgage schemes and market realities, black and other nonwhite families were denied entry into these idyllic communities and held to the standards of American domesticity—codified in dependency law—premised upon their exclusion. The homes that did not meet suburban standards provided evidence of failed domesticity, and by extension, failed femininity and maternity. In this context, the domestic spaces of Edelman Children's Court modeled after ideals of suburban white life provide with each use a cruel juncture of denial and disgrace that black and nonwhite families face both inside and outside the courthouse. This can not be understood as a paradox. Parents in the court are required to recognize "family-family" designs as the normative model for their own homes, at the same time that people's experiences of that "family-friendliness" are first and foremost defined by the state's gaze.

The Designs of Dependency Law

Like the homey furniture in the monitored visitation and waiting rooms, the main objective of bench officers and the courtroom is to operate to administer social services for parents and families in need of help. In other words, the designs of domestic spaces in the courthouse are mirrored in the designs of dependency law fashioned to create a more comfortable form of law to support the needs of minors and their families. In this section, I discuss several aspects of the administration of social services in the courtrooms of Edelman Children's Court. First, I discuss some of the factors that limit the uniform application of dependency law in all courtrooms, including the subjective assessment of bench officers and social workers as well as the pressure to manage the county's financial liability if the court makes the wrong decision. Second, I discuss the shortcomings of court-ordered services,

including mismatches between services and families' needs or a lack of approved service providers to begin with. In so doing, I argue that, like the design of monitored visitation and waiting rooms in the court, the benevolent intentions of dependency law are belied by a host of factors, including the complicated ways services are administered and the quality of gendered domestic life being enforced that hinge on a representation of black mothers to disproportionately disadvantage black and nonwhite families.

The Subjective Courtroom and the Allocation of Social Services

Depending on the county, and even within certain counties, dependency courts may operate in a more formal or informal manner. Many interlocutors told me that the way dependency law operates in Edelman Children's Court is different in every way from the child welfare systems in smaller counties in California, along the coast and in the Northern-most areas bordering Oregon. In those courthouses, there may not even be an assigned bench officer to the dependency court; in places where only a case or two come up every few weeks, a generic juvenile judge might be charged with the responsibilities of both dependency and delinquency cases. A single social worker and a set of panel attorneys paid per case by the state might be assigned to represent minors and parents, but the trajectory of a case is managed mostly by a host of county-approved community organizations and other more informal and less legalistic mechanisms. To some extent, then, the problems I detail in this chapter are related to the massive size of the dependency docket in Los Angeles.

Even within Los Angeles, disparities exist between the operation of dependency law in Edelman Children's Court and the single dependency courtroom in the northern part of the county, Lancaster. Because the docket in Los Angeles County is so large, soon after Edelman Children's Court centralized all the dependency courtrooms, a satellite courtroom known as

"Department 426" opened in Lancaster to accommodate families who simply could not travel three hours in each direction by public transport to reach Edelman Children's Court in central-eastern Los Angeles. Like smaller counties in California, Lancaster cases frequently settle informally outside the courtroom. One children's lawyer, Sienna Carson, said of her time in Department 426 that because Lancaster is such a small community, all the social workers, community organizations, and lawyers knew each other. "There are all chain restaurants and one Wal-Mart there. So, social workers would write things [in their reports] like, 'Mom and Dad say they're not together, but I saw them at the Wal-Mart last Saturday night.'" She comments, "So, it's a different experience entirely—everyone knows everyone. It's a good and a bad thing. In Lancaster, most cases were dealt with […] outside of the courtroom, with a system of informal checks to ensure their compliance. In LA, the geography and caseload is so much bigger that you can't really deal with cases in the same intimate ways."

In an attempt to bring a "small-county" ethic to the twenty-five courtrooms in Edelman Children's Court, the Chief Judge of the Juvenile Court, Judge Nash, instituted a new system of distributing cases in 2012. Rather than randomly distributing cases, cases are now delegated to certain courtrooms depending on the region (service provider area) they come from. Additionally, to accommodate the schedules of non-Spanish-language interpreters, cases that require Khmer or Thai interpreters, for example, are seen in the courtroom dedicated to Indian Child Welfare cases, department 413. Of this effort, Scherer comments that Judge Nash tried to deal with the crushing caseloads by specifying the service provider area of a courtroom, but "honestly, it didn't work. It's been a miserable failure." Ritu Kallur, a parents' attorney clarifies how the new system can result in greater discrepancies based on the bench officer assigned to the region:

> We've had so many conversations about the SPA system that I can't tell if it's a good thing or not. Because now, families in a certain area have access to certain social workers, and there's an assigned office, and the county counsels work with specific people—and so you become familiar with the social workers. That's good and bad. [T]he judge [in one courtroom] knows to question the credibility of some social workers versus another, and that can be helpful! Good bench officers that know how to use their authority can train the department in that region to do what they're supposed to be doing. But it also can mean that the judge becomes really desensitized and familiar with certain social workers and certain regional office cultures. So, it's no longer absurd to the judge in 402 that the Glendora office is as dysfunctional as it is, because that's just the only office she's seen. But when Glendora cases go to other courtrooms, for example Ziegler's courtroom, he's just like, 'What the [hell]!' He's ordering social workers in and fighting the department because they're such a mess.

Kallur narrates that until 2014, the courtroom that covered the Skid Row area in downtown Los Angeles was associated with the most conservative bench officer in the courthouse. As a result, the region faced rates of termination of parental rights upwards of 50%, which means that more than 50% of the cases that came into that courtroom ended in the termination of parental rights. In early 2014, the bench officer in that courtroom was replaced, and the new judge was a career public defender who represented several parents in criminal cases. Kallur comments, "I think that might actually be a really interesting study to see how she actually shifts what happens in that region."

Service provider areas are the material link between the harried scenes of dependency courtrooms and the raced and classed geography of Los Angeles. In each courtroom, the personality and demeanor of the presiding bench officer determines the trajectory of an assigned case. In one courtroom, a placard boldly displays that the bench officer is married to a high-ranking officer in law enforcement; attorneys and families who enter the space are thus warned that, in trials for example, her allegiances are always with police testimony. In another courtroom, the presiding bench officer displays newspaper articles written about her twenty-year career as a public defender in criminal court. In the Indian Child Welfare Act courtroom, the bench officer is known to yell at all the parents who enter her court—parents' and children's attorneys are sure to "paper" cases out of her courtroom if they think it is a matter that might end in a trial. In another courtroom, the judge is so meticulous that each case involves a long question-and-answer session between her and the attorneys in the courtroom. Sachiko Gordon, a children's attorney, comments:

> The unfortunate thing too is that we're dealing with people's lives and children. And yet, depending on the courtroom you go to, the result could be completely different. [...] We're not just talking about being awarded $100,000; it's like, you're going to lose your kids forever. I always felt fortunate, because [the judge in my courtroom] was very balanced; he did the right thing. He wasn't so pro-county—he had worked for the [Children's Law Center] before he worked for the county, and he really got it. And he wasn't afraid to do what was right, even if it was sort of scary. But there are other [bench] officers who are always going to do what the county wants; they're really biased. And you just hope that they get papered before it's a problem.

To "paper" a case out of a courtroom means that an attorney will ask that a case is re-assigned to a different courtroom because of evidence of a bench officer's bias or patterns that might disadvantage the case. Attorneys and the legal organizations representing parents and children use "papering" as a way to draw Chief Judge Nash's attention to the unproductive practices of a bench officer. During my fieldwork, one judge was "papered" so much that she was asked to step down from the bench. This is a tool that parents' and children's legal organizations use strategically.

Some bench officers in the courthouse have no interest in dependency law and are "serving time" in a lower court before being transferred somewhere more favorable for them. Sienna Carson, a county attorney, remarks, "When judges are coming from another area [of the court system], it's a little bit scary. You want them to be just as invested as we are, and if they aren't, it can result in some very unfortunate things happening." Even among the majority of bench officers deeply invested in their caseloads, rarely is there time to address any questions parents might have about their cases. Carson continues:

> I feel sorry for the parents sometimes, because unless the judge is making an active effort to explain things—then some of them do, and then we as attorneys get mad because they're taking too long! […] Overall, the process I could see being very overwhelming. It's obviously confusing, scary and emotional […], and the whole process is kind of confusing. We forget that. And we have so much on calendar that we have to keep it moving. If the judge took the time to explain everything to every [person] that came in here, we would never get done.

With little time and a massive docket, there are fewer opportunities to check assumptions about race and class. Black and nonwhite families are the vast majority in this court, yet of the few white families before a judge, Sachiko Gordon recounts:

> I think most hearing officers, without meaning to, will see a Caucasian family, middle-class, or an Asian family, and they treat them differently than a poor, black family, without even meaning to […] Once we had this Jewish family from Beverly Hills, and they were a bunch of shmucks—I couldn't stand that family. But [the judge] was so much more accommodating for them! […] You know, there are ideas about people—it's not like if you were an addict from Lancaster, you'd get treated that way. But, people who dress a certain way, or have a reputable job, I definitely see more deference paid to them, more willingness to take what they say as the truth, or give them a little more of a chance. Not that you see it that much, because those people aren't here that much. DCFS just is not in those neighborhoods.

Just as relevant as the bench officer, the disposition and workload of social workers is a major determinant in families' cases. And, unlike with bench officers, cases can not be "papered" out of the hands of the selected social workers. Laura Connor-Mills, the children's attorney, notes, "Those social workers have to deal with the parents, and the county, and the attorneys, and the therapist—it's crazy." Still, she keeps a list posted above her desk of the social workers she "doesn't like anymore" to remind her to pay extra attention when she sees their names on her cases. Sachiko Gordon notes, "[I]f you have a great social worker, you'll have a much better chance of succeeding—they're going to walk you through it and get you the right referrals. But if you have one that's just going through the motions…" Gordon raises her

eyebrows and trails off at the end of the sentence; the importance of the social worker's cooperation to the success of a family's case is understood.

In Los Angeles, there may be up to seventeen social workers on a single case; as such, the connection between an individual social worker and the families s/he works with may be tenuous at best. An emergency response worker stays at the DCFS office to field reports and decide whether the child should be detained by DCFS immediately or if the situation seems stable enough to defer to a detention hearing in court within five days. After the detention hearing, and before the pre-trial resolution conference, a dependency investigator will be assigned to investigate the allegations in the petition and recommend to the court whether the petition should be sustained or dismissed. After the pre-trial resolution conference, a services worker is assigned to get referrals for programs, drug tests, and placement issues with the child. That services worker may stay on the case for its duration, but sometimes a new worker will be assigned for reasons of scheduling and caseloads. For children in short-term foster care, an ASFA worker assesses the homes of relatives to make sure that the home is safe and can be approved for funding. If an older adolescent is in long-term foster care, now called "permanent placement services," a new social worker will be assigned to help the adolescent transition out of the system and into independent adult life. If a younger child is in long-term foster care, a new dependency investigator will be assigned to report back to the court the child's options for an appropriate adoptive home. A separate adoptions worker, who works with the family attempting to adopt, will be assigned to help all parties with the paperwork and complete all the necessary home studies. Medically fragile children are also assigned medical services (F-RATE) worker, and children with behavioral issues are assigned a D-RATE worker to ensure that the child is in an approved home and to get the child services to address behavioral needs. Yet another social

worker is assigned to work with parents who want to relinquish parental rights, and finally, a social worker called the court officer is placed in each courtroom to communicate between social workers in the field and the courtroom.

Thus, each social worker is responsible for only a sliver of a family's case. In a meeting between a District Attorney and the various social workers on a particular case, the DA wanted to confirm certain details about the dependency case to prepare for a criminal trial she was about to start. The three social workers in the meeting switched turns "in the hot seat," as their supervisor Aaron Preston called it, answering the DA's questions by providing the limited amount of information each one knew about the case and by clarifying the bureaucratic process in DCFS to make sure the DA understood what limited portion of the case s/he could speak to. The DA asked one social worker, "Yvonne," if she would be willing to testify in trial since she had written the initial report. "No," Yvonne clarified, "I participated in the meeting, and I saw them for three visits, but I did not write up the reports." Yvonne's role had been to check in with the foster mom and make sure the kids were going to school and visiting their mom, "but these are 'maintenance' questions, and I can't speak to the whole case," she clarified. At the end, Yvonne looks to her supervisor and asks, "Okay, I'm done, right? I'm off the hook?" and the room erupted into uncomfortable laughter. Next, the emergency social worker comes in and tells the DA that though she does have a general idea of what happened in the case, she doesn't "remember specifics." Looking through her notes, she recites some sentence fragments from the initial report and waits to be permitted to return to her work. In this example, the social worker is both a part of the punitive systems that regulate black and nonwhite families as well as the object of the system's scrutiny.

In the end, as Darla Simpson, a former social worker, reminds me, social workers can only report from their own subjective assessments. She comments:

> DCFS is really about providing good support—but just like wraparound services [in juvenile delinquency contexts], the services are only as good as the people you get. […] People's mental health issues are very deep—people are depressed because they don't have a job, they don't have housing, and they've lost their kids. And we're relying on a handful of human beings to roll up their sleeves and solve issues on every level.

Again, here we see how assumptions about poverty, mental illness, and racial difference are naturalized into dependency practice through the daily decisions of social workers. Similarly, attorneys and advocates have their own interpretations of their cases. Darren Sprell, the supervising parents' attorney tells me, "Everyone here is in denial. Parents are in denial of what they have to do—they are being required to give up their ideas of themselves as 'perfect parents,' which is not easy to do. […] Attorneys are also in denial of their questionable ethics! They have all sort of delusions about what's better for clients and how to do things." Sprell's comment covers everyone in the court. According to him, it is not only the parents but also the attorneys who struggle to understand their shortcomings in the context of the restraints of dependency law. Parents must abandon their sensibilities of right and wrong with respect to their treatment of their children, and attorneys must believe in their interpretations of what the law establishes as right and wrong for clients, based primarily on the structure of dependency law and their experiences with hundreds and thousands of other cases. As Sprell puts it, the defender and the defendant in this legal context share the condition of their delusions to survive in this court. Laura Connor-Mills tells me that, despite her understanding of violence as cyclical:

> I blame the mothers! And I love moms, but I think […] that women have all the power in the world and if we realized it, we would be unstoppable. […] And I'm like, YOU—you're a beautiful lady. You could have any guy you want! Why did you have a baby with 'Cartoon'? […] He's gone forever; he's in jail, 'cause he killed somebody, and your daughter is sitting here with no father. […] But I don't know, 'cause then you go to that [mom], and you say, well what happened in your life that made you pick Cartoon as your baby's father? […] What was your mama doing? That's what I want to know.

To clarify, Connor-Mills is a children's attorney, so her job in the court is specifically to support her child clients. Her commentary above, however, tells us about the interdependency of a number of relevant actors in a case. First, she identifies mothers as the cause of intervention through dependency law. In her perspective, if her clients' mothers simply recognized the power they have with respect to their reproductive capabilities and the authority they are assumed to have over their families, they could change the outcome for their children. The hypothetical mother in her comment is "beautiful" and could be "unstoppable" if she realized it; instead, she chooses to be with 'Cartoon' (here, Connor-Mills invents a gang moniker to add to the caricatured scenario she weaves), who is destined to sit in jail for any reason and thus will necessarily fail to adequately parent their daughter.

As soon as she carries out the logic of the scenario, Connor-Mills doubles back and admits that the mother's choice is also determined by her own experiences of growing up in a violent home, though again because of the choices her mother may have made. Acknowledging a cycle of violence at play with families in the court, Connor-Mills seems to be grappling with the

reality that, whether right or wrong, it is the responsibility of the individual mother to defy the court's stereotypes to resolve a case.

Connor-Mills is black and a mother herself. In our conversations, we commiserated over the strict disciplinary regimes in our own upbringings and that, because we were both raised in middle-class homes, we were shielded from the reach of the dependency system. "In our house," she shared with me, "if you acted out of line, you got the belt! In my Hispanic friends' houses, it was the chancla" (sandal). Her upbringing informs her critique of the ways child-rearing practices among non-white families (whether right or wrong) are punished in this court, and she admits that the incidents that incite dependency involvement in some of her cases are no different than her family's story. Regardless, she falls back onto what seems like a liberal discussion of choice, as it is the mother's choice to have babies with the best possible person for her daughter and herself.

I would argue that Connor-Mills' comment does not enforce the liberal feminist mandates of dependency law in the ways it would seem. Rather, she moves between different registers of analysis in the same ways we can understand the spaces and orders of this court. In one respect, she understands that the individuals in this court do have to be their own motivators to get through the hurdles of a case, but in another respect, she recognizes that those same individuals are caught in complicated cycles of violence, both personal and structural. Personally, the mother may have been raised in a violent household herself, and structurally, the child-rearing practices she considers normal may be recognized by social workers as negligent. Advocates and attorneys themselves are caught between these two registers. Though they may resist a liberal naturalization of the dependency system as "right," and though they may care deeply about their

clients and even identify with the conditions of their involvement in the court, there is a harsh realism in their perspectives that necessarily legitimizes the structures of dependency law.

"Good Intentions" and the Programs That "Work"

As detailed in the Chapter 2, dependency law evolved in the twentieth century to integrate the administration of social services for families with the relevant constitutional protections for parents and children. The head of one of the LADL firms, Deborah Scherer[22], explains to me that the initial benefit of dependency court is that it can and should be a two-pronged process. In the first part, attorneys fight tooth and nail to argue in their clients' interests to ensure the appropriate legal protections and get the best possible settlement for the minor. But, once it has been identified that the family in question needs help—after the jurisdictional and dispositional hearings—the court should work as a group to make sure that the family stays together. This means that judges have to get to know their families, and that lawyers have to work with social workers to make sure that nothing is missed. In this way, Deborah tells me, the dependency system has checks against the compromising of parents' legal rights, but courtrooms are also able to work in a more colloquial fashion to ensure the families' success.

As Scherer describes, after the more legalistic part of the dependency process, lawyers and advocates in the courtroom have the opportunity to work together to ensure the best outcome for the family. The purpose of the dependency system is simply to address the needs of children. Aaron Preston, the DCFS supervising attorney, remarks that while the goal of a criminal court might be rehabilitative or punitive, "the dependency court is just designed to protect children." Though connected with the criminal courts, Preston clarifies that the goal of DCFS and the dependency system as a whole is expressly not to enforce criminal sanctions. Rather, the goal is

[22] All names changed.

to identify and address parents' and guardians' issues and needs with a focus on the best interests of the child. As an example of these intentions, the Welfare and Institutions Codes that create the juvenile systems in California include statutes that encourage flexibility and discretion in decision-making. The last two paragraphs of Section 300, which differentiate the charges necessary to declare a minor a dependent of the court, state:

> It is the intent of the Legislature that nothing in this section disrupt the family unnecessarily or intrude inappropriately into family life, prohibit the use of reasonable methods of parental discipline, or prescribe a particular method of parenting (Cal. Welf. & Inst. Code §300 (2009)(Amended 1996)).

In its intent—in the letter of the laws that create dependency law—punishment for non-normative parenthood is not the goal. Unlike the specific statutory restrictions in the Welfare and Institutions Codes, however, the seemingly benevolent intentions expressed in this passage are non-binding and not really enforceable.

Like the design of the dependency system itself, employees in the courtroom for the most part have every good intention of doing right by the family in a case. Sienna Carson notes:

> No matter what side we're on, we're all leaning toward the same goal, which is that we want people to be in an environment where it's working, where everybody's safe, where everybody's doing well. […And] there's even a counseling aspect there. You're a mother's attorney, […] you have to say, look, you gotta get your life together if you want your kids back! And, sometimes people listen; sometimes they don't. But when they listen, and then you get to the end, and you get to see them close that case—you feel like you had a part of that.

Nearly everyone in the court—and everyone I interviewed—felt genuinely invested in what they perceived to be positive outcomes for their clients. To cope with crushing caseloads, long hours, and generally taxing work, advocates have to "believe" in the system.

Still, are these good intentions meaningful or are they a part of the friendly packaging of dependency law that still results in disparate outcomes and racial stratification in Los Angeles? The range of services ordered by bench officers include parenting classes, inpatient drug treatment, temporary shelter, anger management, or behavioral therapy, among hundreds of other possibilities. However, parents are beholden to the services that are available in the timeline of their case. Darla Simpson interjects a conversation on this matter to tell me that "it is a serious challenge for parents to find mental health services," unless those services are coupled with children's services—despite that such a coupling compromises the fundamental need a parent dealing with mental health issues has for individualized attention and services. Sienna Carson, a county attorney, notes, "I had a case yesterday where the mother was trying to leave a domestic violence situation, and the shelter she ended up at was a homeless shelter. Well, that's not really addressing the issue, but […] if you're in a certain area where they don't have availability for you, well, then, what do you do? Some of them can only take a certain number of kids, or kids only under a certain age." Gendered assumptions about who should be caring for children are adjudicated daily. Fathers' advocacy organizations point out that men's shelters frequently do not permit children at all; in the event the only parent involved is a father who suddenly loses housing, courts have no option but to place minors in foster care.

Access to financial resources dictates parents' options to comply with court orders. Outside the domestic spaces of the courthouse, low-cost and no-cost services have months-long waiting lists that erode the ticking clock of a dependency case, if a parent is lucky enough to find

services that meet the requirements of their court orders.[23] Los Angeles County, unlike its neighbors in San Bernardino, does not provide funds for parents' services. This means that it is incumbent upon the parents to get referrals from social workers, contact service providers, enroll and pay for services (unless ordered otherwise), all while managing work responsibilities, child care and visitation, court appearances and progress in their case. "People are living so far below the poverty line that they can't afford to go to college to improve their situation. They don't have money to pay the rent every month, and sometimes they get their lights cut off," parent Carlos Boyet writes in RISE Magazine (Boyet, 2008). "In America, middle-class and wealthy parents are able to pay for the help their families need. They pay for services like therapy, drug treatment, babysitting and pediatrician visits. […] They don't face the stress of living in dangerous neighborhoods or raising a child in a shelter. […] When poor parents are struggling, we judge them, as if they could thrive despite problems like poverty, poor housing and inadequate medical care," writes Susan Kelly, a senior director of Casey Family Programs in Seattle (Kelly, 2008). Sachiko Gordon, a children's attorney, notes, "We're telling these parents, 'Oh, you have to do counseling and anger management and this and that. Oh, and you have to keep coming back to court […] only to be told, 'Oops! We don't have time.'' […] And then there are these reports from the social workers, saying that the parents are unemployed. Well, you know, it's really hard to be employed and come to court all the time, and do all these programs." Parents' time and lives as raced and classed individuals are being regulated here. Darren Sprell, a supervising parents' attorney, asks, "Kids are being taken away, and the parents are being required to pay to get them back. Well, this isn't always feasible for poor people. […]

[23] As mentioned in the introduction, after the Adoption and Safe Families Act, dependency cases are funded in six-month increments of time with up to eighteen months total. At the end of eighteen months, if sufficient progress has not been made, the case will go to trial with the potential outcome of termination of parental rights.

What would have happened if the $68 million to build this courthouse instead went into an endowment to provide services for families?"

What would have happened if $68 million were invested in services? Many of my interlocutors identified programs that, for the vast majority of their clients, "work," whatever that means for them. It may mean that the structure of a program addresses underlying social issues like poverty, or it may mean that the particular staff members of a program are more accommodating of families' needs. For example, parents can voluntarily participate in family mediation services, which include a drug court for mothers that operates in one of the courtrooms one afternoon a week. In the drug court sessions I witnessed, the bench officer removed his black robe and, because drug court sessions are off the record, referred to lawyers, interpreters, staff, and parents by their first names. Mothers who have been admitted to in-patient drug treatment programs come to court with their social workers to talk about their progress and experiences in the programs. Attorneys would bring cupcakes, soda, or pizza, and parents are encouraged to speak from their heart, while social workers, attorneys, and the referee applaud and praise positive progress. Like the colors of the walls in the courthouse, these practices modify the more formal interactions even in dependency law; indeed, like the walls of the courthouse, such modified practices are also meaningful to parents and courtroom employees.

In voluntary drug courts, addicted mothers are encouraged and supported into more favorable custody arrangements with their children. If the parent fails such a program, however, a petition is filed by DCFS and their children automatically become "involuntary" dependents of the court. Though its values in theory are the same, drug court sessions are starkly different from regular dependency court sessions, during which it is not uncommon for parents to be dealing with drug problems or be participating in out-patient or in-patient drug programs. But, as Sienna

Carson notes, "Usually when you have a program that's effective, it costs money! So, that's where we are usually short—we don't have enough money. [D]rug court works, but […] we can't have it in every courtroom because it's too costly." Deborah Scherer, the head of the parents' firm, comments:

> I don't believe for most of our families that those children should be out of the home for more than the six-month period. […] If services are in place and we really can work with the family, six months is long enough. [But] we can't. Part of the reason we can't is that we're so big. LA County won't pay for the services, and there are waiting lists for the services. Social workers are overwhelmed, so all they're going to do initially for reunification is they hand the client a piece of paper. This is a person who has no phone, who may not speak the language, who has no—I'll tell you, most of our clients have no social capital. It's a zoo! So, I disagree that we do a good job here in LA. It's just too big.

Scherer explains how the failure of Los Angeles' dependency system is built into its structure. Though it is already known what programs "work," and though almost everyone in the court is invested in families succeeding, there's simply not enough money put toward this system. Moreover, the dependency system functions by placing the financial and emotional burden of a successful outcome in a case on the parents. A neoliberal politics of choice are at play here (Rose, 2007); as Onwuachi-Willig notes of post-emancipation marriage codes and the Personal Responsibility, Work, and Family Promotion Act that "ended welfare as we know it" in 1996, these are examples of public policies that essentially shifts financial responsibility from the government to the individual men and women to provide for their families' economic needs (Onwuachi-Willig, 2005).

In Los Angeles, courtrooms are massively overcrowded and lawyers and social workers are individually responsible for hundreds of cases that keep them working around the clock. Bench officers rush through cases and trials, attorneys trip over one another exchanging seats and accessing files in the various stacks around the courtroom and in the attached attorney-conference rooms, and supporting family members or observing social work interns are crammed in the remaining seats of two long benches in one corner of the courtroom. Immediately outside the courtrooms, attorneys and translators meet with families over ledges and water fountains in the waiting room, within ear-shot of dozens of other people awaiting their cases.

Inside the courtroom, the administration of social services regulated the domestic lives of the poor. These services, held in offices and structures outside this courthouse, dictate the conversations in the living rooms and kitchens of parents in court. Parents' stories invariably involve attempts to seek help or comply with court orders that are predictably met by obstacles. Seeking help, black and nonwhite families are often pulled into foster care and emerge profoundly traumatized by the impact of removal (Miller and Harrigan-Orr, 2012) or still searching for answers to explain the termination of their parental rights (Jones, 2010). Parents deal with bureaucratic barriers at every stage of the process. Louis Angel writes:

> At first, I thought that Child Protective Services (CPS) would place me in a treatment program with my kids. I also thought the system could help me get welfare and Section 8 so that, once I was clean, we could get back on our feet. But I found out that's not how CPS works. You can't just get the help you want, you also have to do what the system thinks is right for you. I also learned that there are no rehab programs in Fresno, Calif., where I live, where a father can live with his children. (Angel, 2009)

Louis' testimony identifies the problematic ways gender (as a lived experience, not as an analytic) is limited in dependency court. His options are limited even at the moment he is ready and willing to "clean up," because, as a father, he is not presumed by the conventions of social service organizations to be a primary caretaker. Other parents are simply unaware of their roles in a case. Carlos Boyet writes:

> I was determined to get my son out of foster care, but I did not know my rights. […] His caseworker kept changing, and I wasn't getting anywhere. I was caught up in a world I did not understand. […] I was stereotyped as a drug user, a deadbeat, a thug. I had to go through obstacles that had nothing to do with my skills as a parent. […] The caseworkers could have taken the time to understand me as an individual. They could have […] shown me some respect. (Boyet, 2008)

The experience of dealing with different social workers for each part of a case combined with assumptions about drug users defined Boyet's experience as a parent in a New York dependency court.

Perhaps the most heart-wrenching are the stories of black and nonwhite mothers seeking help to manage children with serious behavioral and mental health issues. Looking for help to deal with the self-destructive behaviors of her elementary-school-age son, Carla Burks' son was placed in "therapeutic foster care" when she tended to her health after an emergency-room visit. Soon thereafter, her son was moved to his father's home in another state, where her parental rights were terminated without her knowing. She continues to petition child welfare, almost five years since the termination, to be able to communicate with her son (Burks, 2011). Lawanda Connelly's son suffered from developmental delays, ADHD, oppositional defiant disorder,

bipolar disorders, and frequent psychotic breakdowns. Ill-equipped to deal with his problems at home as a single mother, unable to pay rent without her son's monthly SSI check, she turned to the foster care system, not knowing she would eventually lose her home and four years of guardianship over her son (Connelly, 2011). Regardless of resources, social services are belied by the subjective interpretations of administrators, enforced by an entrenched set of assumptions about poverty and blackness. Minors and parents on a dependency case are suspended in a delicate nexus of the prerogatives of the presiding bench officer, the distributed responsibilities between people working on a case, and the political economy of DCFS-approved service providers in LA County.

Conclusion

That juvenile dependency law could incorporate the administration of social services and treat a family, rather than an individual, as the unit of analysis represents a gendered domestication of law. Like the design of monitored visitation rooms, the modifications of dependency law reflect a liberal feminist success. Families' issues need not be addressed in intimidating architectures nor in a model of law that pits one party's interests against the other, and dependency law can incorporate and establish an administration of social services as its primary function. Yet, the immense efforts put into the dependency system in Los Angeles—through a century of change in child welfare law and the decades of transformation in the design of courts—produce the same results. It is thus through the gendered offering of social services in dependency law that black families remain in the crosshairs of the dependency system.

In this chapter, I examine the normative domesticity conjured in the design of the monitored visitation rooms and administration of social services through juvenile dependency law for its raced implications. Foucault's pastoral power and Donzelot's tutelary complex both

describe the beneficent powers of a multi-dimensional state that builds its economic power through the individuating governance over the family unit. Donzelot notes that this administration of families occurs through a critical alliance between the judicial, the psychiatric, and the educative (Donzelot, 1979, p. 99) and results in a "paradoxical" stronghold over the very positionalities being liberalized, such as the mother (Donzelot, 1979, p. 103). Speaking of the juvenile court in France at the turn of the 19th century, Donzelot remarks on the practices that convert and destroy "unstructured" families by notifying the family, obtaining a court order for the inquiry, taking control of the family (keeping children in the system for eight to fourteen years), and, most importantly, requiring that families demonstrate cooperation despite the inability to afford it (Donzelot, 1979, p. 157). If the family is "normal-ish", then the guilty parties are pathologized.

Indeed, though conceptually and spatially mobile, domesticity has remained the defining characteristic of whiteness in America through the decades and centuries (Kaplan, 1998). White middle-class domesticity provided the metaphor for a long history of imperialist and racist cultural imperatives, and importantly, the potentate of the domestic realm was specifically the white, middle-class housewife, whose chosen occupation is the proper care of her home and family. On the other hand, Black women, specifically mothers, were not only precluded from this protection but also blamed for the problems of black people generally (Roberts 1997, 10). A set of clichéd tropes sits stubbornly in this antagonism between black and white motherhood. Dorothy Roberts reminds us of "Jezebel," "Mammy," "Tragic Mulatto," "Aunt Jemima," "Sapphire," "the careless black mother", "the matriarch", and "the welfare queen" (Roberts 2002; Roberts 1997); Wahneeba Lubiano notes the constitutive minstrelsy of the "black lady" and "welfare queen" (Lubiano 1992). Socio-legal scholars have no further to look than the 1965

Moynihan Report to examine just how entrenched cultural representations of black women informed public policies on poverty and child welfare. As Moynihan saw it, the "tangle of pathology" that plagued the black family was the matriarchal structure of black society that favored black women's success and independence and accommodated the lack of strong father figures (Moynihan at al., 1967). As Spillers painstakingly elucidates, the "matriarch" of Moynihan's report is a misnaming fundamental to the American grammars of law and space, and cultural and legal tropes for understanding black women remain grounded in this sociopolitical order.

In all the moments of subjective interpretation and conditional help, gendered assumptions about parenthood conjure an ideal of middle-class whiteness and eschew its antithesis. Section 2100 of the California Welfare and Institutions Codes acknowledges the "conditions of great stress that are resulting in devastating effects" on the development and wellbeing of children, attributable to "structural changes in society, including the breakdown in the traditional family and erosion of neighborhood community support networks" that contribute to the incidence of childhood maltreatment (Cal. Welf. & Inst. Code §2100). In the echoes of the 1965 Moynihan Report but stripped of racial specificity, these codes offer a wink and a promise of good will—a promise preceded by a complex mythology of black and nonwhite life, family, and parenthood. Thus, to seek reprieve in this site is to recognize the structure of domesticity and to find it familiar, even if the protections of that "familiarity" are denied for the black family.

A grammar of domesticity binds the preclusion of black kinship to these creative contexts in which white subjectivity and family is deified and exists. To succeed in this court, black families have to perform allegiance and conformity to the ontological structures that ensure the containment of their claims to rights. And it is my belief that everyone in Edelman Children's

Court knows this. Susan Goltsman[24], the designer of the court, comments that "if we were really designing for kids, you wouldn't have a centralized courthouse"; Aaron Preston, the DCFS attorney, remarks that the only way our society offers help to poor families is under the punitive threat of termination of parental rights; and Judge Marguerite Downing[25] tells me how much of her work as a bench officer in dependency court draws from her decades of experience as a public defender and bench officer in a criminal court. These assumptions, told and untold, reflect a shared dissatisfaction that dependency law simply does not work as it should. Masked by the usual excuses—that it needs more funding, that poverty is not solved by family therapy, that black and nonwhite communities in LA have been divested and dilapidated for decades—this collective dissatisfaction gestures to a great contingency, unseen even through big, bay windows in the comfort of a simulated living room.

The design of Edelman Children's Court yielded loyal public invested in progressive reforms of dependency law, including liberal feminism in the United States. Yet, the discourses seeking gendered consideration of mothers and families contain the mechanisms that deconstruct protection for black and nonwhite families. As Saidiya Hartman writes, "terms like 'protection,' 'domesticity,' and 'honor' need to be recognized as specific articulations of racial and class location" that do not override the cultural pathologizing of the black body and legal restriction of black filiation (Hartman, 1997, p. 100). The issue here is not that dependency law does not address the rights and needs of black and nonwhite families to access the techniques of white success in these spaces. It is simply that there are no political mechanisms yet that confronts the pre-discursive denial of need (Williams, 1991, p. 152); thus, the move to institute flexibility and

[24] This is her real name.

[25] This is her real name.

comfort in dependency law and in the design of Edelman Children's Court could never have lead to better outcomes. Domestic spaces in the court and the administration of dependency law are parts of a symbolic paradigm that reify a white ideal.

CHAPTER 4: THE BEST INTERESTS OF THE CHILD

For the majority of this project, I use the concept of the child strategically to illuminate the politics of accountability, culpability, and domesticity that undergird the treatment of parents in the juvenile dependency system. For me, that was a political decision. Having worked as a paralegal at a public defenders' organization, I came to graduate school and this dissertation having witnessed how black adulthood is treated by the state through criminal justice, housing authorities, child welfare, and the many other institutions that surrounded and incapacitated our clients. In this project, my closest interlocutors were women and men of color, whose perspectives on the dependency system were shaped by their understanding of minors' safety as deeply contingent in response to and irrespective of parents, who themselves are treated as children of the state.

Still, I understand that children constitute "muted groups," silenced by dominant, white, adult, male-centered paradigms (Ardener, 1975), and that in Edelman Children's Court, the objects of intervention are specifically black and nonwhite mothers, fathers, and children. For example, Marty Guggenheim refers to the complicated decision children's attorneys make to either zealously "champion" in the child's best interests or assumes a more "neutral, fact-finding" role. "When lawyers are assigned to speak for children," Guggenheim writes, "we are assured only that another adult will be heard," that "frequently tells us nothing about what the child wants or needs." In a way, Guggenheim gestures to a possibility that children can never really be heard in the law, and that assigning children legal representation obscures children's voices even further.

In this chapter, I find my objects of study in the material places where black and nonwhite children, typically represented only in vertical relationships with their parents and the paternalist authority of the state, interact physically with a legal system designed for them. This chapter examines the Adoption and Safe Families Act and the "best interests of the child" standard through the design of a 10,000 square-foot children's play area in Edelman Children's Court. I argue that the sentimentality around children and childhood obscures the forces of patriarchy, isolation, racism, and punitive regulation at play in child welfare—established through tropes of aberrant parenthood (as explored in other chapters) and, most importantly for this chapter, experienced by the black and nonwhite minors in this courthouse.

Children's Playspaces in the Court

Children housed in group or foster homes outside their extended family travel to court dates in a white DCFS van, supervised by a certified child-care worker. This is the same van they may have ridden out of their known homes; it is the same van they may have once called for, or that they may have seen parked outside their schools, awaiting one of their schoolmates. The white van parks in a gated floor of the parking lot of Edelman Children's Court, and children are led to an unmarked door designated for their entry. Through those doors, they access a network of passageways, reserved only for bench officers and the children who come to court in the white vans, that directs its users to the back elevators of the courthouse, which leads to narrow hallways on each floor that open into bench officers' chambers and a small room that opens into each courtroom. Not unlike the "custodies" of the court (the incarcerated parents who wait in the jail below the courthouse), children are kept separated from the parents and families who enter through the main entrance. When children come to court through this back entrance, they are escorted by child-care workers to a check-in desk on the main floor that leads to a massive

indoor and outdoor children's playspace that covers over 10,000 square feet of the court grounds designed to accommodate up to 130 children (Goltsman & Iacofano, 2007, p. 51), known in the courthouse as "Shelter Care".

When I first visited Shelter Care, I was escorted by Darren Sprell, a supervising parents attorney, who, despite spending nearly a decade in the court, had never taken a full tour of the space. As we were shown around the space by a child care worker on duty, we commented in awe about various considerations, including the scaled-down kitchen play area for young children and the foosball table where employees in the court sometimes played tournaments to raise money for the upkeep of the space. There were stacks of boxes filled with books that lined one entire room of the youth space, and a pristine kitchen and dining area in the back. Darren saw a computer room and commented with excitement that he would encourage the children's attorneys he knew to send their "tween and teen" clients to look up language being used in hearings so they could understand what was happening in their cases.

On a typical day, there are anywhere between fifty and eighty children and youth awaiting their cases in Shelter Care, all of whom are registered at the check-in desk (called "the movement desk") and given name tags with their ages listed. Upon entering, the space is divided into two sections that come together in a combined eating area in the back. One side is designed for younger kids, between the ages of four and twelve, and the other side accommodates teenagers from thirteen to seventeen years of age. If there are court restrictions on their interactions, siblings will be separated. For the most part, though, child-care workers allow siblings to spend time together here, some of whom may not have seen each other since their last court date. On this particular late Friday afternoon, there were not many children in Shelter Care; I didn't notice any child-care workers at all. Darren and I were led through adolescents' area

first, and we saw a handful of teenagers seated at tables in the library area doing homework. Behind the library area, there was an empty TV room with plush flip-chairs and a massive gameroom with a pool table, foosball, air hockey table, arcade games, and another television locked inside w wooden box with a glass cover. This back room led to the shared dining room and a massive outdoor play area covered in murals and lined with plastic sheds holding sports equipment. The basketball court, lounge chairs, and playground set outside were dewy from the recent rainy weather.

Darren and I walked through the dining area to the other side of Shelter Care, designated for children younger than twelve years of age. A three-foot wall separated the dining room from a small area with a Velcro wall and brightly colored small bean bags, where kids release tension by throwing bean-bags against the wall or playing tic-tac-toe. Built into another partition was a wall of cubbies for children to store items they might have brought to court and another small room with a television, video game console, checkers and ping pong tables at reduced height, a reading area, and a dramatic play area in the arrangement of a two-room house with smaller-size furniture. To the right of this area was the arts and crafts area for children to play with puppets, construction paper, paints, and glue; to the left was a designated science area with magnets, plants, and a microscope. Finally, at the very front of this side of Shelter Care, immediately behind the "movement desk," there was a small, square theater with carpeted steps and pillows for children to sit and watch movies or participate in organized theater arts activities led by volunteers from various organizations across Los Angeles, including The Music Center and the Los Angeles School of Music and Arts.

Shelter Care is funded and maintained through various private and public fundraising efforts by DCFS; as I mention earlier, a yearly foosball tournament among attorneys in the court

is one source of income, and a slew of individual and corporate donations is another. Importantly, Shelter Care is expressly not considered part of the court; rather, it belongs and is operated by DCFS—specifically, the part that transports kids from where they are living to the court. This distinction is important because, although Shelter Care is physically inside Edelman Children's Court, it is not of the courthouse. As I show later, children are similarly situated; though dependency law exists for children, they also serve as informants to bench officers seeking to meet legal standards in their decisions.

According to the guidelines written by the court's designer, Susan Goltsman, this is the space that "sets the tone of the entire court experience for detained children and youth" (Goltsman & Iacofano, 2007, p. 394). Balancing the physical space with the programmatic and management needs of the court, Shelter Care was created to anchor the child's experience in the court. In lounge areas, children could relax or read; in play areas, they would have access to games and toys. The guidelines for the space state:

> Children can choose what they want to do, and when and what to eat, which gives them back a little sense of control. Younger children can choose games, readings, facilitated art and science projects, movies and dress up or role-playing activities. Older kids choose from aerobics, music and dance, quiet study, conversation pit, foosball, pool, ping-pong and video games. There are low walls separating areas, which also provide some intimate spaces for kids to be alone (although those spaces are always observed) (Goltsman & Iacofano, 2007).

Though child-care workers monitor them closely, the designs emphasize children's control over their activities through the ability to choose what they want to do. In other words, children are

permitted self-control and self-determination in the context that there is a seamless integration of supervision by child-care workers as well. Children were to be given enough control to reduce "feelings of powerlessness and expressions of frustration" (Goltsman & Iacofano, 2007, p. 394) that may have arisen from their court cases or their situations at home. Additionally, the rules of behavior would be conveyed through the spatial layout and play "props" (i.e., toys and tools), such that "heavy-handed adult instructions" would be unnecessary (Goltsman & Iacofano, 2007, p. 394). In the areas designated for older youth, designs are described as such:

> The youth areas should look different, with different management policies so youth don't feel that they're being treated as children. Youth who come to court are fighting for independence, yet may be scared, confused and angry. The physical environment must support their basic needs for comfort, privacy and interaction, and offer high-quality programs and plenty of adult support. Zones can include music and dance, games, study and resting, telephone, conversation "pit," multimedia studio, and personal care and make-up areas (Goltsman & Iacofano, 2007).

"Time-out" areas were also built into the Shelter Care area, where anxious or tense children could deal with difficult emotions in a more private setting. In these spaces, it was suggested that designers provide "visual access, and if possible, direct access form the quiet area to natural elements[,] [f]iltered, natural light, views of greenery, and the sound of running water." Alternatively, "a rocking chair and hammock offer seating with relaxing movements" (Goltsman & Iacofano, 2007, p. 395). An array of potential emotions are integrated into the space. Children fighting for independency are understood to be doing so simply because they are not adults, not because their family situations and court involvement may be out of their control,

for example. And again, the guidelines emphasize that youth should not feel as though they're being treated as children, at the same time that the space should institute the necessary restrictions placed on children.

Thus, in the design guidelines for Shelter Care, children and youth are defined as in need of choice, control, privacy, comfort, and creative space. They are understood to be fighting for independence, experiencing fear, tension, anxiety, confusion or anger. Under the circumstances that a child may be in the court because of a mandated report and may entirely be beholden to decisions made by judicial officers, social workers, and advocates, what does it mean for children to have control and choice in this space? What does being treated as a child in Shelter Care entail in the context that children's lives are wholly out of their control, inside and outside this court, inside and outside their homes? The design guidelines bring up a fundamental paradox of dependency law: that children as a category occupy a curious category of legal personhood. Control over their lives is mediated by multiple forces of paternalistic authority, including parents or guardians and the network of social workers, attorneys, and judicial officers in a dependency case. The thematic integration of choice, control, and privacy in the designs of Shelter Care spatially reiterate this paradox.

Frankly, the research on children's design in institutional structures is sparse. Apart from Goltsman, few designers or researchers expanded this body of literature. Golstman's own foray into this field came when, after her undergraduate degree, she worked for a the urban planning department in Washington DC on a project to find out what Chinatown residents thought about the potential construction of a convention center in the area. In my interview with her, she told me that the only people who talked to her were the children and youth of the neighborhood, sparking her interest in what a city would look like if it were designed based on young people's

perspectives and needs. So, she went to graduate school and began doing just that; she has since published guidelines for children's playspaces and schools, and she is connected to a small network of designers who work on the design of children's detention centers and other institutional spaces. The design of Edelman Children's Court remains Goltsman's piece de resistance; she still reflects fondly on the details of its construction and refers to it as "the project that changed my life." Yet, even Goltsman is aware of the limits of her vision. In an interview, she acknowledged that there had to be organizational and institutional changes, not just the physical ones. "It is dysfunctional," Goltsman tells me, "80% of those kids wind up in juvenile [hall]. That's a failure, a total failure."

I mention this slight digression to make the point that Goltsman's intentions were to build (literally and figuratively) into a field of empirical research that has remained relatively untouched, and that continues to operate on a set of standards she helped set. With an honest eye for an "inclusive" city urban planners of centuries past had failed, Goltsman's goal was to focus on one aspect of the constituent-designed city: the aesthetic and functional needs of spaces for children[26]. Shelter Care fulfills Goltsman's designs for an "inclusive" space that manages the various needs of young people in the court. It embodies the "ethics of care" that second wave feminism demanded replace the conventional rights-based approaches in the context of children. Rather than myopically seeking justice only for children's needs, an ethic of care emphasizes responsibilities and relationships, carefully constructed interdependencies, and the active involvement of children in their care. This ethic of planning is driven by the needs of children and as such enables greater justice for the child in question. "A feminist ethic of care begins with

[26] Her work also addresses "inclusive" design in other contexts, including disability-friendly transit stations and museums; children's parks, schools, zoos, and aquariums; and pedestrian/bicyclist-friendly retail space, city plans, hiking trails, suburban transit stations, and downtown-city centers (CITE Goltsman & Iacofano).

connection […] People live in connection with one another; human lives are interwoven in a myriad of subtle and not-so-subtle ways," writes Carol Gilligan in the late 1990s, arguing for an affective renovation of the ways our society accommodates children (Cockburn, 2005). In an interview, Susan Goltsman offers me a similar perspective: "Every human being needs to be cared for, and petted, if you will. It's like elephants—if they [aren't] touched by another elephant within the first few days of their living, they die. So it's the same with us—we need care and feeding [and we need it] really quick. We can lose a kid really quick—really quick…but it's gotta [sic] be more than the physical changes—you have to have the organizational changes to go with it."

This metaphor that Goltsman makes is important. In our conversations, she returned frequently to her conviction that it was time to bring a "human element" back to the spaces of child welfare systems, where children wouldn't be further dehumanized, and where families could move throughout the court without feeling like "herded cattle". In fact, a display case in the lobby of the ground floor featuring memorabilia from the court's construction is labeled boldly "Responding to Human Needs". Yet, to explain the care required for the children in this context, Goltsman turns to a metaphor of animal sociality.

Here, the liberal feminism that propels the consideration of children collapses into paternalistic logics of human-animal interactions. Ultimately, children in this court have to be constructed as something between adults and imbeciles, not unlike antebellum slaves—in control of their immediate actions and potentially capable of a range of emotions or even opinions, but expressly not fully a legal person (Dayan, 2013). A particularly vocal interlocutor in this project, Deborah Scherer, mentioned passionately in our interview that child welfare laws came after animal welfare laws. Child welfare, she told me, was our society's guilty afterthought to the

extensive legal considerations made to protect domesticated animals that were otherwise considered property. This analysis persists in the playspaces of Edelman Children's Court; spatial considerations for the needs of children and youth hinge on the undetermined and unknown limits—both in design and in the law—of their capacities as decision-making individuals and the reality that, legally, "children are chattel," as Scherer puts it.

The Adoption and Safe Families Act

Inside the courtroom, a similarly complicated ethical play unfolds around the legal standards to assess children's needs. Outside the playspaces of Edelman Children's Court, bench officers have the responsibility to make decisions that affect children, including placement and custody determinations, safety and permanency planning, termination of parental rights, and other issues. When the court makes such decisions, it is charged with weighing the "best interests of the child". Originated in the 20th century and defined differently by state, it is considered the prevailing doctrine for all cases that deal with children. In California, "the best interests of the child" is to be raised in a permanent, safe, stable, and loving environment, which means courts must consider the health and safety of the child, any history of abuse in the home, the habitual use of controlled substances, and, depending on the age, the wishes of the child (Cal. Probate Code, §1610 and § 810-812). Importantly, "the best interests of the child" comes up in courtroom parlance ubiquitously. It is the standard for all operations in the system but also the paradigm for dependency law. The court's unflinching focus on it is the explanation for massive legislative changes in the system as well as daily adjudications.

Since 1997, the best interests of the child are assessed through the Adoption and Safe Families Act ("ASFA"). ASFA was the eighth piece of federal legislation since the Adoption Assistance and Child Welfare Act of 1980 but the first to entirely re-orient the objectives and

mechanisms of the system. While the 1980 legislation encouraged states to move away from costly out-of-home placements and toward preventative family preservation efforts, ASFA worked to double the number of children adopted annually by 2002. Federal legislators believed that long-standing emphasis on family preservation had failed America's children, marked by an ever-growing dependency system and a decade at least of high-profile child welfare scandals. The pervasive cultural sentiment was that children in the United States were in grave danger, both from the wild and lawless streets, where black and brown gangs ruled, and from their own homes, where nonwhite parenthood was being assessed by the white parental state. Framed as a defense of all children's rights, ASFA took the political reigns of a system deemed ineffectual specifically over the lives of young black and nonwhite children. Roberts notes that ASFA "resulted as much from these political struggles as from a concern for children's rights" (Roberts 1999, p. 17).

ASFA reorganized the language and allocations of the Social Security Act,[27] which is the federal legislation that funds county-level juvenile dependency systems. Its main impacts were to accelerate the timelines for permanent placement, reward states with higher adoption rates, and drastically limit the potential of parents in drug treatment, on welfare, or in jail to reunify with their children. When a minor is under three years of age, states are now required to concurrently work toward adoption and reunification; that is, efforts to find a suitable adoptive family and efforts to reform the biological family to regain full control of their children occur at the same time. To promote adoptions, states were financially incentivized to increase the number of adoptions, which required an important first step: to increase the number of parents whose rights to their children would be terminated. Finally, ASFA required shorter time limits for making

[27] Specifically, title IV-E.

decisions about permanent placements. If a child had been in foster care for 15 of the last 22 months, efforts to adopt the child would commence immediately.

Around the same time as ASFA, a piece of federal legislation called the Multiethnic Placement Act of 1994 ("MEPA") passed, encouraging the recruitment of foster and adoptive parents from communities that represent the ethnic and racial groups of foster youth. It was followed by the Inter-ethnic Provisions of 1996 ("IEPA"), which prohibited state or local agencies receiving federal funding to consider the cultural, ethnic, or racial background in a potential adoption. Together, these acts overruled the race-matching policies established by the National Association of Black Social Workers ("NABSW") in 1972 to emphasize the importance of black family preservation and placement of black children with black families in the historical context of slavery. Grounded in the "best interests of the child" standard, MEPA expressly prohibits "delaying, denying, or otherwise discriminating" when making decisions about adoptions (Jennings, 2006). Moreover, failure to comply with MEPA would now be considered a violation of and thus enforceable by title VI of the Civil Rights Act. The assumption was that the permanent placement of a minor, regardless of the country or race of the family, was a more desirable outcome than the minor's abandonment generally. As such, adoption was reframed as a human rights issue.

To reiterate, the massive organizing the National Association of Black Social Workers had done in the 1960s and1970s to get black children placed with black families through race-matched adoptions (Billingsley & Giovanni, 1972) would now be considered a violation of the Civil Rights Act[28]: the act that ended segregation in schools, unequal application of voting rights,

[28] MEPA had no effect on the provisions of the Indian Child Welfare Act of 1978 (established six years after the NABSW's policy statement on race-matched adoptions).

and workplace and public discrimination; the act that established the EEOC as an independent regulatory body to ensure its enforcement; the act that first mentioned "affirmative action"; the act that California conservative Ronald Reagan said "must be enforced at gunpoint, if necessary"; the act that is widely considered the end of the racist practices of the Jim Crow South and the supposed moment of inception for racial equality for blacks and nonwhites in the United States. In this context, a mandate for colorblind adoption practices is framed as a harm to the Civil Rights Act. MEPA purges racial difference of its revolutionary politics in the 1970s and specifies the racialized object of intervention in the spaces of dependency law onto the black and nonwhite child.

In Edelman Children's Court's early years and before ASFA, Deborah Scherer, a supervising parents attorney and former public defender, tells me that dependency proceedings were more informal. "Social workers would just go outside and talk to the families. The judges knew their families, and they talked to the families. There was simply less 'legal-ese' going on and more just informality. Since the majority of parents were dealing with drug problems, there was enough time for them to backslide in the first four to five months, and then get back on track." Dependency hearings were notably more discretionary and flexible. In the 1970s, county attorney Bernardo Huerta recollects, there was "it was just not as adversarial as it is today. Lawyers could freely talk with social workers with no problem, because everyone was on the same team, really trying to figure out what was best for the kid." After ASFA, county attorney Aaron Preston notes, "it got crazy. I think I hit a max of 540 cases that just I had, and then my colleague had about the same amount. So it was two county counsel and the judge […] working in the same courtroom with […] up to seventeen different panel attorneys. It was really trial by fire."

This is not to idealize what dependency cases looked like before ASFA. As we know from its genealogy, dependency law was as fixated on poverty and blackness even in its originary moments. Still, before ASFA, adoption was treated as a failure of the dependency system, and the intention of the system (which itself is the object of this dissertation's critique) was on getting children back in their parents' homes. "It was a failure of the social workers—and of all of us; we couldn't help enough if this child had to be adopted," says Scherer. "And then, in 1996 came ASFA. […] And that meant that incarcerated parents were having their kids adopted; people who couldn't get into drug programs, […] they were being sliced and diced. After 1996, everything had to be permanency, and permanency meant adoption. The sun set—it's permanency! The sun rose—it's permanency!" If we can imagine that this is the perspective of the lawyers managing dependency cases at the time, we have no way of comprehending the devastation that anti-family preservation efforts were wrecking in black and nonwhite communities. In November of 1999, the California legislature declared that it would be the "Court Adoption and Permanency Month." By the end of that month, 809 children were placed in adoption, and by the end of the year, the total came to 2,048. The same children playing or studying in Shelter Care in Edelman Children's Court in 1995 faced very different outcomes by the end of 1996.

This is the same time frame of America's mythological "crack epidemic," during which one social worker told me policies to "detain first" meant that the number of kids in DCFS (then only "DCS," or the Department of Children's Services) doubled. "There may have been upwards of 50,000 kids in the system," Darla Simpson notes. Mostly in passing, nearly all of my interviewees noted that drug cases constituted the majority of their dockets. "The most common theme you see is drugs—and then that leading up to other things. Or you see that people are

using drugs because they have mental health problems are and self-medicating. Or because of their drug use, they do violent things. […] Every once in a while, you'll see a really bad emotional abuse case, but those are rare," says children's attorney Sachiko Gordon, stating plainly that most of the parents in her cases are involved with drugs. "We have a lot of cases where drugs are the only issue," says Sienna Carson, a county attorney.

Drugs arrests thus mediate the relationship between criminal and dependency systems. In ASFA, juvenile dependency systems gained a renewed relationship with the criminal courts. Increased enforcement of the so-called "War on Drugs" in the 1980s and 1990s, driven by anti-drug activism that framed black and nonwhite users as criminal and beyond rehabilitation, resulted in entire communities incarcerated and debilitated (Provine, 2011). Deborah Scherer narrates of her time as a public defender in the early 1990s:

> The African-American community was attacked by crack-cocaine. And then, because people had to sell crack-cocaine—you had the combination of what was going on to people who were smoking crack and then with the sale of the crack thing, you had the bloods and the crips, and all the gangs. And then you had, I mean, people killing each other, and it spilled into the Latino community, and then you have your gang wars. […] But between sentencing and the actual effects of crack cocaine, what it did to people—it was whole families, devastated. And then, because dad was in prison [and] mom was cracked out, the kids went to the relatives.

In our conversations, Scherer is not shy about suggesting that it's not at all improbable that crack was placed in black communities by undercover federal agents. But, post-ASFA, these

explanations are not as important as dealing with the mess ASFA created in the dependency system, even twenty years after its passage.

Convicted substance abusers, in treatment or incarcerated, rapidly lost their children to foster care, and new rules mandating criminal background checks for foster or adoptive guardians meant that extended family members' pasts were also subject to scrutiny. As Carson notes, sometimes, the situation is that it's not the parents but "the uncle living in the home […] But it's where they had to live, you know what I mean? If they could live alone, they probably would." These changes were both material (instructive) and ideological, in the changes in the language of dependency law. A "dispositional hearing" was changed to a "permanency hearing," shifting the intention of the law from discretionary literally to a more intractable model. Throughout the statutes, ASFA added the words "safe" and "safety" in hundreds of different contexts and, without definition, mandated "reasonable efforts" to help parents reunify with kids (Kelly, 2008). Ritu Kallur, a parents' attorney, comments:

> ASFA is the devil. It is the most explicit mechanism of controlling poor families that we have in the law. […] Even if [judges] understand that ASFA is the impediment to everything possible, they don't use their discretion to override the findings of the ASFA reports because they are terrified of making decisions that might put these kids at risk. Putting it in terms of safety increases everyone's attachment to liability.

This relation between safety and liability is important. An emphasis on the safety of children changed the courtroom's orientation toward dependency cases toward a model of liability that

could involve litigation not only after a case is finished but also during the cases. Dependency hearings became more litigious and adversarial.

ASFA created a culture of stringent regulations that would roll out even in the decades after its passage. For example, Kanika Mathews, an executive director of a foster family agency, commented that institutional racism also occurs in the context of certification and de-certification of potential foster families. Because of county regulations implemented in 2010, "families that have traditionally been ideal placements […] are suddenly not able to serve as foster parents because of a random mark on their criminal record." She gave the example of a client of hers who went to the grocery store twenty years ago and came home to find her two teenage sons in a fist fight, after which child protective services were called and a dependency case was opened and later resolved. Because of this incident, the woman could not serve as a foster parent to her nephew. "We are burning both ends of the candle," Mathews notes, "there has been a decrease in certified foster homes and an increase in the decertification of homes." Sienna Carson, the county attorney, notes the difficulty of grappling with ASFA as a social worker:

> When I was minor's counsel—on the first day of detention, we want to try to find a relative or family member to take the child in foster care. So you go out, [and] you ask, "Has anyone been arrested in your home?" They say, "No." So I say, "There are 5 adults living in the home. You get 5 of my friends in one home, and somebody's been arrested!" And then they start telling you the truth, that yes, somebody has. But that's the thing is that when you have a lot of people living there, the chances of somebody having an issue is much more likely than when you just have one person or two adults living in a home—you know, the typical or generic version of what you think is a family.

Here, Carson comments on two specific ways that ASFA regulations integrate criminal justice and dependency systems over underprivileged families—through the criminal records of non-nuclear, "non-generic" households. In the scenario she narrates, both the inevitable criminalization in black and nonwhite communities and economic conditions that necessitate extended families to live together are at play. At the same time, Darla Simpson notes, there aren't adequate mechanisms to check on foster families, because "DCFS employees just fudge through the home studies [to] get their numbers for permanence."

The other side of this legislation was that ASFA also created stricter regulations about where a minor could be placed when in foster care. As the number of parents' arrests increased and the subsequent number of youth in foster care increased, so did the number of juveniles being arrested. ASFA's regulations also greased the mechanisms through which dependent minors enter the juvenile delinquency system—some statistics estimate that youth who have experience in the foster care system have a 59% increased risk of being arrested as a juvenile than non-foster youth (Maxfield & Widom, 1996). Connor-Mills continues, "Sometimes, we mess up—kids mess up! Unfortunately, when these kids mess up, it's way worse than anyone else, because they don't have anyone to rely on. You know, you can get in trouble—I remember the cops coming for my friends, in high school. But their mother was right there to be like, "please?" […] When your mom's locked up too—you gotta go to juvi, buddy!" The very conditions of surveillance in poor communities or in the foster homes where minors stay ensure their criminalization. Connor Mills tells me, "[Once] they hit that hormone period where they hate everybody and hate everything and want to punch everybody. And then they punch the kid in the group home who's their foster sister—and THAT's assault. You hit your little brother or little sister all the time, and your parents just put you in the corner. But you hit this kid, you're

going to juvenile hall. […] So they have all the eyes on them [with none of] the resources that the average kid would have." In other words, ASFA both regulates outcomes in dependency and creates the circumstances for black and nonwhite children to end up in delinquency or criminal systems. Ritu Kallur, a parents' attorney, comments:

> [ASFA] makes it so that they're allowed to regulate poverty. […] All of the families that come through this system have encountered law enforcement in some way or another. […] We have one case where a kid was put on probation […] for putting up a gang sign in a picture that went on Instagram. […] So when that kid's nephews are detained…

Kallur's comment is notable in that it addressed both the extreme surveillance that black and nonwhite children in Los Angeles face as well as the assumption that this particular child's "nephew" will inevitably be detained. Her point is that children in the court are always under surveillance, either as future delinquents or as indicators of their parents' negligence.

ASFA sent an already broken system reeling. It was passed in response to the so-called failure of family preservation efforts, based on two blind assumptions: first, that preservation efforts were sufficient or effective in the first place, and second, that adoption was what constituted the best interests of the child (Roberts, 1997). Its emphasis on adoption, permanency, and unscrutinized removal came at the heels of the Multi-ethnic Placement Act of 1994, which meant those black and nonwhite children seeking self-determination in the corners of Edelman Children's Court were now "freed" to be adopted by a family of any race or ethnicity (Roberts, 1997).

From jurisdiction to jurisdiction, ASFA created a massive cohort of legal orphans, whose parents' rights were terminated (thereby qualifying the jurisdiction for the financial incentive) and whose permanency plan failed within the first year. Darla Simpson, a social worker, remembers that in 2001, when ASFA regulations were finally trickling down to the county level, some cases were pushed to "permanence" (i.e. adoption-ready) in as little as five days. "Well what happened," she comments, "is that it created a lot of legal orphans. Just because you terminate parental rights, it does not mean the kid is in a permanent situation." A whole new set of financial incentives was then authorized in the 2000s to counter the insidious number of legal orphans, but by the time the county began trying to clean up the mess in the early 2000s, Simpson notes, "the relationship between DCFS and the community was horrible." Five years into her sentence and five years after the passage of ASFA, RISE Magazine contributor Deborah McCabe got an order to appear in court. She writes, "I had no family that could take Justin out of the system. My choices were: fight and have my rights terminated, or sign a post-adoption contact agreement and pray they'd keep bringing him to visit. I chose to sign. […] What I didn't know was that […] post-adoption contact agreements were not legally binding in New York" (McCabe, 2008, p. 1).

Early in my fieldwork, I walked into the courtroom moments before the first order of business, which on this day was an adoption. As a woman and a man walked into the courtroom with an infant in hand, the attorneys in the court all stepped away from the bench and began cooing about the family—how long the case had been going, how old the infant was, how many kids the mother had. The courtroom was in chatters and the family's attorney stood to the side of the bench officer, taking pictures. As the conversations quelled, the bench officer began reciting the adoption paperwork to the mother, notifying her that she would now be the lawful parent;

that the child would be entitled to inheritances as if he were born to her; that she was now in possession of all the rights and responsibilities of this young child. One of the toddlers interjected, "Yeah!" and the courtroom erupted into laughter. Cheerily, the bench officer continued to ad lib, adding "love and frustration" and other personal details as she read the contract's language. Minutes of this legal interaction passed, and at the end, it was time for the woman to sign the contract. Noting that her children were sitting on her lap, the bench officer stopped the woman from approaching and instead walked the paperwork to the woman, the new mother. Another dozen pictures were taken with the bench officer, and across the courtroom, grins and tears streaked people's faces. When the family left, a few more minutes of casual conversation continued among attorneys and clerks until, suddenly, it was time for the next case, and the demeanor of the courtroom again became focused and serious.

I had never seen a courtroom break so drastically from its typically solemn tone, and I likened the case that morning to a wedding, in that adoptions and weddings are both experienced sentimentally as life-changing events but are fundamentally legal contracts delimiting new rights to property and inheritance. It was the only adoption I saw in my fieldwork. Adoptions seemed like such an aberration from the types of daily hearings that constituted the majority of the dependency system's impact, and I perceived it to be a saturated field of study. I had heard of a program called "Adoption Saturday," in which bench officers, attorneys, and court staff volunteered their time on one Saturday a month to process backlogged adoption cases at one time. The day was intended to be a celebration for children and their new adoptive families. One interviewee mentioned to me that it was a collaborative effort between public and private agencies—that the courtyard outside the dining room on the ground floor was typically lined with booths of the law firms that sponsored the event or offered pro bono legal assistance and

that the children of completed adoptions were paraded around, adorned with corporate paraphernalia. By the time of my fieldwork, the funding for "Adoption Saturdays" had been drastically limited (if not cut entirely) with the American and Californian economies bottomed out in 2008.

In the same vein, if the majority of media attention on the dependency system sensationalized tragic cases of family and institutional violence (also discussed later in this chapter), the only exceptions were adoptions. Every Wednesday, Fox News in Los Angeles publicizes the story of a youth in child welfare in need of an adoptive family. The child's story is discussed on the morning news, and a press release with a description and picture of the potential adoptee is uploaded to the DCFS website. The children under consideration are always black and mostly teenagers, who (if also boys) constitute the demographic of children who are statistically the least likely to be adopted.

Stories of adoption are as often marked by byzantine legal processes as they are of seamless narratives of severance and joining, recognition and inclusion, and the organic bonds of biologically fictive relations. Adoption is commonly recognized as noble and compassionate, as the National Adoption Center's website (rather melodramatically) notes, "There are no unwanted children, no unfound families" (National Adoption Center, 2010). Yet, the value differential of older, black youth in the dependency system offer a glimpse of the complex ethical world of adoption, in which parents are mandated, by contract or by spectacle, to recognize the race of their adoptive children against what they perceive of their own identification. In conjunction with this effort, the usually mandatory $400 in court fees to adopt are waived if you are interested in adoption a child "with special needs," defined as "a child of minority ethnicity; a child three years or older; a sibling group of children who need to be placed together; a child with severe

physical or emotional disabilities; a child with adverse parental background."[29] Such policies contradict the otherwise colorblind practices of the dependency system.

Like many pieces of legislation passed of its time, MEPA does not have the political stronghold it used to. In a public forum for a special committee on "disproportionality" in child welfare, congresswoman Karen Bass (of the 37th congressional district of the House of Representatives) commented that "we know why" there is an over-representation of black children in foster care. Looking out to a mostly black audience, she only had to comment that it was time to start changing the practices that ensure that disproportionality. On the same panel, a young, black woman named Sharrica, recently graduated from UCLA, spoke of the trauma of being placed with a white family in the suburbs in the 1990s, where her foster mother washed her curly hair with a bar of soap for lack of other ideas, causing her scalp to bleed. "We all have an innate desire to belong," she commented, "and we all have cultural needs that must be met." As she talked about her "emancipation" from foster care, she gestured in air-quotes. Tony Mohammed, a Los Angeles Nation of Islam preacher and next on the panel, spoke of the tears in his eyes to hear Sharicca utter the word "emancipation" and think of what it meant for black people to be moved from home to home, as if from plantation to plantation, "being sold like the slaves we were brought her as." As he spoke, dozens of young black NOI youth stood up as Mohammed preached of a movement, "a slave movement," that would again reclaim the stolen children of South Central.

In the more sterile parlance of dependency law in Edelman Children's Court, common practices echo the critiques of the panel discussion in South LA. Darren Sprell, a supervising

[29] The website has now been changed, as of December 2013. This information about what constitutes a "special needs" child is no longer readily available, though the policy remains.

parents' attorney, comments, "I could be wrong, but I believe judges are not allowed to place kids based on their race—but it happens in other ways." He explains:

> If I see a girl who comes in with beautiful braids, and there is a white foster parent and a black foster parent with a daughter with similarly beautiful braids, we are going to petition the judge to place the kid with the black parent. We'll say, "Look, this girl has beautiful braids, and it would be better…." And usually the judge goes for it. The reality, of course, is that there's such a shortage of foster parents that it doesn't always matter, but in the cases we can, we do try to place black kids with black families.

And so, if the social worker suggests, if the attorney petitions, and if the bench officer agrees, the court can place a young, black girl with a black family. Having practiced dependency law for almost fifteen years, it is noteworthy that Sprell is not certain about the regulations on race-matching and that, because of massive caseloads in Los Angeles, it doesn't always matter. The most instructive piece of information in our conversation, however, is in what he calls "the hair issue"—how attorneys and bench officers implicitly construct racial difference through a manipulable part of the black child's body, the part that signals her blackness: her hair. It is important in this context to recognize how a young, black girl's hair becomes metonymic for the entirety of what it means for her to be black, in the United States, and entering foster care. Her value is distilled to this part of her body, measured by the clout of an attorney's petition to place her in a black or white home. Will the bench officer find that it is important enough that she is placed with a black family? What for this child is staked if her race is deemed unimportant?

I asked all of my interviewees about how and when race comes up in the courtroom, and though it was recognized as relevant, few interviewees could identify a uniquely racist interaction against black or nonwhite children. "In terms of race," children's attorney Sachiko Gordon told me, "people are probably thinking it, but I don't hear it verbalized that much. For the most part, social workers place kids with their own race, and I do hear it from relatives—maybe of an African-American [family] who wants the kid to be in an African-American house." And, she notes, "there are obvious things too—like if we have a Spanish-speaking kid in a non-Spanish house, we can huff and puff about it." So, the language a child speaks can provide a justification for a sort of sanctioned race-matching, but not the simple fact of being non-white.

In the nearly twenty years since ASFA, some things have changed. Medicaid coverage has been extended to all pregnant and parenting teens[30], early childhood visitation programs have been funded[31], grants have been authorized to support kinship placements for minors who are members of tribes[32], protection for children has been extended to cover sex trafficking and child pornography[33], and intercountry adoptions have been legislated[34]. The passage of the "Second Chances Act" specified the terms of "reasonable efforts" to include efforts to support a parent-child bond, opportunities for parental self-improvement, and efforts to support parent involvement in children's wellbeing (Kelly, 2008). Scherer notes, "You know, I'm not sure how many failed adoptions there have been. How many kids who, after they've been adopted, [are] now coming back and saying, '[…] I wish I could have been able to build a relationship with my parents, even if I had to stay with my foster parents." So finally, bench officers and policy-

[30] Patient Protection and Affordable Care Act (2010)
[31] Patient Protection and Affordable Care Act (2010)
[32] Fostering Connections to Success and Increasing Adoptions Act of 2008
[33] Child and Family Services Improvement Act of 2006
[34] Intercountry Adoption Act of 2000

makers are questioning what exactly ASFA does and whether or not it is really working. Scherer comments, "We now give parents who are just coming out of prison 24 months instead of 18. Everyone thought that the world was going to explode." Still, the baseline for the progress Scherer names is ASFA. So, even if outcomes in the dependency system are now more favorable toward parents and children than before, the point of measure of improvement starts with ASFA.

Both the punitive reforms of dependency and the ways individual bench officers and attorneys push up against it give a sense of the rigid boundaries ASFA created, discursively through the language of ASFA and materially in the practices of the court. Roberts explains that ASFA mischaracterizes poverty for neglect, overlooks the diversity of parent-child relationships, and disparages biological bonds (Roberts, 2002)—precisely because "it is an institution designed to monitor, regulate, and punish poor Black families" (Roberts 2002, p. 6). Without unjustly glorifying what child welfare looked like before ASFA, it remains important to note that no evidence was required to eschew the family preservation efforts toward one that "disparages biological bonds," if even just in name. Neither was evidence necessary to curtail the rights of parents in prison or in drug treatment or to limit interracial and interethnic foster placements.

Media and Litigation

Another way the "best interests of the child" plays out in courtrooms is around discussions of media presence in the courtroom. Juvenile cases have traditionally been protected from public access with the idea that press coverage of children's lives at their most precarious moments might be another injury to their wellbeing. Newspaper reporters are typically not permitted into juvenile courtrooms. In Los Angeles, permission is granted to researchers who apply to do fieldwork in Edelman Children's Court under a set of stipulations ordered by Chief Judge Michael Nash. Petitioners are permitted to observe courtrooms but are prohibited from

conducting interviews or taking photos, videos, or voice recordings. The use or release of any information that could be used to identify individuals or situations in a case is strictly prohibited, and the discretion is still reserved for judicial officers to consider each petitioner's presence.

In an argument against press presence in children's courts, William Wesley Patton presents a series of explanations for the restriction. First, families with dependency cases often also have open criminal cases for the same incident. If parents' testimony from dependency proceedings were publicly available to be used against them in concurrent criminal trials, there would be greater risk and less incentive for parents to admit to dependency charges, costing the courts time and millions of dollars of money in extra hearings, motions, and labor to fight charges. Second, since high-profile cases like the O.J. Simpson trial in the mid-1990s, many argue that an "infotainment" industry seeking to cover the next "Trial of the Century" has become the prevailing ethic of modern journalism (which, Patton notes, has no uniform ethical code). Finally, exposing the details of dependency cases to the public would risk re-traumatizing the child victims involved, particularly in the sexual assault and rape cases to which newsmedia would perversely be drawn (Patton, 1999).

Despite these arguments, as a part of his larger efforts in increasing transparency and accountability in the dependency system[35], Judge Nash decided in 2011 to open dependency cases up to the press, though each judicial officer reserved the ability to decide for each case whether the member of the press could stay or not. Immediately after Nash's decision, the routine of each hearing was modified to include a discussion of whether the press should be allowed or not. In one case, the mother's attorney began to speak when the attorney representing

[35] Another of Nash's projects was the "disproportionality" workshops. Everyone in each courtroom had to attend a series of workshops and seminars on implicit bias in the courtroom. He has also funded a pilot project to ascertain whether lower caseloads for attorneys would lead more cases to resolve in reunification.

the children immediately stood up and asked that that judge exclude the media from the case because of the sensitive nature of the case, inciting a discussion between the judge, the attorneys and the Los Angeles Times journalist sitting in the benched seats beside me. The journalist, Gareth Therolf, argued the case for his presence; all identifying information would be stripped, he noted, and perhaps the children should be asked to decide his fate. The judge looked intently at Therolf and asked if he had any kids; if he did, he would know that five- and six-year olds are not really capable of making such decisions. Five or so minutes of back-and-forth resulted, and the judge finally conceded that since she didn't have the reports she needed, nothing would happen in the case anyway, rendering the journalist's presence inconsequential. Notably, after the case, the children's attorney who first petitioned to exclude the journalist approached him and apologized for being nasty—she said that she was just "doing her job." Attorneys' critiques of court policies may be ideological, but interpersonally, all bets are off. This is, at the core, simply their place of employment.

Therolf is one of the main correspondents in the court for the Los Angeles Times. In another case I witnessed where he was in attendance, the foster parents of the children involved were also in attendance. Typically, foster parents only interact with DCFS social workers, so it is rare to see them in court. On this occasion, one of the lawyers informed me that the foster parents had not only hired a private attorney but they had also called Therolf to report on what they perceived to be a great injustice in the case. In this case, despite favorable reports from the social worker assigned to the case, the parents' attorney presented her finding that the foster parents were not consistently bringing the children to visit the mother, as per the court order mandating two to three visits a week of two to three hours each. As it was being decided whether Therolf could stay in the courtroom or not, the case erupted into an argument, and it soon became clear to

the judge that the foster parents were not encouraging the girls to see their mom. In response to the foster parents' arguments that the children were not enthusiastic to visit their mother, the judge retorted that kids don't have to be able to state clearly that they want to see their mom; it is in their best interests to see their mom, to interact with her, and to know who she is. The judge made it clear to the foster parents that they needed to be encouraging the kids, saying things like, "Aren't you excited to see your mom!" and "How was your mom?" As the mother nodded affirmatively, the foster parents were shaking their heads in frustration.

In the end, the journalist witnessed an incredible function of the court: the judge's authority to mandate against the sentimentality of child protection and in "the best interests of the child". Indeed, the best interests of the child in this case is defined by the judge as the children's rights to not only see their parents but also be encouraged to cherish those visits. The demand is to take the court's authority over children seriously, even against media interests. Yet, media coverage of dependency cases rarely address these moments, opting instead to occasionally expose whatever shocking story they encounter. Cohen-Mays, a children's attorney comments:

> We're [referring to attorneys] like, "Okay, physical abuse? And it only happened one time? It's no big deal." Whereas somebody who has never seen this is mortified! […] We're desensitized, maybe. But then, I think we're just aware of what's going on. […] What I'm realizing is that [journalists] don't really come that much, because there's nothing really exciting going on. I think they're thinking, "Oh, this is going to be explosive!" […] So they're like, "What is this, a progress report?"

The more common scenarios brought to the court's attention become the sensationalist fodder of a media frenzy—this attests to both what is naturalized by advocates and attorneys in Edelman Children's Court as well as the interests of the media. Moreover, media attention to certain cases work toward a pathologization and generalization of individual situations, rather than toward the end that (newspaper-reading) Americans develop a critique of child welfare systems. Because the "unbiased" reporting of information can not do that along, newspaper articles about child welfare stir an unfettered sentimentality about children. Aaron Preston, from the county counsel, tells me:

> Something will happen to a child, and people will find that shocking that don't really deal in that area—they have these knee-jerk reactions. [It may be] well-intentioned, but […] a lot of what goes on right now is I think either fear-driven or litigation-driven. Too many of the decisions we make on the front end are […] made with a mind toward […] liability or blame. So, a lot of the press that DCFS receives is driven by that.

Media attention thus incited public fear and increased litigation. Preston is referring to the occasional but reliably inflammatory articles that become the public's only glimpses of child welfare in the United States. In some cases, investigative journalism has been an important way for the Los Angeles Board of Supervisors, who oversee contracts with the dependency court, to cut ties with problematic organizations. For example, Therolf's investigation in April of 2013 found evidence of continued child maltreatment and "dubious financial practices" at a private foster agency[36] in South Los Angles called Teens Happy Homes[37], which managed the placement

[36] Private foster agencies were LA County's solution to a financially overburdered system in the early 1990s.

of hundreds of children. The Board of Supervisors, led by Gloria Molina and Michael Antonovich, promptly cut financial ties with the organization. Another article (also written by Therolf) addressed the recommendations made by the Blue Ribbon Commission on Child Protection Reform, a body of advisors established in 2006 to assess and recommend changes for Californian child welfare systems[38]. This particular set of recommendations came after an eight-year old boy was beaten and killed by his foster family in Palmdale. A single line in the article provided sufficient evidence: "County social workers had investigated six reports of abuse but allowed Gabriel to stay with his mother and her boyfriend."

One of my main informants in the field was a woman named Debra Reid, whose story of her son dying while in foster care incited massive media attention and a lawsuit against the county that settled out of court for over $1,000,000. Her son, Jonathan, suffered from asthma and juvenile diabetes and had been "wrongfully removed" from her custody. At the recommendation of his social worker, and under the medical supervision of the Los Angeles Coroner's wife, Jonathan was prescribed the wrong set of medications and passed away in his sleep. Again, media reports circulated the post-mortem reports: "after his death, it was revealed that social workers had contributed to his death by providing inaccurate information about his medical condition." In a set of emotional pleas to county supervisors and local congresspeople, Debra wept to shed light on the way black mothers are treated in child welfare, and she has since created a non-profit organization called the Jonathan Reid Family Resource Center to help parents in South Los Angeles navigate their rights in dependency courts. In the end, Reid's story alerted congressmen and -women in southern Los Angeles districts to pay more attention to child

[37] Therolf, Garret. April 28, 2013. "Problems keep proliferating at discredited private foster agency" (http://www.latimes.com/local/la-me-ln-teens-happy-homes-20130426-dto,0,4267999.htmlstory#axzz2wcZoJkkk)
[38] Therolf, Garret. February 2, 2014. "Supervisors move forward on recommendations for child protection." (http://articles.latimes.com/2014/feb/04/local/la-me-ln-child-protection-20140204)

welfare. Yet, there can be no systemic change from fear-based and litigation-based impulses. Sentimentality for a child's life in his/her death can not change the system. It's a perspective that mires dependency law further into the racialized logics of its creation that pit minor against adult, child against parent, and chattel against human.

Without a doubt, as I have narrated throughout this dissertation, the dependency system in Los Angeles is fraught with unimaginable forces of institutional violence and racism. In our interview, former social worker Darla Simpson reflected on her twenty-three-year career in various foster agencies. She narrated to me story after story of dysfunctional practices at various levels of the foster care system that directly affect the youth and children occupying Shelter Care on any given day. At a group home for girls in Tarzana, the pay was so low that many of the employees themselves were young adults who developed inappropriately close relationships with the girls they supervised. At a residential treatment center in Long Beach, she had no supervision and encountered "unethical people" at every level of the organization. When she worked at the Salvation Army in Lincoln Heights, the program had very few resources, and it was not uncommon for employees, even higher-ups, to be fired and escorted out of the building by the end of the day. This was an organization where, according to Darla, the services and staff were simply inappropriate. "There were some staff who couldn't even read!" she exclaims, adding that once, fourteen girls just disappeared from the program for an afternoon. "What was going on that this could happen? Where were the staff?" she asked. Yet another time, a staff member took money from petty cash funds and spent it on marijuana that she distributed to the girls. At a foster family agency in Crenshaw, the executive director cared only about the number of children in the program and paid employees incentives to bring in children; at a foster family agency in

Hollywood, the new executive director came from a background in marketing and expressed a real "fear of the community".

Darla Simpson recounts, "The foster care industrial complex is ugly. You know, something like 80% of the Compton Unified School District is in foster care. […] Kids of color are the last to get services and the last to leave foster care—[and] this has to do with how the kids are immediately seen and treated as black." Recounting the story of an agency that was willing to take a paycut to keep a white child in services, Darla Simpson notes, "It's the same old drag. You can tell the ethnicity of a child just by looking at the file, seeing where the kid has been placed, and what's been happening to him or her. People's perceptions of black kids are that they are pathologically who they are—this is something very disheartening to me, and I'm still seeing it," says Darla. Toward the end of our interview, Laura Connor-Mills notes, "It's hard sometimes, because once we get the case, sometimes I'm like, why is this case even here? We are disrupting these kids lives and […] the only thing we can do is make the best of it. So we try to fight to get them home, if they should be home. And we try to get them some counseling—get them in programs. Just something so we can try to get them back to their normal life." Sachiko Gordon tells me, "You have some kids who will call you any time something happens. And you have some kids who will call you six months after something terrible has happened. […] It's hard to understand—I mean, that's what I'm here for, if your social worker is not helping you. […] More often than not, you don't know until it's too late."

The problem, as Connor-Mills recounts, is that children simply don't have the foundations they need. "I don't know how I would feel if I woke up one morning and was taken out of my house! […] 'Cause then, even if you go back, you know that it could happen at any moment. So if [kids] start acting out, that makes sense to me. Because I don't feel safe anymore,

and I used to feel safe." Many of the children's attorneys I spoke to took part in their clients' lives—for example attending baseball games or lecturing teenagers about safe sex. Still, in a meeting with a Los Angeles District Attorney, Aaron Preston, the DCFS attorney, comments that no matter how gruesome a case is, the minor will want to be with the mom. "You don't want to see your mom go away for a long, long time. […] No matter what happens to you, these kids love their parents—it doesn't matter."

Media reports do break the silence around dependency procedures and unethical practices among affiliated agencies, but notably only in the situations where something horrible happens. Only when the culprit is black, only when pictures of black foster parents or children can be shown to say what need not be said, or only when a black woman's story defies a cruel stereotype. To be sure, I am not defending the actions of negligent foster agencies or murderous foster parents. While I believe those agencies and individuals do need to be held responsible, media coverage of the fringe cases in child welfare have an another effect, largely under-examined, on the remaining majority of dependency cases. Such media attention has the effect of increasing the liability of the court, causing it to contract for the remaining 36, 697 youth and children in the system. County attorney Sean Landel comments:

> The Children's Court becomes more of an administrative agency than anything else. […] Judges are mandated to exercise 'reasonable efforts' to reunite and help the family, […] but if DCFS recommends that the family reunite, and then the kid gets harmed or killed, then there is a cause of action to sue the county. So whatever the judge says is fine, but DCFS can get in serious trouble for a risky decision.

The "best interests of the child" that dictate operations in Edelman Children's Court thus disintegrates into a series of considerations of the county's liability in a child's case driven by any concurrent media attention to child welfare generally. Unlike the legal personhood of children in the court, the court's liability provides clear demarcations for action; if the evidence indicates that it is the court's decision at fault for a child's death or injury, the parent has cause to sue the county, and the county may then have to pay restitutions to the family.

Conclusion

This chapter presents child welfare are overdetermined by ASFA's integration of criminal justice and dependency law and deeply embrocated in media sensationalism around "children's needs". In the first section of this chapter, I examine the designs for children's play space in Edelman Children's Court to identify the persisting paternalism of dependency law and the metaphors of animality that provide inspiration for children's designs. In the second section, I look to one use of the "best interests of the child" standard that ultimately deconstructs into a question of the county's liability to pay restitutions to a family whose child passes away in foster care. In each of these sections, I depict the mechanisms through which mechanisms of dependency law focused on "the best interests of children" in fact enact a criminalization of poverty through "post-racial" discourses of privilege and universalism.

The playspaces offer a sanctuary for children and youth in the court to participate in all the necessary activities of childhood. It was designed to offer choice, challenge, creativity, and tranquility while maintaining the supervisory needs of the space. Yet, in the design of dependency law, family reunification efforts have effectively been legislated out, followed by the elimination of race-matching policies in adoptions. What we see is not just a white ideal in the law; it's the subtle transformation of the benevolent surveillance offered by dependency law into

the incarcerative surveillance regulated by the criminal justice system. The white van leading to Shelter Care acts as a bubble of child welfare systems, but in reality, the distinction between Shelter Care and the rest of the court only draws attention to the ways criminal and dependency law are in collusion. Specifically, what I see is that criminal and dependency law have been fashioned to work together since inception, and this relationship is cemented with ASFA and MEPA in the mid-1990s.

We invented the child, built it into the walls of Edelman Children's Court, and constructed a massive body of law around the perceived needs of children. In Centuries of Childhood, Philippe Ariès suggests that until the seventeenth century, there was simply no awareness of the "particular nature which distinguishes the child from the adult." He notes that the emergence of modern attitudes toward children was characterized by two qualities: the first was affectionate amusement and the second was an emphasis on developing "Reason" in children, coupled with concern about hygiene and physical health (Ariès, 1975). Indeed, in the United States, until the 1950's, psychologists reflecting on epidemiological research encouraged parents to refrain from coddling or even touching their children for fear of disease transmission and emotional over-dependence (Glass, 2006)—yet these only 20th century suggestions would today, if detected and reported, warrant allegations of neglect and the intervention of DCFS.

Since it is either before or beyond that which can be clearly understood, can we really know the child's condition and determine his/her best interests? If we know the child is a projection of the dull pain of the adult condition and grounded in metaphors of slavery and legal chattel, it is impossible to deal with the child's needs on his/her own terms. Though there is a venerable body of work that gestures to it, few scholars have actually theorized the child subject. Teresa de Lauretis notes that the child only becomes a social category from its transition from

organic to psychic processes, themselves oppositional categories (Castañeda, 2002, p. 163). In Judith Butler's work, subject formation begins when the child develops "'a passionate attachment' to its caretakers" (Castañeda, 2002, p. 156), configuring the child as the precursor to the subject, as the place from which the subject understands power, and as the embodiment of the originary dependence that drives adult subject dependence. Foucault places the child beyond the condition of being a subject in an "alternative, inhabitable space that realizes the philosophical subject and its thinking" (Castañeda, 2002, p. 145). The child is precisely what can not be represented linguistically or semiotically, what exists beyond what we know to exist. Subjects can experience this void by transgressing the limits of their subjecthood and reclaiming the child's time-space. Denied transgressive possibility, this child is relegated to the psyches and memories of the open-minded or exploratory adult subject (Castañeda, 2002, p. 149).

In the same vein, how can we even think of a courthouse for children? None of the considerations addressed in this chapter—from carefully constructing spaces to allow for children's varied emotions relating to their cases to Adoption carnivals showcasing older black and nonwhite youth on pedestals—can be nothing other than a paternalistic relation over partially legal children-as-chattel, the eyes, ears, and informants of standard operations in dependency law. The child is really inconceivable in the law and in public except as a reflection of worst-case scenarios that spurs media attention and litigation. And, by the genealogy of dependency law and the specific pieces of legislation that control dependency, we know that the children roaming Shelter Care are not un-raced subjects of colorblind laws but specifically the black and nonwhite children whose genealogies in this country place them in relation to chattel.

CHAPTER 5: CONCLUSION

One of the peculiar things about studying child welfare systems is that almost everyone has an opinion about it. En route to Long Beach, a young Latina woman seated next to me in the train car (and among conversations between incarcerated people in our train car first returning home after prison "realignment" in California) narrated her stories as a teenager in foster care and her resolve to professionally provide support to young, parenting drug users. At a philanthropic banquet as the guest of a senior dependency judge, an elderly black woman at our table, a senior judge from another area of law, recounted the circumstances under which her niece and nephew were court-ordered to live with them for a few months in the late 1990s. A study of foster care like this often takes on a personality of its own, and I can attest to this in the scores of passionate discussions I have had with strangers and respected scholars alike across class, race, and gender. This work has been met with endless curiosity and generosity—partly because, as I have argued throughout, the American public responds to children's causes with an unparalleled sense of responsibility and urgency.

In this project, I have deconstructed the racialized and gendered logics of that American concern for children as it emerges in history and manifests in contemporary law, culture, politics, and spatialities. In each chapter, I draw attention to analogies between the design features of Edelman Children's Court and the ways dependency law has evolved to administer black and nonwhite families. I confirm what critical race scholars of dependency law have been saying for decades: that the assumptions that necessitate child welfare systems ensure their disparate racial impact. Moreover, the structures that police black and nonwhite families in Edelman Children's

Court (spatial and otherwise) stand buttressed by various public institutions outside the court, including education, prison, public housing, welfare, employment, health care and nutrition. Exacted under the guise of judicial discretion, "common sense" politics, and tax policies (to name a few), the devastation is visceral. Black and nonwhite communities in the US are being eviscerated, and juvenile dependency law is simply one mechanism of that broader reality.

In dependency law, I find a number of overlapping phenomena that make it a generative site for analysis in social research. Because the punitive forces of dependency law (via the stringent regulations of ASFA) are coupled with a more discretionary administration of social services in the "best interests of the child"—in the same way surveiled and incarcerative spaces in Edelman Children's Court coexist with family-friendly designs and décor in an effort to alleviate children's discomfort—the foster care system in Los Angeles is an amalgamation of at least three genealogies of American law. A fundamental paternalism of law operates to defend American proprietorship against assumed black criminality; a deep maternalism of law modifies the biopolitical potential of the law to include all the sticky, relational matters of parenthood and progeny; and both paternalistic and maternalistic forces converge in juvenile dependency law through universalist discourses on the child. Thus, centuries-long histories of public welfare, juvenile law, family law, and criminal justice find their scion in the hallways and courtrooms of Edelman Children's Court.

The multiple frameworks of law at play in the dependency courtroom are premised upon an antagonism between whiteness and blackness in America that finds its roots in chattel slavery. In the dependency system, the structural antagonism between whiteness and blackness is a material reality. It perhaps bears repeating that the form of institutionalized support provided by child welfare is entrenched, extensive, and fixated on blackness. Though 8% of children in Los

Angeles County are black, 29% of the children in foster care are black. Black children stay in foster care 50% longer than children of other races and face more grave repercussions of institutionalization as well. Nationwide, black children are more likely to be separated from their parents, spend more time in foster care, are less likely to be either returned home or adopted, and receive inferior services (Roberts, 2002). As Roberts established over a decade ago, there is considerable evidence that race alone—and not poverty alone—negatively affects children at every step of the dependency process (Roberts, 2002).

I do not have any suggestions for new avenues forward. Perhaps one step is to actually address the array of social problems for which imprisonment and institutionalization via foster care has become the punitive solution, like housing insecurity and unemployment, for example (Davis, 2002). When presenting this work to non-American scholars, I occasionally am faced with simple questions that draw attention to my American sensibilities about what government provides and does not provide: if homelessness causes families to go into foster care, why not provide poor people homes? If poverty is at the cause of poor parenthood, why not pay parents to parent their children? These questions aside, the lesson in this dissertation is that progressive reforms, while profoundly important to the individuals who benefit, reinstantiate the structural relationships that cause its disparate racial impacts. In the meanwhile, I can only suggest that, as citizens an advocates part of a larger American public, we critically about what it means and what histories and genealogies we call upon when sentimentalizing children's needs.

I draw attention in this dissertation to the deeply ingrained structures within dependency law and within the forces that reform, treat, and study it. One thing I have struggled with throughout this project is how to write it in the first place—myself as a non-black, non-white, not-yet-scholar laboring to recognize anti-blackness in a site alongside the other markers of

capitalist and colonial dysfunction, like anti-poor and anti-woman rhetorics. At each moment I knew that this is both simply and at the same time much more than just anti-black racism, I was pushed to filter this through a structure of logic and rationality in which I had to prove again and again that this is simply, and also much more complicatedly, just anti-black racism. Importantly, that struggle wasn't just externally placed upon me; as a young woman, well educated in this world, it is inside of me.

In other words, we should be wary of our pride as researchers and meditate on the destructive impulse of the world sustained by our scholarly endeavors. I am not advocating that we suspend critiques of the masculinist machinations of American law or the complex array of identifications beyond black and white. Rather, my hope is to contribute to a canon that privileges black parenthood as its primary analytic. To begin research and reform at this intersection of contingent positionalities entails recognizing the patterns of destruction that underlie both the practices and aesthetics of law as well as its critical readings. Such intentions break open a world of ethical possibilities and feminist futures.

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