

RAISING NATIVE YOUTH VOICES: *PERSPECTIVES ON YOUTH REPRESENTATION IN TRIBAL COURT DEPENDENCY CASES*



TULALIP TRIBAL COURT

TULALIP OFFICE OF CIVIL LEGAL AID

TULALIP OFFICE OF THE RESERVATION ATTORNEY



APPOINTMENT – WHEN AND HOW



Tulalip Tribal Code 4.05.400

- “The Court, at any stage of a youth-in-need-of-care proceeding, may appoint an attorney, a guardian ad litem or CASA for a child who has no parent, guardian, or custodian appearing on behalf of the child, or whose interests conflict with the interests of parents, guardians, or custodians, or when it appears to the Court that the child’s best interests warrant such an appointment. At the time of appointment, the Court shall enter an order specifying the rights, duties and term of appointment”
- **TOCLA Policy on Appointment:** Any party in a Youth in Need of Care case may petition the Court for the appointment of an attorney for any child involved in a Youth in Need of Care case.
 - Children over the age of 15 must consent to being represented by an attorney, and shall sign a retainer with the attorney prior to a Notice of Appearance being filed by the Children’s Attorney.

TOCLA POLICIES FOR CHILDREN'S ATTORNEYS

- **Program Description:** The Children's Attorney provides holistic, developmentally appropriate, and culturally competent advocacy to children and youth who are involved in dependency (Youth in Need of Care) or YINC cases at the Tulalip Tribal Court.
- **Eligibility:** Tulalip Tribal Members - Any child or youth ages 0-21 who are involved, or who has been involved in a Youth in Need of Care case may be represented by the Children's Attorney. The types of cases an attorney may represent a youth in may be a youth in need of care and guardianship cases.



TULALIP OFFICE OF
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THE BASICS: CHILDREN'S ATTORNEYS

- **The primary duty of the Children's Attorney:** to represent the youth's stated interest and wishes by providing holistic, developmentally appropriate, and collaborative legal representation.
 - **Advocacy includes:** explaining legal rights, investigating relevant facts, counseling clients regarding legal issues allowing them to make informed decisions on their case, and providing representation in mediations and court proceedings, the chief legal objective is permanency.
 - **Navigating Collateral Legal Issues:** Protection orders, Education, Public benefits, Accessing social services, Juvenile delinquency limited advice until counsel is appointed, Juvenile record sealing, Guardianship, Adoption
 - **Follow WA State Standards for Children's Representation:** [Representation of Children and Youth in Dependency Cases Practice, Caseload, and Training Standards](#)
 - ***Note*** - ICWA creates additional rights for Native youth that may be require advocacy by a youth attorney
- A Children's Attorney *is not the same* as a Guardian Ad Litem or a Court Appointed Special Advocate!

REPRESENTING NATIVE YOUTH OF ALL AGES

- The varying interest models of representation are intended to allow for ethical legal counsel for children of all-ages
- Age cut-offs centered around capacity or the ability to direct the attorney are arbitrary and the combination of stated and legal interest representation avoids running afoul of ethical rules of practice for attorneys.



REPRESENTATION IN INDIAN COUNTRY- WHAT IS DIFFERENT?

- Community and family focused – which means smaller caseloads, more time spent on each case
- High priority in bringing in Native Attorneys or Attorneys with Cultural Competency
- Services are typically part of the community, whenever possible we strive to services families within their own communities
- Working in a small, tight knit community has both benefits and difficulties
 - Access to numerous Tribal Centered Resources, Collaboration between Tribal Departments
 - Crossover in cases and potential conflicts of interest



CULTURALLY APPROPRIATE REPRESENTATION FOR NATIVE YOUTH

- **Tribal Status and Identity Varies** – Understanding your individual client is imperative
 - Enrolled or Eligible for Enrollment
 - One or Multiple Tribes
 - Level of Engagement with Cultural Activities/Beliefs
- **Understand the Culture of the Community** – Being a Guest in Indian Country
 - Respect – One main value to focus on as a guest in Tribal Communities
 - Come with “Ears to Hear.” Listen first to understand when/if to offer perspective
 - Educate Yourself – what information is already available? (Ex. Hibulb Cultural Center)
 - Know what you don’t know – “Don’t teach what you don’t know”
- **Tribes are Sovereign Nations** – Be prepared to work within local rules
 - Tribes have their own governing structure and code of laws that vary



PERSPECTIVE: FROM THE YOUTH ATTORNEY

- From the youth's perspective, appointment of an attorney can have a meaningful and lasting impact on both their dependency case and their life some reasons include:
 - Having their **Voice Heard and Respected** throughout a process that directly effects their life and well-being, showing that their autonomy and opinion is important
 - Providing **developmentally appropriate explanations of complex court proceedings**, which allows youth to engage in their case
 - Having a **stable and consistent advocate** with an established relationship when any issue arises
 - Providing supports to **help youth with stability** during a case and beyond





PERSPECTIVE: FROM THE YOUTH ATTORNEY

- **Navigating Conflicting Viewpoints** – Youth voices are lost when other interested parties opinions are prioritized
 - **Social Worker or Agency Issues:** Addressing conflicts or concerns with social workers or the child welfare agency by leveraging legal advocacy to ensure fair treatment and adherence to policies and procedures
 - **School Issues:** Resolving disputes and challenges in school, such as disciplinary actions or educational accommodations, with youth involvement
 - **Family and Foster Placement Issues:** Navigating placement changes, complex reunifications, and long-term stability plan options
- **Navigating Collateral Legal Issues** – There are numerous other issues that may arise for a youth and many resources to access
 - **Extended Foster Care** – Entering and Accessing Resources
 - **Resource Access** - Healthcare, housing, financial assistance resources (including Tribal funds)
 - **Juvenile Justice Involvement** – Full Representation not provided, but assist with system navigation and team collaboration
 - **Team Decision Making** – more than informed, involved (FTDM)

ONE CASE EXAMPLE DEMONSTRATING YOUTH ATTORNEY IMPACT



- A youth was brought into care for the third time in her life. The first case had no youth advocacy, the second case had a GAL, and in the third case a youth attorney was appointed.
- The client reports that having a youth attorney made their experience with the three cases vastly different and greatly improved their participation and understanding.
 - I didn't know what was happening in the first two cases, I didn't even know I had a GAL or what they said. In the recent case, I knew what happened every step of the way and even participated by having my lawyer file motions on my behalf to make sure I could spend time with family that I wanted and didn't have to participate in services I didn't want to.

“I’ve been acknowledging the transformative impact of my Youth Attorney’s guidance and advocacy, which illuminated my latent potential and inspired me to pursue a path of advocacy and empowerment within the legal realm and beyond.”

Personal
Growth

Raising Youth Voice

Youth

Testimonials

“We get to put our own words into the case, we get to genuinely be there and put our two-cents into decisions instead of just having other people throw around our name.”

Involvement in
the Court
Process

“I spoke with a Judge during one of my hearings. It turns out courtrooms are not as scary as they are made out to be and Judges aren’t as scary as they seem either, they are actually really nice.”

Understanding a Case

“It gave me more independence. You can choose what you want out of the case instead of other people telling you what they want for you. You can say what you want in your own words instead of other people making up what they think you want.”

Being a
Party to
the Case

“I never understood my case like I do now with a lawyer. My lawyer explains everything to me, so I can understand even if it means explaining it to me like I’m 5 years old.”

PERSPECTIVE: OFFICE OF THE RESERVATION ATTORNEY – CASE MANAGEMENT



- From the Reservation Attorney's perspective, appointment of an attorney can have a meaningful and lasting impact on both their dependency case and their life some reasons include:
 - Advocating for the **Permanent Plan** that the child want;
 - Advocating for what a **family time** plan that the child is comfortable with will look like;
 - **Educational advocacy** and having an attorney present in the room;
 - Educating the child on their **legal rights and interests** and then advocating for those in Court;
 - Assisting with locating **placements**;
 - Another professional monitoring when a **step down** from a higher level of placement may be appropriate; and
 - Another professional monitoring what **services/case plan** may be appropriate.

PERSPECTIVE: OFFICE OF THE RESERVATION ATTORNEY – CASE MANAGEMENT



- From the Reservation Attorney's perspective, appointment of an attorney can have a meaningful and lasting impact on both their dependency case and their life some reasons include:
 - Having another **stable** adult in the child's life;
 - **Advocacy in Court** to ensure the youth's voice is being heard;
 - Helping the child meet their goals around connection with **extended family and culture**;
 - Assisting with **transportation** and helping the child attend and manage appointments (when resources allow);
 - Helping youth makes decisions on appropriate **support services**; and
 - Helping navigate **other legal** systems as needed.

PERSPECTIVE: A JUDGE FROM THE BENCH – HEARING THE YOUTH VOICE

- **Child-centered information** about the child’s unique circumstances and try to understand their lived reality.
- **Explore the differences** in the child’s interests and the parent’s interests.
- **Empowers children** to identify their own goals, expectations, wishes, and beliefs regarding their family and their health and well-being.
- Provides basis for crafting **trauma-informed responses**.
- **Builds a clearer picture** to inform judicial decision making.



PERSPECTIVE: A JUDGE FROM THE BENCH – IMPACTS ON DECISION MAKING

- Protection of the **child's rights**.
- Enhances the Court's ability to make **trauma-informed decisions**.
- Helps **tailor appropriate services** for the child and parent.
- Improved picture of **case progress** and what steps are needed to move forward.
- Evaluate appropriate **safety measures**.
- Explore access to **appropriate resources**.
- Promotes **meaningful decision making that reflects the tribe's culture, traditions, and values**.



JUDICIAL RESPONSIBILITIES IN ELEVATING YOUTH VOICE

From the bench, I must:

- Create a courtroom environment where youth feel welcome
- Ask developmentally appropriate questions
- Ensure representation is culturally competent
- Guard against adult-driven narratives overshadowing youth perspectives
- Recognize trauma responses and avoid misinterpreting silence
- A judge must be both a protector of due process and a listener attuned to cultural nuance.

MY LIVED EXPERIENCE

- I was 8 when my world shattered.
- Sent to live with family in California. Could only speak with my mom on the phone. I had no idea what was going on and was repeatedly told that she was “sick”.
- I was abused in California by my aunt and felt like I had no voice in what was happening to me.
- An attorney could have been my lifeline



COLLABORATION BETWEEN PARTIES

- Focus on shared goals - all parties want what is best for the youth
- Utilize youth attorney to center youth voice in decision making
 - Judges and Agency attorneys don't have to guess what will work for a youth
 - Youth attorneys can be engaged early on issues to guide the decision making process
- When possible resolve issues collaboratively instead of through litigation
 - Attorneys utilizes a staffing request process with beda?chelh
 - Ex parte agreed motions and orders can regularly be reached outside of court





NATIVE YOUTH SERVED BY TOCLA IN 2025

- Total YINC Cases: 62
- Total Guardianship Cases: 11
- Total Education Cases: 25
- Total Brief Services Cases: 7
- Total Emancipation cases: 2
- Total Youth Representation cases (all): 107
- Total Youth Representation Clients: 75
- Total Tulalip Youth Representation Clients: 74

INCREASING THE USE OF YOUTH ATTORNEYS

- “All children subject to dependency or termination of parental rights court proceedings should have legal representation as long as the court jurisdiction continues” [Washington State Child Representation Standards](#) – Rollout delayed but still working to increase counsel for youth
- The Tulalip Tribe has prioritized the importance of Youth Attorneys, creating two permanent full-time positions and one part-time within the Office of Civil Legal Aid
 - Other options for Child Advocate Attorney Representation in Tribal Courts: third-party contracts, robust referral processes, fellowship and grant funding
 - Looking ahead: Policy Advocacy for Passthrough funding to Tribes Providing Counsel for Children