**How Court Appointed Special Advocates (CASAs) Can Support Native American Children**

NARRATION: Forty-nine years ago, Seattle juvenile court judge David Soukup was struggling with a case. A three-year-old girl had signs of child abuse.

**JUDGE SOUKUP:  She'd been referred because the doctors at Harborview Hospital Emergency Room had thought that the pattern of bruises on her little body indicated that she was being physically abused. Her mother said, no, she fell off a slide, and anyway my boyfriend isn't living with us anymore. I threw him out of the house. Now, I had to make a decision in this little girl's case. Was I going to take her out of the only home, away from the only parents she'd known for the three years of her life? And what kind of emotional trauma would that cause for her?  Or was I going to return her to a home that I didn't know was going to be safe for her to be?**

NARRATION: The judge only had a few minutes to make a decision. He realized he didn’t have enough information to do it.

**JUDGE SOUKUP: …  And I looked around the courtroom. and there was no one there whose only job was to investigate Sarah's case and come into court and speak for her to tell us what was the best decision for Sarah that would affect the rest of her life.**

NARRATION: That’s where Judge Soukup got the idea of recruiting and training community volunteers to spend time with kids who were before the court because of abuse or neglect. These volunteers would get to know the children and their families and speak up in court for their best interests. Soon he had hundreds of volunteers. In 1977, the first Court Appointed Special Advocates program was born – or CASA for short.

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I’m Julia Scott, host of this Judicial Council of California podcast. Today we’ll be diving into what sometimes happens when CASAs from a non-Native American background are assigned to Native American children in foster care. We’ll explore the unique needs and situations of these children and their families. And we’ll discuss how CASAs here in California can look beyond their own experiences and potential biases to serve the long-term best interests of the children they advocate for.

It takes a special kind of person to volunteer their time to work long hours inside the child welfare court system, supporting hard or complicated cases where children are struggling the most… getting close to them and investing in their happiness.

CASAs are those people. They’re non-attorneys who get assigned by special court order to stand up and support a child. A great CASA is consistent and reliable. They’re good at listening and being observant. Another big part of their job is being a court advocate: making sure that a judge can really see the child – their needs, their strengths, and their wishes – as big decisions are made about their life.

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NARRATION: Diane Nunn saw the promise of CASA early on, and helped spur its adoption across California.

**DIANE NUNN: When I sat as a juvenile court referee, children didn't have a right to counsel, but parents who were alleged to have sexually abused their child, they had a right to counsel.**

NARRATION: Early on in Los Angeles dependency court, a clerk came up to Diane and said, ‘Your Honor, there's a CASA volunteer on this case. It was the first time she’d seen one in court. She still remembers how important that CASA turned out to be.

**DIANE NUNN:  The department was making a recommendation to go live with an aunt in a different state, and the CASA volunteer was saying that there was an aunt that lived just two blocks away. This young child knew the aunt, the aunt had been already serving in a parenting role. And this volunteer had all this information, had talked to the teacher, had talked to the aunt, knew what was going on, and I was in awe. And so, after that, I made an appointment to see the director of the CASA program.**

NARRATION: Diane Nunn eventually helped pass legislation to get funding to establish CASA programs in California. She went on to become Director of the Judicial Council’s Center for Family, Children and the Courts, and judicial liaison to the National CASA Association.

Today, 44 CASA programs are present in 52 of California’s 58 counties. Nationally, there are nearly 1,000 CASA programs spread out over 49 states… with tens of thousands of volunteers, a key source of support in an overburdened child welfare system.

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NARRATION: CASAs don’t need to share the same race or ethnicity of the children they serve in order to support them. Many don’t. But here in California, when it comes to the welfare of Native American children and communities, experts say a special kind of care is needed.
 **LIZ DeROUEN:  I think in working with children, many children of color on all races, nationalities, I think what really makes it outstanding CASA is keeping in mind that, you know, we all have the inherent right to be who we are and know where we come from.**

Liz Elgin DeRouen is Executive Director for the Indian Child Family Preservation Program in Santa Rosa California. She’s been a court advocate for decades.

**LIZ DeROUEN: I work out here in Sonoma County and I'm a descendant of many tribes, but primarily Pomo, Dry Creek, Kashia, Manchester-Point Arena, Big Valley as well.**

Liz says to work with Native American children, the ideal CASA will work to see and understand the context of a child’s upbringing in a tribe – all of which have their own histories, customs, community structures and lineages of trauma across generations.

**LIZ DeROUEN:  And in particular, for tribal children, they carry dual citizenship, and a CASA needs to be open to understanding that child's relationship as a dual citizen and what that Indian child's inherent right means, and that is that they have a right to have that experience, that exposure, that knowledge… Very often we have people coming to the table who don't know that piece, because they have no idea what it is to be a tribal member or tribal community member.**

NARRATION: Jeanne Gordon and her team of CASAs have learned a lot about how to work with local tribes in Humboldt County.

**JEANNE GORDON:  We have a really important role in that system, and with that power comes, from my perspective, a real belief that we have a responsibility to do that really well and try to level the playing field as much as possible, and make sure that voices are lifted up so everyone who's at the table thinking about decisions that are being made about a child, are done in a very thoughtful way.**

NARRATION: Jeanne Gordon is Executive Director of CASA of Humboldt County, which is based in Eureka California. Humboldt County has 11 federally recognized and unrecognized tribes, rancherias, and tribal governments – one of the largest populations in California. Eight percent of the children in Humboldt County are Native American. Yet they comprise just over 30 percent of all child welfare cases in the county. That’s a huge disparity. I asked her why she thought that was.

**JEANNE GORDON: I mean, if you look at the experiences that Native Americans in Humboldt County have had, they have consistently been marginalized, and had their kids taken away. So, I think that, you know, really looking at the cultural and historical circumstances that have happened, I think then kind of helps you understand a little bit of the pain and trauma that exists for the Native American population and Native American citizens. And so, if you look at that trauma and then think about all of the other things that go along with trauma, right, like increased social, emotional and mental health needs.  There’s also a lot of poverty. We're not a very rich county, and I think that marginalized groups, such as the Native American populations, experience more poverty that relative to other groups.**

NARRATION: This overrepresentation of Native American children in foster care means increased contact with child welfare courts – and with CASAs. When Jeanne joined CASA of Humboldt four years ago along with a whole new team, she quickly realized they had some listening to do if they were to work effectively with the Native American population.

**JEANNE GORDON: And so, we went out and met with some tribes and we were given some feedback that was really important for us to hear. You know, we heard that their prior experience with us was one where they felt judgment about the reason kids came into care, judgment about parenting practices and cultural preferences, and we were given feedback that our court reports in the past had felt like they were used as weapons against families.**

**And while nobody on our team was a part of the program at that time, we still had to really hear that and own that. And I really appreciate that that feedback was given to us because that allowed us the opportunity to really have conversations about things like how we approach our work, but also how are we writing our court report. And so, recognizing that our point of view is really not what matters there. You know, all points of view at the table are to be heard and to be respected.**

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NARRATION: The Humboldt County story is illustrative of disparities across California. According to the California Child Welfare Indicators Project, here in California, Native American children are still 2.6 times more likely than white children to end up in the child welfare system after having an allegation, or report of abuse and neglect made about a parent. Native American children are 4.3 times more likely than white children to get formally placed into foster care, rather than staying at home or returned to their family.

There is a federal law that was passed in 1978 to help reverse the trend of child separations. The Indian Child Welfare Act or ICWA was written to address the problem of Native American children being placed outside their communities and cultures. ICWA explicitly requires that active efforts – that’s the term of art – must be provided to prevent the breakup of the Indian family. Active efforts must make maximum use of the available resources of the extended family, the tribe, tribal social service agencies and other Indian care providers … all to prevent the breakup of the Indian family.

Everyone who touches the case, including CASAs, are a part of that effort to prevent the separation of the Indian family. Unfortunately, not all CASAs have training in ICWA. They may not know that the data show Native American children are significantly better off in extended family placements, and that these placements are also more likely to last than if the child were placed in a non-Native family.

**ANGIE ARROYO:  Our children should not be removed and displaced and disconnected from their families. And, sometimes, yes, not every case works out, not every child reunifies with their parents, but they should always remain connected to their family and their tribe, no matter what. And that's the responsibility of that CASA.**

NARRATION: Angie Arroyo is the Deputy Director for the Indian Child Family Preservation Program. She works with Liz Elgin DeRouen, who we met earlier.

**ANGIE ARROYO:  My tribe is the Habematolel Pomo of Upper Lake.**

NARRATION: Angie has worked as an Indian child welfare representative on many cases, sometimes alongside a CASA. I asked her about those experiences.

**ANGIE ARROYO:  I've never had the privilege of working with a CASA that was tribal in any way. The CASAs I've been exposed to have all been non-Native. I did have an opportunity to work with a very amazing CASA, a very strong, boisterous, dedicated advocate that followed our child across counties as this child moved from county to county due to placement changes. And the quality that really stood out with this CASA was they really saw the value in this child being connected to their tribe.  And so she wanted to learn as much about the Pomo culture, about his tribe, about any events, activities. She took him to the Native clinic in their area, youth nights. They would learn songs.**

NARRATION: That boy’s story has a happy ending. He was eventually returned to his father, and the CASA stayed in contact for years.

NARRATION: Our judicial system is not well suited to fostering cooperation; it’s adversarial by nature. It’s based on passing judgment, deciding right and wrong, and who wins and who loses.

Even though they are not an attorney, a parent or a social worker, a CASA’s voice can be very powerful in court. Because they’ve been spending so much time with the child, taking them to appointments, having fun together, their opinion carries weight.

And to be fair, they’ve been asked to support the case because the child needs it. But several people I talked to for this story called attention to the extra care needed in court under ICWA, in cases where the tribe is sometimes also a party and is also there to protect the child. Here’s Angie Arroyo again.

**ANGIE ARROYO:  I've had a CASA that has a personal opinion on what brought the child into the system, such as the behaviors of the parents.  Where it's been difficult is where the CASA has their own personal idea of how that should go. Who their foster parents are and how great they think they could provide a life for this child. And where the CASA looks past the whole purpose of the court proceeding and how the tribe is working to heal this family.  They do become adversarial because they do pick a side. And they tend to lose sight of what their role and responsibility is.**

NARRATION: As I mentioned earlier, Indian children are more likely to succeed in family placements or in placements within their extended community. Often, a child’s aunt, uncle or cousin wants to serve as their new home. But according to Angie Arroyo and others I interviewed, sometimes those family members can find themselves feeling judged by those in the child welfare system, sometimes including a CASA, who might blame the whole family for the troubling situation the child finds themselves in. As a result, a CASA might favor the foster-care option.

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CASAs work so hard for the children they serve. They give so much, and they get attached. Of course, it can be hard to feel good about entrusting a child to a home where living conditions and customs differ drastically from the ones you grew up in, or that you’d want to for your grandchild.

But there are other ways to look at a complicated situation.

**ALEX CARDENAS: One of the things that we do share with our folks is that they be just sensitive to their blind spots. And a disorganized house or a dirty house, by their definition is not a testament to parenting.**

NARRATION: Alex Cardenas runs a CASA program that serves 350 kids and spans state court and tribal court in Imperial County.

**ALEX CARDENAS:  I'm the Executive Director of Imperial County and Quechan Tribal CASA.**

NARRATION: The CASA program has been around for 30 years. The two main tribes in the area are Quechan and Cocopah.

**ALEX CARDENAS: Probably about 80 percent of all our cases involve substance abuse or mental health. There's only about 2 out of 10 that you're dealing with physical abuse and sexual abuse. Pretty much what we're dealing, especially with the fentanyl situation – we’re dealing generally with lack of provisions for support and failure to protect.**

NARRATION: As Alex was just saying, part of the training new CASAs receive is to recognize what he calls their blind spots.

**ALEX CARDENAS:  And a fundamental lesson that we teach is an organized house should not be a representation of parenting skills on the tribe.  I've been in numerous homes with broken windows on the reservation. And initially you know, people can say, well, this is not an appropriate setting, but I can tell you it is an absolutely appropriate setting, especially when it's auntie's house. Auntie's house is defined by Auntie sharing the importance of their language. They're sharing the importance of their culture um them participating in some of the bird songs and some of historical dance.  So fundamentally, physical characteristics of a home does not serve as a characteristic of functioning parenting.**

NARRATION: Before he became Executive Director, Alex was a CASA. His wife and son are CASAs. He credits an early mentor, the Hon. Juan Ulloa, with helping him understand just how resilient tribal families are in face of many overlapping challenges, past and present.

**ALEX CARDENAS:  My engagement initially started with state foster care, tribal children that were ripped out of their homes, put in a non-native majority schools. And then watch them struggle for years. And then their parents be criminalized because they didn't reunify with their children. So that relationship and understanding those cases on the state side led me to build a relationship with tribal council members and understanding that they were great parents, and a great nation at protecting their children, and they wanted their children to stay on the reservation and stay in tribal homes.**

NARRATION: Today, Alex is proud to boast that about 70 percent of the kids that his CASA program serves are returned to one of their parents within 15 months – the fourth highest reunification rate in the state of California. That also means returning to their schools, their friends, and their culture. He believes their training makes a difference.

 **ALEX CARDENAS: Probably the most important supplemental training that's available is the cultural sensitivity training, things like their creation story, things like their history and the overall philosophy of the Tribal Council. And that right there is what inspires a lot of our volunteers to take on these assignments.**

 NARRATION: Jeanne Gordon has seen progress in Humboldt County after her program created space for feedback loops where CASA volunteers can check in, process through the emotions they’re having about what they see, discuss their cases, and approach their advocacy in a way that can balance out or minimize any bias they may bring to the table.

**JEANNE GORDON:  I think in doing this work, we see the humanity in the lives of the children and families in our community. Whether it's a child's living conditions that might not mirror the way we live at our own house, or choices that parents are making just given their own mental health needs and struggles that they're facing. … And I think it's easy from the outside to kind of sit back and say, oh, well, if she just, or he just wouldn't do drugs, or if they just get over their addiction, then everything would be fine. And really just understanding the complexity of addiction and really understanding the roots, right? And having said that, parents are still working really hard to be reunified with their kids. That really happens the majority of the time. But it can be a really uncomfortable space to be in because you can feel judged. That's what parents have shared with me.**

NARRATION: Of course, all of this can be much easier said than done. A CASA’s job description is to care. But Jeanne says one way of caring is to try to appreciate the resilience that both parents and children have, see the parent’s love for their child, and appreciate their determination.

**JEANNE GORDON:  You know, it can sometimes feel like a challenge to identify the strengths of a child or of a parent in a given situation. Just thinking about a situation where maybe a family is living in a home environment that doesn't look exactly like ours. So maybe it's there aren't as many toys. There aren't as many things in the home. Maybe there's not as much food, right? But there is food -- and parents always prioritize and making sure that their kids eat first before they eat. Just really trying to kind of look at a family's engagement. So, a family's engagement is really, really important, and so on the surface, it might look like there aren't things that are happening, but a parent might be very, very involved and engaged in meetings and case planning, always calling the CASA back. That's a huge strength.**

[MUSIC TRANSITION]

NARRATION: Not sure where to start? There are a lot of ways that CASAs and CASA programs can take an active role in preparing to work with children and families from tribal backgrounds.

**ALICE LANGTON-SLOAN:  I think it's important to actually learn as much as they can about ICWA so that they can understand where the tribe’s perspective is in regards to its children, because the children are our future. Because in order for a person to get it, they gotta feel it.**

NARRATION: That’s Alice Langton-Sloan.

**ALICE LANGTON-SLOAN: I'm the Health and Human Services Director for the Cahto Tribe of the Laytonville Rancheria. I grew up in foster care.**

NARRATION: Alice is not Native American. But her late husband was a member of the Cahto Tribe. She retired from a long career in child welfare services with Mendocino County and now oversees ICWA cases for the tribe. For many years, Alice’s husband would come to CASA trainings and talk about his story and his tribe’s story.

**ALICE LANGTON-SLOAN:  In my husband's family, a group of people came and took a bunch of them away and they didn't understand it. Nobody told him anything. They had to not speak their language anymore. They had their hair cut off.**

NARRATION: Some of his brothers were deported out of state and sent to schools as far away as Chicago.

**ALICE LANGTON-SLOAN:  That was important for him to share his beautiful culture, his beautiful heritage, his ways of, of how he was so proud and how it made him become who he was.  And I would recommend that all CASAs bring in their local tribes in their area to talk to the people maybe have, you know, Native American day on their training and bring in the different tribes from their communities to talk about what it was like growing up in the child welfare system, what it was like to be whisked up by the churches and taken away, what it was like to be put into boarding homes. …You know, there's history that is handed down that still affects families to this day and that itself is very traumatic. And unless a CASA understands that history, it will be difficult for them to reach, because trust is not easy, and it takes a lot to earn that trust. You can't just go in with an open hand and say, oh, this is how it's going to be.**

NARRATION: Whether or not a CASA program offers this kind of education, individual CASAs can also look up the child’s tribe and ask for a meeting with their tribal representative. Liz Elgin DeRouen says she would love it if CASAs reached out to her.

**LIZ DeROUEN: I would be hopeful that the CASA would contact the ICWA advocate or the tribal rep and, you know, get to know them, so that we can add background of what we believe could be helpful.  We could be very informative to them. And I never get calls from CASAs. And so that would be an eye opener. That would be useful. And likewise, I could also help to empower them to gain that trust of the tribal family and the tribal children. And so, it could be a win-win.**

NARRATION: CASAs aren’t the only group who get great benefits from learning about ICWA. Judges do, too. Judge Leonard Edwards is a retired Superior Court judge from Santa Clara County. He was a strong early proponent of the CASA program, and one of a handful of judges who made it their mission to get more and more judges invested in CASA.

**JUDGE EDWARDS: Well, when somebody says that she’s a CASA, about 75 percent of the questions I have about what kind of person she is are automatically answered. It's true. That means they are leading with their heart and their brain. It just means a lot of positive things that I admire.  And I married one. She's in the next room. It's a marvelous way to connect with people and be a meaningful part of their life.**

NARRATION: Judge Edwards strongly believes that judges in dependency cases should make an effort to visit tribal courts and talk to the judges.

**JUDGE EDWARDS: I think that going to a tribe, and a tribal court in particular, is an important experience because tribal courts, they are courts of law. But there are differences that take place there. So much so that we now have two, maybe three, and there'll be more in the future, courts that combine a tribal and a state court under the same roof. And they hear ICWA cases. And more and more, we realize that you can't just deal with the American legal system. You really have to look at both systems and learn about how each one operates, and you'll be a better judge. Take some time out and contact the judge who's running the tribal court in your area and say “I'd like to come in and meet you and see you in court.” And I did that. Going personally and seeing a tribal court in action is an eye-opening experience. And I think, if you're in a county where you're going to see several of those cases on your calendar, you need to go out and visit the court.**

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NARRATION: It’s been 55 years since the CASA movement started. In that time, hundreds of thousands of young children who benefited from having a CASA speak for them in court are now parents and even grandparents. It’s always the case that kids who succeed have a lot of good people in their corner. For many, one of those people was a CASA, who was there when it mattered most.

Here are some parting thoughts from Alice Langton-Sloan, Jeanne Gordon and Alex Cardenas.

**ALICE LANGTON-SLOAN:  Come to our functions. Come and meet us. Get to know us, know where we're about. You have a role. You're the eyes of the court.  Now, we're all going to have different perspectives. We're all going to see things in a different way, but how do we find that middle ground that's going to best serve our children?**

**JEANNE GORDON: Our mantra is always, let's talk to the child, the family, and then the tribe. If the child's Native American or are covered under ICWA, we have to be thinking about those three perspectives.**

**ALEX CARDENAS:  As a volunteer, to be able to participate and connect with Native American families is an experience that is unforgettable and incredibly rewarding. And I'm just very glad that I can shepherd a program that affords community folks the opportunity to be engaged in a tribal case and provide recommendations regarding permanency outcomes. It’s just an incredible, incredible opportunity.**

To find out more about CASA programs across the country, visit <https://nationalcasagal.org>. Here in California, you can visit <https://www.californiacasa.org.>

That’s it for this episode from the Judicial Council of California. Original music by [Chad Crouch](https://freemusicarchive.org/music/Chad_Crouch).

I’m Julia Scott. Thanks for listening.