

## **Tribal Dependency Case Hypotheticals**

**Hypo 1** - Dani is a fourteen-year-old transgender female. They are in their 1<sup>st</sup> dependency in their life after being removed from their father, due to concerns with his mental health and substance use concerns. Dani has a five-year-old younger brother with disabilities who was also removed from the father's care. The mother is a member of another Tribe, and lives on that reservation an hour away. The mother has not been involved in Dani's life since they were a toddler. The siblings are placed in separate homes. Dani is in 9<sup>th</sup> grade, failing every class, and saying they hate school and does not see the point of it. After three different placements, Dani is placed with their maternal uncle on the mother's reservation. Dani is adamant that they never wish to return home to either parent; they do not want to have a relationship with either parent. Dani's father is actively engaged in services in their tribal dependency case and wants to reunify with both of his children. The tribal child welfare agency recommends that the permanent plan remain to return home to the father. The tribal court orders this plan. Dani has concerns about the father's ability to care for their younger brother, and they refuse to engaged in any family time with their father. Dani wishes to remain in the care of their maternal uncle.

**Hypo 2** - Alex is an 8-year-old boy. Alex has one older sister and one younger sister. He, along with his two siblings, were recently removed from their reservation home and the care of their mother. This is the 3<sup>rd</sup> removal in the children's life due to a lack of prudent supervision by the mother that allowed physical abuse between the siblings to occur. All of the siblings were placed in different homes off the reservation upon removal. They only have irregular family time with each other and their mother. The mother has been working to comply with all required services to bring her children home. Alex is living with his maternal Uncle, who he loves, far from his home reservation and is having difficulty understanding why he can't go home with his mother. Alex loves his siblings and wants to be home with both of them, despite the physical abuse that occurred between them. The mother is in compliance with all court ordered services but the child welfare department has recommended that the permanent plan for Alex be changed from "return home to mother" to "guardianship" because of ongoing concerns about the mother's ability to properly supervise her children. The Court orders the permanent plan for Alex to be changed from "return home to mother" to "guardianship" with his maternal Uncle. The maternal Uncle loves Alex, and was happy to serve as temporary placement, but has concerns about Alex remaining with him more permanently in a Guardianship. Alex is adamant that he wants to live at home with his mother, in his Tribal community, and that he feels safe there. Alex also wants to see his siblings more and, ultimately, to reunify with them in his mother's care. Alex has been talking about these things at school, leading to mandatory reporting from school staff and CPS intakes. Alex is having some difficulties with behavior at school and at home, particularly with lying and acting aggressively toward other children and family pets.

- 1. What are some issues that a children's attorney could provide advocacy on?**
- 2. Where in these fact patterns do the interests of the child, the interests of the child welfare department, the interests of the parents and the interests of the Court misalign?**
- 3. How might the results for these children's cases differ if a children's attorney is appointed?**
- 4. If a children's attorney is not appointed, what are some concerns for the outcomes of these cases?**