

California Needs More Native American CASAs for Native American Children

By Christine Williams

This article was published in the latest edition of the California Indian Law Association News letter. It was written by our Tribal Programs Consultant Christine Williams. The article addresses the lack of Native American CASA volunteers statewide and provides facts on how tribes are using CASA for their children and how tribal members can get involved. We appreciate the California Indian Law association allowing us to reprint the article. Enjoy!

What is CASA?

A Court Appointed Special Advocate (CASA) is a volunteer who is trained to research and report to a court on a child's best interests in cases where that child or youth has been removed from their home because of abuse or neglect.

"Each day in California, 70 children who have been abused or neglected join the state's population of nearly 80,000 children in foster care. California is home to nearly one-fifth of all foster children in the United States. As dependents of the juvenile court, these children pass through a court system which can leave them frightened, confused and alone."¹

Today, there are over 5,360 CASA volunteers serving over 8,100 children in California.² There are 40 local CASA programs providing services in 43 of California's 58 counties.³ These programs are non-profit programs and are not run by the county or affiliated with any social services agency. There are also three tribal CASA programs serving the Karuk Tribal Court, the Hoopa Valley Tribal Court and the Yurok Tribal Court.⁴

Why does CASA improve outcomes for children?

CASA volunteers commit to spending at least one year:

- 1) establishing a strong, stable connection with a child in foster care;
- 2) gathering information and making recommendations to the court about the child's best interest, and
- 3) advocating to make sure the child receives needed services. Too often, a CASA volunteer is the only consistent adult in the life of the child.

The outcome for children at case court closure when the court has appointed a CASA is increased permanency. In 2007, more than half of the closed cases, where a CASA was appointed, resulted in reunification, adoption or guardianship.⁵ Permanency for children is supported by the CASA model. Volunteer CASAs build close relationships with, and serve as one-on-one advocates for, children in foster care. Volunteers are recruited and specially trained, then appointed as advocates by a juvenile court.

Tribal CASA Programs in California and Nationwide

There are 16 tribal CASA programs nationwide.⁶ The majority of these programs operate as dual jurisdiction programs that serve the county court and have a unit that serves the tribal court. At least one of these programs serves one county court and two tribal courts. This model, wherein a tribal court partners with an existing local CASA program to create a tribal unit to serve in the tribal court, is very practical for Tribes who want CASAs in their courts but for whatever reason do not want to create their own separate CASA programs. The cost of running an independent program is always a consideration for any program to be successful, and utilizing an existing CASA program is an efficient way of providing advocates to children in tribal court.

In California the three tribal CASA programs serving the Karuk Tribal Court, the Hoopa Valley Tribal Court and the Yurok Tribal Court are stand-alone programs that primarily serve the tribal courts while a local county CASA Program serves the state court. Just as the dual jurisdiction - county/tribal program model has advantages, there are benefits to a tribal CASA program serving in tribal court as well. The tribal programs reflect the sovereign jurisdiction of the courts they serve. They are naturally equipped to recruit and train volunteers to serve the tribal communities they serve. They are well situated to work with the community partners they need to be successful, namely the tribal court and the tribal social services department. That is not to say that the tribal CASA model has not had challenges. The tribal CASA programs in California do not receive funding from the California Administrative Office of the Courts like all local-county CASA programs do. Additionally, all the barriers Tribes face in accessing Title IVE funding are passed on to the tribal CASA programs. Thus, tribal CASA programs must engage in active fundraising to create sustainable programs. In the end, though sometimes challenging, the tribal CASA programs have success in recruiting and training CASA volunteers to serve in the tribal courts, despite economic barriers they have had to overcome. The 2009-2010 fiscal year should bring even more success for the tribal CASA programs in California as they continue to engage innovative planning and fundraising to grow the programs and serve more children in Tribal Court.

Tribal Children and CASA in California Courts

The CASA model can work for Native children in both state and tribal courts; it improves outcomes for children to have a CASA, so why haven't all of us heard of it? For some reason the CASA message is not reaching Indian Country and this is reflected in the disproportionately low number of Native volunteers serving as CASAs.

Of the 72,221 children reported to be in the California foster care system as of July 2007, 1,024 were reported to be Native American.⁷ This may seem like a small number to some, however it represents over 2% of the total number of Native American children in California. This makes Native American children the second highest overrepresented population in foster care in California, the first being African American.⁸ According to the Center for Families, Children and the Courts California CASA 2007 Report, CASA volunteers continued to be primarily non-Hispanic white, women over 40 years old.⁹ As many as 86% of all CASA volunteers in California are non-Hispanic white.¹⁰ Further, the majority of CASA program staff are non-Hispanic white (64%).¹¹ Meanwhile Native American volunteers comprise only 1 % of the total number of volunteers in California.¹² However, it is somewhat promising that the report reflects that Native American children are proportionally represented in CASA programs.¹³ However the report also reflects that there is only half the number of Native volunteers as there are Native children appointed CASAs.¹⁴ While the tribal CASA programs in Northern California are a wonderful benefit to the courts they serve and the children in those tribal courts, the majority of Native American children in foster care in California are not in tribal court, they are in State Court. The over 1000 Native American Children in California's juvenile dependency system far outnumber

the approximately 54 Native American volunteers recruited and trained statewide to serve in California's Courts as CASAs.

How Can Tribes Help?

There are several ways Tribes can help ensure every Native American child in the foster care system, tribal or state, has a CASA to advocate in tribal or state court.

In State Court:

In addition to all the benefits that CASAs provide on any case, there are benefits in a case in California court involving a Native American child that are specific to Native American children including compliance with the Indian Child Welfare Act (ICWA). CASAs can advocate for tribal specific services for Native children, cultural connections to the child's Tribe and family, and compliance with the ICWA placement preferences. CASAs can also take on the process of securing a child's membership with their Tribe if the child is eligible for membership but not yet a member.

Tribes can partner with the existing county program to improve advocacy for Native American children in their local county court. CASA of Riverside County is currently working to increase and improve advocacy to Native American children in Riverside County by recruiting Native American volunteers and improving training to all volunteers on how to best serve as an advocate to a Native American child. CASA of Riverside is seeking to work with local Tribes to create this training and recruiting model so that it will be successful for the Native American children they are trying to serve. Finally, tribal members can inquire with local county CASA programs about joining the program's board of directors. By having a representative from the local Native American community on the board, the CASA program is sure to improve advocacy for Native American children.

Tribes can encourage tribal members to volunteer as CASA volunteers with local programs. By contacting the local CASA program, Tribes may be able to arrange for recruiting materials to be distributed by the Tribe at an event or in the tribal newsletter or for a live presentation by the CASA program director about becoming a CASA volunteer. Tribes can also provide incentives to tribal employees to complete CASA training, for example some Tribes in Northern California are providing paid leave for employees for a portion of the required training to become a CASA.

In Tribal Court:

If a tribe has a court that hears juvenile cases the Tribe can start a Tribal CASA Program. There are successful models for how to get started, and the California CASA Association and the National CASA Association can provide technical assistance and advice for any start-up program.¹⁵ Tribes can also contact existing local programs to partner with them to recruit and train volunteers to serve as advocates in the tribal court. The success of CASAs for Native American children depends in part on the Native American community involvement with CASA programs. For more information on how you can get involved please visit the California CASA Association website (www.californiacasa.org) for information about your local county program or Tribal Program.¹⁶

Endnotes:

- 1 California CASA Association Webpage: <http://www.californiacasa.org>
- 2 CFCC California CASA Programs 2007 Report, December 2008, page 1.
- 3 Id.
- 4 The tribal programs data is not included in the CFCC California CSA Programs 2007 Report.
- 5 CFCC California CASA Programs 2007 Report, December 2008, page 6.
- 6 Alaska: 1; California: 3; Colorado: 1; Idaho: 1; Nevada: 1; Oklahoma: 3; Oregon 1; South Dakota: 2; Washington: 3
- 7 Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W. Magruder, J., Exel, M., Glasser, T., Williams, D., Zimmerman, K., Simon, V., Putnam-Hornstein, E., Frerer, K., Ataie, Y., Winn, A., & Cuccaro-Alamin, S. (2008). Child Welfare Services Reports for California. Retrieved March 2, 2009, from University of California at Berkeley Center for Social Services Research website. URL: <<http://cssr.berkeley.edu/CWSCMSreports/>>
- 8 Id.
- 9 CFCC California CASA Programs 2007 Report, December 2008, page 5.
- 10 CFCC California CASA Programs 2007 Report, December 2008, page 5 (two different methodologies show different results, one shows 68% of volunteers are non-Hispanic white the other shows 86%).
- 11 CFCC California CASA Programs 2007 Report, December 2008, page 5.
- 12 CFCC California CASA Programs 2007 Report, December 2008, page 5.
- 13 It is important to note that the statistics in the CFCC California CASA Programs 2007 Report had significant numbers of children in categories that could overlap with Native American: Multiracial, Other and Unknown. These overlaps could skew data in either the direction of Native children being over or under represented in CASA programs.
- 14 CFCC California CASA Programs 2007 Report, December 2008, page 5.
- 15 The name "Court Appointed Special Advocate" and "CASA" are trademarks owned by the National CASA Association. In order to operate a program using the name CASA you must apply for membership with the National CASA Association. For more information on starting a CASA program visit the National CASA Program website: www.casafnet.org
- 16 The California CASA Association's (CalCASA) mission is to improve the scope, quality, and impact of CASA advocacy in California by strengthening local programs, promoting improvements in advocacy, and sharing the insights and work of CASA volunteers with policy and decision makers.