

BRANDON'S
PATH

RIGHTS & ROLES BOOK



When adults are concerned about a child's safety at home and think their family needs help, they will open up something called a case. They will then work together with the family to try and improve the situation. These adults are part of something called child welfare. Many different adults work in the child welfare system, and this book will help you understand who they are and what your rights are when your family is involved in a child welfare case.

Things like this happen to other Native and non-Native young people and families, too. But every situation is different. In some cases, the adults and families might also go to court, which is a place where adults work together and discuss and plan how to keep children and young people safe at home. The court might also want to hear from the young person. And the case might be heard at tribal court or state court, or both. Each of these courts can feel different for young people and families and might do things in different ways.

No matter what is happening for you, please remember that none of this is your fault and you are not responsible for anything that has happened, and it's ok to have different feelings about what's going on. Also, you are not alone — you can ask for help from the adults working with you, like the ones in this book or in Brandon's story, or other adults in your family or community that you trust.

WHO IS THAT?

IN THE CHILD WELFARE SYSTEM

In this section you will learn about the jobs of the different adults you might meet.

These adults may be from your tribe, from another tribe, or work for the local, state, or federal government.

You will also find out what your job is, too. And in the back of this book you can write down the names and numbers of important contacts.



CHILD PROTECTIVE SERVICES (CPS)*

Child Protective Services (CPS) caseworkers work for the government and their job is to try to make sure kids are safe. If they think someone is hurting or not taking care of a child, they investigate, or try to figure out what happened, and try to find a way to make sure the child is safe.

CPS caseworkers help families make a plan and get the help they need to make the home safe for everyone. If they believe kids are in serious danger, they can find a place for the kids to live while the people who take care of them work on making the home safe. That place could be the home of another family member or friend, or a helping family that you might not know, which is called foster care.

CPS caseworkers might ask you questions about what you saw, heard, experienced, or felt; you might have meetings with them and your family members; they might come to your house; and you might see them in court, where they will share information about your family and the case with the judge or magistrate.

**Child Protective Services might have a different name where you live.*

CPS LAWYERS

Child Protective Services lawyers argue CPS' case in court. They talk about what CPS learned in their investigation.

RESPONDENT

When CPS brings someone to court because they think the person is hurting or not taking care of a child, that person is called "the respondent."

ICWA WORKER

If your case is in the state court, the ICWA worker will go to that court to talk about what your tribe wants for you and your family, and how the tribe will help you. The ICWA worker might also ask for your case to be transferred to the tribal court. They can also help your family find culturally appropriate services.

*For more information on ICWA see page 12.

POLICE

A police officer's job is to enforce laws to protect public safety. When someone reports a crime, the police investigate it, which includes interviewing victims (*people who were harmed*) and witnesses (*people who saw or heard or have information about the crime*) to find out what happened. Sometimes they arrest people who they think may have broken the law. Some child welfare investigations involve the police, and they might ask you questions about what you saw, heard, or experienced.

JUDGE

The judge is the person in charge of the courtroom, who makes sure everyone follows the rules. Their job is to listen and make decisions about the case.

In some courts, these types of cases are heard by "referees" (or "magistrates") instead of judges.

ATTORNEY or ASSIGNED COUNSEL

This is the lawyer who helps the respondent to tell their side of what happened in court, and ask for what they want and need.

ATTORNEY FOR CHILD (AFC)

An AFC is a lawyer assigned by the judge to represent you in court. Attorneys can advocate for what you want or represent what they think is in your best interest to keep you safe, which may not be the same as what you want. You should always speak up for yourself and for what you want to have happen.

GUARDIAN AD LITEM (GAL)

The GAL's job is to help you (not your family or others involved in the case). They find out as much as they can about how you are doing and figure out what they think could help you most (including where you should live) and say that in court. You might not always agree with them.

COURT-APPOINTED SPECIAL ADVOCATE (CASA)

A CASA is a person appointed by the judge to help you in court. They will advocate for what they think are your best interests, and will sometimes help you get any services or supports you need.

FAMILY OR VICTIM ADVOCATE

The family/victim advocate's job is to help you during the investigation and in court.

They can do things like answer your questions and help you get services you need. They might go to court with you.

SOCIAL WORKERS

Some social workers work with your lawyer and some work with your parents' or caregivers' lawyer to help them figure out what's going on with your family and what would be most helpful. They can also help you and your parents with things outside of court. They might go to meetings with you and your parents and advocate for you. The social workers might work for CPS, or another agency.

COURT ATTORNEY

The court attorney is a lawyer who helps the judge by researching legal questions and helping to write decisions. You might see them in the courtroom. They might also meet with the other lawyers to help them reach an agreement outside of court.

COURT CLERK/COURT ASSISTANT

The court clerk sits near the judge and helps prepare court orders, which are directions from the judge requiring a person to do or not do something.

BAILIFF/COURT OFFICER

The court officer makes sure everyone in the courthouse is safe. They call everyone into the courtroom when the judge is ready to hear the case. Sometimes they have a clipboard with the list of cases to check people in. They wear uniforms and some carry a gun.

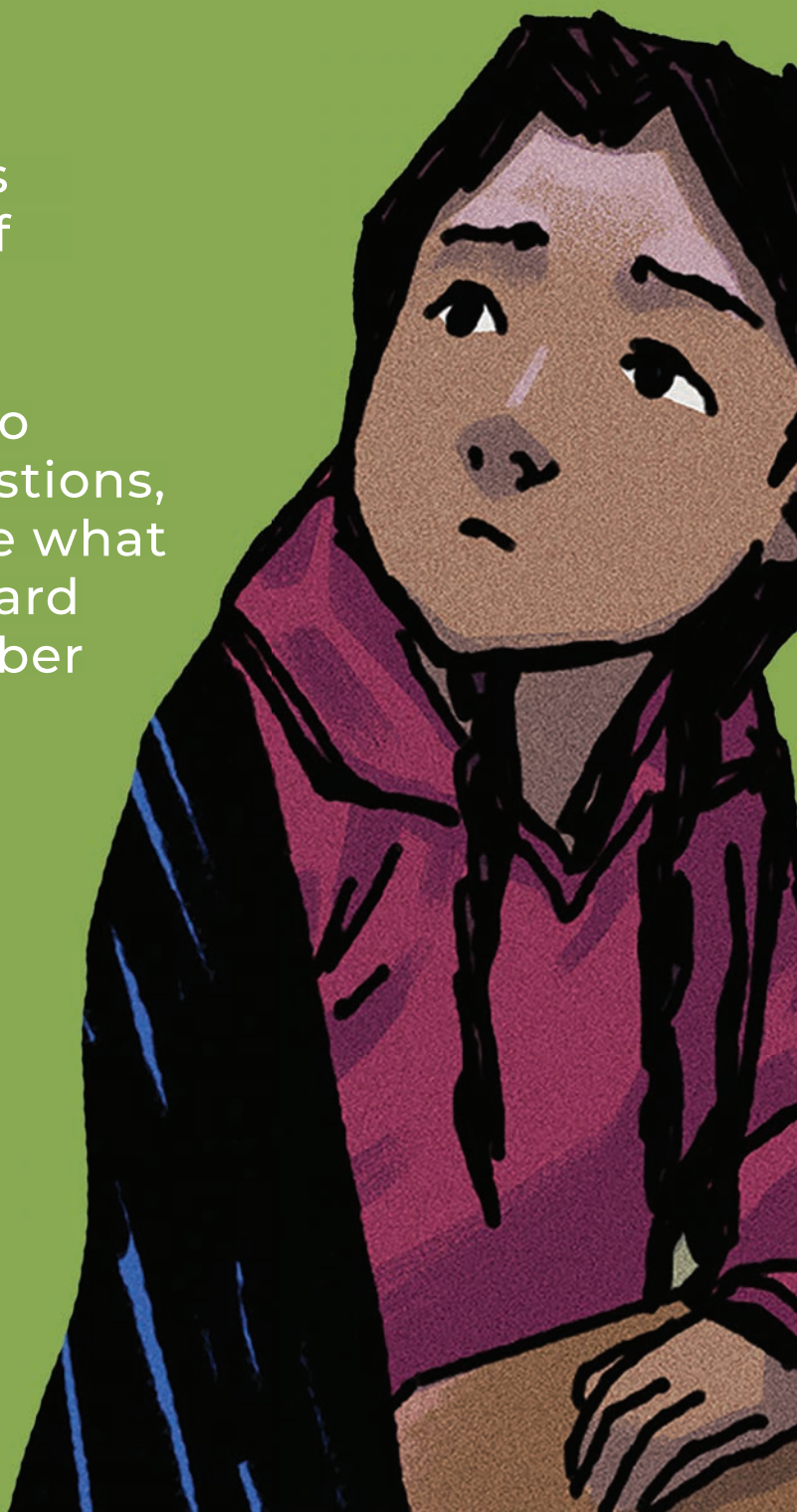
COURT REPORTER

The court reporter's job is to take notes on everything people say in the courtroom so there is a record of what happened.

YOU

Your story is
one piece of
the puzzle.

Your job is to
answer questions,
and to share what
you saw, heard
and remember
about what
happened.



YOU HAVE RIGHTS

If your family is involved
in a child welfare case,
you have rights!

Read on to find out
what they are.



You have the right to...

...be treated with respect.

...have an advocate or access to another adult that can help.

Advocates are there to help you understand what's happening with your case.

...live in a place where you feel safe and that meets your needs.

Everyone deserves access to food, school, medical care, and counseling. Ask your advocate or caseworker for help getting these.

...stay with your own family.

Except in an emergency, or if the judge decides your family isn't able to keep you safe.

...understand what the people involved in your case are saying and doing.

If you (or your parents or guardians) don't understand what's happening for any reason, ask your advocate or the adult who gave you this book for help.

See the next page for more information on disabilities and rights.

Getting through it.

If you have to go to court, it can feel good to do something nice for yourself when it's over, like watch a movie you love, or eat a favorite meal, or just spend some time with a friend. Think of something to look forward to.

If you have a disability...

You ALWAYS have the right to understand what's going on with your case and what the people working on it are saying. Just ask your advocate or other adults for updates.

You also always have the right to express what happened and how you feel.

This means you can get support so people can understand you.

You should always be able to get to (and around) the court or any other place you have to go for a meeting.

Let the people working on your case – like your advocate, caseworkers, lawyers, and judge – know about your disability and what you need help with right away. Your advocate may need to make a separate request for assistance at each court date and meeting, so don't be afraid to keep asking!

If your parent or guardian has a disability, they have the right to request reasonable accommodations, too.

There are many accommodations you can ask for!

Talk to your advocate to find the right ones for you. And don't be afraid to ask. If you have questions or your rights have been violated, talk to your advocate, a caseworker, or another person working with you on your case right away.

If you're in foster care...

You have the right to...

...be in a place that is safe, healthy, and comfortable.

There are a lot of different options like a foster home, group home, or residential center. You should be placed as close to your community as possible, and with your siblings too, if appropriate.

Talk to your advocate or other adult helping you about finding the best placement for you. They might not be able to get you what you want but they can try to help.

...visits with your brothers, sisters, and other family members.

If it is safe and won't be harmful to you. Don't be afraid to ask for them!

...have a plan that says what your family and the people helping you need to do.

This is called a "permanency plan." The first goal is usually to reunify you with your family. If this can't happen, then plans are made to find another safe place for you to live long-term. If you're happy with your current foster care placement, make sure to tell your advocate.

If ICWA applies to your case, preference for placement will be given to a member of your extended family or a foster home approved by your tribe. However, you can always ask your advocate or other adults working on your case for the placement you prefer.

Remember, you can ask for what you need. They may not be able to get exactly what you want, but they can help you make a case for it.

Read more about ICWA on the following page...

DID YOU KNOW?

“**ICWA**”

stands for

Indian Child Welfare Act

The Indian Child Welfare Act is a law that protects American Indian children, families and tribes. If you are a member of a tribe, or eligible for membership and are the biological child of a tribal member, ICWA applies to your child welfare case.

When ICWA applies, your family and tribe will be involved in decisions affecting your placement and services you receive. If your case is being handled in state court, this may mean a transfer to tribal court instead.

You may also have the right to...

...the services for your parents or guardians to help them take care of you, like therapy, parenting classes, and other programs. They can ask their advocate or caseworkers for help getting these.

WHO'S WHO?

If you want, you can keep track of the people working on your case here.

CPS Worker(s)

Contact Info: _____

CPS Lawyer(s)

Contact Info: _____

ICWA Worker

Contact Info: _____

Attorney for Child/GAL/CASA

Contact Info: _____

Family/Victim Advocate

Contact Info: _____

Social Worker/Therapist

Contact Info: _____

Judge

Contact Info: _____

Other

Contact Info: _____



BRANDON'S PATH

The Center for Court Innovation's Child Witness Materials Project is a collaborative effort between the Center for Court Innovation and Alternate History Comics, Inc. and is supported by cooperative agreement #2018-V3-GX-K069, awarded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime. The opinions, findings, and conclusions or recommendations expressed in this document are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The characters, names, events, and likenesses thereof are fictitious. Any relation to real events, people, or locations is unintentional and used in a fictitious manner.

The Center for Court Innovation works to create a more effective and humane justice system by performing original research and helping launch reforms around the world.
www.courtinnovation.org

Alternate History Comics is a multiple award-winning publishing company that creates original graphic novels and cultural comic collections.
<http://ahcomics.com>

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NCJ 305312

The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime.

www.ovc.ojp.gov

The Office of Justice Programs is a federal agency that provides federal leadership, grants, training, technical assistance, and other resources to improve the Nation's capacity to prevent and reduce crime, assist victims, and enhance the rule of law by strengthening the criminal and juvenile justice systems. Its six program offices—the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office for Victims of Crime, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking—support state and local crime-fighting efforts, fund thousands of victim service programs, help communities manage sex offenders, address the needs of youth in the system and children in danger, and provide vital research and data.



Office for Victims of Crime
OVC