

Bass Case Study Materials

CPS Case File

Last Name of Case:			Bass		
Legal Number:			1-30-275645-3		
Child(ren)'s Name	DOB	Age	Ethnicity	Sex	Current Location
Lavender Bass	October 8	6 years	Unknown	F	Foster Placement Bonnie Matthews

Current Placement	Address	Phone
Foster Parent: Bonnie Matthews	52 Greylock Rd.	432-555-5874

Attorneys for	Attorneys	Phone Numbers
Mother	Sara Johnson	432-555-6498
Father	Fred Thompson	432-555-6644
CPS	Lisa Kelly	432-555-6298
Lavender Bass	Beki Guthrie	432-555-9723

Case History

Three weeks ago: Child, Lavender Bass, age six, came into care following a complaint made by her paternal grandmother (her dad's mother.) On her tip, the CPS investigator located the mother and child behind the bar where mother is employed. Mother, Susan Mailer, was passed out drunk sleeping in her parked car. Lavender was sitting in the shade of a nearby tree waiting for her mom to wake up and take her home. The police were called and the mother was arrested for public drunkenness. Susan and Lavender reside with Susan's mother, Rebecca Mailer; her sister, Leah Mailer; and Leah's children. Because no one in the home was available the day of the arrest, Lavender was placed in foster care with Bonnie Matthews.

The CPS investigator found that Susan Mailer's criminal record reflected a tendency toward violence; she'd been in a couple of physical fights in the bar where she's employed. She's also been arrested for dealing marijuana and was once caught huffing inhalants when police were called to a party.

Your first interview with CPS worker:

You arrange to meet with Lisa Kelly, the CPS caseworker, to discuss this case and review the file. She's a cheerful young woman, new to the agency and full of enthusiasm for her work. Lisa shows you the paperwork for the Bass case. Lavender's grandmother on her dad's side made the initial report, alleging that the child's mother wasn't looking after her safely and directing CPS about where to look for them. The paternal grandmother adamantly stated that she is not involved and does not want to be dragged into case, and said not to call her. You take her number down anyway. Susan Mailer was arrested and kept in jail overnight. Lavender and Susan live with Rebecca Mailer, maternal grandmother; Leah Mailer, maternal aunt; and Leah's children. The CPS investigator substantiated the case, took Lavender into care and gave the case to Lisa, who hasn't met the mother yet.

Court History

You are preparing for the 262/Show Cause Hearing.

Who do you want to interview first?

The Questioner's List

Questions to consider periodically:

- Where else could we get information that would be useful?
- What are the barriers to reunification?
- Have we engaged with all relatives?

Questions to consider before finalizing court recommendations:

- Are our court recommendations child focused?
- Have we covered every need of the child in this case?
- Did we appropriately consider the minimum sufficient level of care (MSL) in forming our recommendations for this case?
- Do our recommendations ask for what is appropriate, whether or not it is readily available?
- Is our work clear, diplomatic, culturally informed and non-judgmental?

CPS Caseworker: Lisa Kelly

Setting: CPS office

Hi! Welcome to our office. It's not much, but it works for us. We're usually out in the field anyways. It's a luxury to have a day in the office! I've been working for CPS for about eight months now, and before that I earned my MSW at the University of Texas School of Social Work.

I've visited the child's home and spoke with her maternal grandmother and aunt. Both women have been really clear that they don't want to ban Lavender's mom, Susan, from their home. They were pretty guarded and not very open with me, but said they can't turn their backs on Susan. Since they wouldn't sign a safety plan agreeing to disallow Susan in the home, Lavender will remain in foster care for now. There was something strange about the home, like a smell that made me take notice, but I haven't figured it out yet. It wasn't pot, and it wasn't a smell I've smelled before. Perhaps it was nothing, but just thought I'd mention it.

I've attempted to locate the mother by leaving messages at her home and stopping by her work place, so far with no response. Lavender's father is in jail a couple of counties over. It's a bit of a haul in case you were planning to go visit him. If you do plan to go over there, you'll need to call in advance and make sure your name is on the visitor's list. He was arrested for selling marijuana. According to everyone's report, he has not been very involved with this child.

Lavender was lucky to be placed with Bonnie Matthews instead of going into an emergency placement first, so she won't have to be bounced around again. She should be able to stay with Ms. Matthews as long as needed. A relative placement would be better than foster care... but at least it's a really good foster home.

I've been by to visit Lavender a couple times already, and I brought her some clothes and things from home. She's obviously pretty upset and freaked out to be staying with a stranger. . . I really feel for her, but I haven't even been able to locate her mother, much less to start working with her on services, so I guess Lavender will be there for a while.

- What difference does this information make to the case?
- What are your follow-up questions?

Volunteer Supervisor

Setting: CASA/GAL Program Office

CASA Supervisor: You're doing a phenomenal job gathering information for this case! And I'm so glad you asked about ICWA—that falls through the cracks more often than you'd think. If Lavender is of Native American descent, then this could become an Indian Child Welfare Act (ICWA) case. If so, the court is mandated to do certain things—paramount among them being to notify the child's tribe (or possibly tribes) that they have the right to intervene in the case, a right they can assert at any point in a case. If the court fails to comply with ICWA, court orders are totally voidable, which means orders for permanent placement can be undone—even adoptions.

As the CASA volunteer, you can help this process by finding out if Lavender or her parents are registered members of a federally recognized Indian tribe. If you're able to identify her tribe or tribes, you would then want to get in touch with the tribal social worker (if they have one) or the tribal government. Of course, we'd also want to touch base with the CPS caseworker and all the attorneys about this development in the case. And we'd want to specifically make sure that the CPS attorney is pursuing official notification of the tribe(s) and the Bureau of Indian Affairs (BIA).

One of the main differences in an ICWA case is that the tribe may be able to determine the placement of the child. The tribe's parameters for extended-family relationships may include a wider range of relationships than in a non-ICWA case. If no extended family members are available, they may want to move Lavender to an approved tribal foster home. It's good to keep in mind that "best interest" in ICWA cases includes the underlying premise that it is in the best interest of Native American children that the role of the tribal community in each child's life be protected. Does that make sense?

Also, remember that Native Americans are not a discrete racial group. Rather, they are members of sovereign tribal entities. This distinction helps us to understand that ICWA is politically oriented and not based on race. The Indian Child Welfare Act was passed by the federal government in 1978 as Public Law 95-608.

Volunteer Supervisor, Cont'd.

- What difference does this information make to the case?
- Should Lavender be moved from Bonnie Matthews' home to a Native American foster home?
- What are your follow-up questions?

Lavender Bass & Foster Mother Bonnie Matthews

Setting: Home of Bonnie Matthews

Bonnie: Hi. Thank you for meeting here. Lavender has been with me for about three weeks. Lavender is a great kid, but she's not adjusting very well. She still cries about missing home almost every night and she seems pretty depressed. If you'd like, I can show you the rest of the house, including where Lavender is sleeping. Lavender's playing out back right now.

Me? I'm single. I work as a receptionist at an elementary school, but not the one Lavender attends. I like the hours and I'm able to pick Lavender up and be home with her after school, so that works. I've been a foster parent for about five years now and I only take one child at a time. I've cared for different aged children, but I prefer the elementary school kids.

Lavender never attended a real school before. I guess she was home schooled, but maybe not in a very structured way? Poor thing! Everything in her life is new and scary...

Adjusting to school for the first time is hard enough without having to leave home too. Is she able to have visits with her aunt and grandmother and cousins?

Oh yes, Lavender seems developmentally on target. She knows how to wash and dress herself—all the usual things a six-year-old would do. She's a very quiet and shy child. Usually after three weeks I would have drawn a child out more, but Lavender... well, she remains somewhat distant.

Lavender spends a lot of time in the yard. Sometimes she seems engaged in imaginative play, but often she does what she's doing now—sits and stares, like she's spacing out. Sometimes in the house she seems like she's just not there, not focusing or paying attention. She's not being disrespectful or disobedient—she just doesn't seem to hear me. The teacher said she wondered if Lavender has Attention Deficit Disorder, but I really don't think so. I know kids with ADD usually show more symptoms in school than at home, and honestly, I think Lavender's no more spaced out there than she is here. Otherwise, she's doing pretty well keeping up with her schoolwork.

Lavender Bass and Foster Mother Bonnie Matthews, Cont'd.

I can tell she's really, really sad. I asked Lisa if we could get her some therapy. I try to comfort her, but sometimes she seems to tense up if I touch her, especially if she's not expecting it. I'm always very gentle with her, but I can tell she's not feeling totally safe with me yet. Would you like to meet her? Let's go out back.

After being introduced by Bonnie and after you've explained your role, you ask Lavender a few questions.

Lavender: I'm okay.

Living with Bonnie is okay.

I don't really watch TV.

I don't really have friends at school.

Can you please take me home now? I miss Mom and Grandma and my aunt.

When you say you can't do this, she begins to cry. Bonnie comes over, and you explain you'll be back to visit another day.

- How does it feel to visit with this child?
- How might you try to comfort Lavender in this situation?

Father: John Bass

Setting: County Jail Visiting Room (about 100 miles from where you live)

They arrested me for pot. I don't belong in jail. All I did was smoke some marijuana, which is culturally acceptable in our tribe. It's part of who we are. Have you ever heard of Kinnick-Kinnick?

Susan was kind of wild back when I knew her, as far as drugs and partying. We had fun together for a while, but by the time the baby was born she had moved on from me and wouldn't give me the time of day. Made being involved pretty hard.

I wasn't with Susan very long, but Lavender is my child and I love her. I haven't seen Lavender very often since she was born, but I know her mother's people take good care of her. She needs to be with them no matter what Susan does. No family of strangers is going to understand her like Leah and her grandma do. She belongs with them, with her kinfolk, her blood. Don't you know we're Native? Susan and me both. That means our daughter is Native. Doesn't my tribe have the right to decide what happens to her?

My mother's a good-for-nothing white woman who doesn't understand what's important in life, and my dad is no longer living. My dad was Native American and proud of it. So am I.

I'd love to care for Lavender full time when I'm out of here, but I travel too much for my work. I couldn't make a solid home for her. She'll be fine if you could just get her home to Leah. Can you do that for me? If not for me, please do it for her.

- How do you answer his question about reuniting Lavender with the Mailers?
- What difference does this information make to the case?
- Who would you like to contact next?

Maternal Aunt & Grandmother: Leah & Rebecca Mailer (First Contact)

Setting: Home of Leah, Rebecca and Susan Mailer

Leah: Hi, I'm Leah. I'm Susan's sister, which makes me Lavender's aunt. No, Susan isn't here. She hasn't been around much lately. I think she's staying with her boyfriend now. Or maybe she went out of town. I don't really keep her schedule. Susan works at a bar and makes good money with tips, but she works long hours. Sometimes she stays away from home for a few days, but we never worry because she can handle herself. She doesn't usually have Lavender there with her, and they never spend the night out like that—that was a one-time thing.

Rebecca: I'm Lavender's grandmother. Yes, Susan uses drugs. Marijuana. Other stuff. She started with inhalants as a teen and has struggled with addiction. But we can deal with the problem—it's our family's business, not the government's.

Leah: Lavender always stays with us when Susan's not around. The CPS worker said Lavender couldn't come home if Susan might be here? It's part of her safety plan she tried to get us to sign. But of course Susan's going to be here—she lives here! And although she's not perfect, we know her and she would never hurt the kids. Our whole family misses Lavender terribly and we don't even have a phone number where we can call her. How soon can we see her? She needs to be with her own people. It's not fair to punish her for her mother's flaws. How can the government come and just take our child?

Lavender's father? Oh, he's at the county jail. Got arrested for weed from what I hear. We don't see much of him—never really have.

- What are your impressions of Lavender's maternal family?
- What are your follow-up questions?

Maternal Aunt & Grandmother: Leah & Rebecca Mailer (Second Contact)

Setting: Home of Leah, Rebecca and Susan Mailer

Leah: Folks in our tribe tend to be a close-knit community, so we care for each other's children pretty frequently. Mine are bored today, with all this quiet. (Turning to her children) Go on and find something to do, kids. Go on in your rooms and get them cleaned up. (As she gives instructions, you notice the children listen intently and don't look directly at their mother, but they follow her instructions immediately.

Did you think there was a party here last time? No party. We always have a few kids over. We like to have our kids around us, active and playing. They don't bother us. We believe children learn better from direct experience, by working most things out themselves. They don't need us micro-managing them.

Kinnick-Kinnick is tobacco blended with some other herbs. It's for social smoking but, no, it doesn't get you high. John Bass is confused if he thinks smoking marijuana is sacred. Marijuana is not sacred for our people. That's just an excuse to get high and not take responsibility for what he's doing with his life.

I'm not registered with our tribe, but my mother is. I don't know why I never did it. I guess 'cause I never lived on the reservation. Maybe I should go ahead and get my children registered too. We're all eligible for membership. Lavender is too.

Look, my sister has had a hard life. She went to a sleep-away summer camp when she was 10, and the man who ran the camp really harmed her. It was very traumatic, and nothing ever happened to that man; he never had to answer for what he did to her. Susan has really struggled with that trauma. Does my sister have problems? Yes. And we try to understand her pain. We give her room to do what she needs to, to take care of her wounds. That's why we're not harder on her.

**Maternal Aunt & Grandmother: Leah & Rebecca Mailer
(Second Contact), Cont'd.**

- What difference does this information make to the case?
- What are your follow-up questions?

Mother: Susan Mailer

Setting: Phone Call (After repeated messages and voicemails not returned, you call from a new phone number Leah gave you and happen to catch Susan.)

Sorry, who are you? What exactly is your role?

How is that different from that caseworker?

Look, I'll tell you the same thing, since you seem to be asking the same questions as everyone else. I love my daughter. My family has always taken good care of Lavender. Nothing bad has ever happened to my child and nothing ever will. My family won't make the same mistake with her they did with me—trusting the wrong people. And I know terrible things have happened to children in foster care. I'm terrified for her living with strangers!

Yes, I work at a bar. Do you have some kind of problem with that? I work hard to provide for my daughter. Sure, Lavender sometimes came to work with me. She'd color while I worked. I don't have the money to pay a babysitter, and I was always there with her.

Substance use? Look, I like to party from time to time. Lots of people do the same thing. Are you gonna take their kids, too? Sometimes I need to escape. This is stressful. Life has been stressful. I have bad memories from my own childhood, stuff that happened when I was away from home. Personal stuff that's honestly none of your business.

I don't spend my money on drugs. If someone offers me something, maybe I'll do that stuff socially, but not around Lavender. It's not like I'm an addict. And if our house is so dangerous for a child, why don't they take my sister's kids too? This is just a bunch of bull crap!

- What are your thoughts on Susan's final point? Why doesn't CPS remove Leah's children from the home?
- What are your follow-up questions?

Lavender Bass Case Debrief Questions

- How might you go about addressing the cultural dynamics of this case?
- How would you respond to or comfort Lavender when she breaks down in tears and says, “Take me home”?
- When it comes to the hierarchy of placement and permanency options, where do extended family placements and non-relative placements fall?
- Why would CPS not remove Leah’s children from the home, if the home is not considered a suitable placement for Lavender?
- Lavender's school describes her as distant and distracted. What’s your interpretation?
- Does Susan’s substance abuse pose a child safety issue for Lavender? If so, does removing Lavender from the home protect her? What other options might there be?