

EDGAR'S **JOURNEY**

RIGHTS & ROLES BOOK



When adults are worried about a child's safety at home and think their family needs help, they will open up something called a case. They will then work together with the family to try and make things safer at home. These adults are part of something called child welfare. Many different adults work in the child welfare system, and this book will help you understand who they are and what your rights are when your family is part of a child welfare case.

Things like this happen to other Native and non-Native kids and families, too. But every situation is different. In some cases, the adults and families might also go to court, which is a place where adults work together and talk about how to keep children safe at home. And some might go to tribal court or state court, or both. Each of these courts can feel different for kids and families and might do things in different ways.

No matter what is happening for you, please remember that none of this is your fault and you are not responsible for anything that has happened, and it's ok to have different feelings about what's going on.

Also, you are not alone — you can ask for help from the adults working with you, like the ones in this book or in Edgar's story, or other adults in your family or community that you trust.

WHAT IS THEIR JOB?

ROLES IN THE CHILD WELFARE SYSTEM

In this section you will learn about the jobs of the different adults you might meet.

These adults may be from your tribe, from another tribe, or work for the local, state, or federal government.

You will also find out what your job is, too.



CHILD PROTECTIVE SERVICES (CPS)

Their job is to try to make sure that kids are safe. If they think someone is hurting or not taking care of a child, they investigate, or try to figure out what happened, and try to find a way to make sure the child is safe. They might ask you questions to help them understand what happened. CPS might be called a different name where you live.

CHILD PROTECTIVE SERVICES LAWYERS

These lawyers work for Child Protective Services and will talk in court about what they learned.

SOCIAL WORKERS

Social workers are there to help you and your family. They'll try to make sure you're getting everything you need outside of court, and can help advocate for you in meetings with your family. You can talk to them about anything you're worried about, or ask them any questions you have. They might work for CPS or a different agency.

ICWA WORKER

If your family goes to the state court, the ICWA worker will go to court, too, to talk about what your tribe wants for you and your family, and how the tribe will help you. They can also help your family find culturally appropriate services.

*For more information on ICWA see page 13.

POLICE

A police officer's job is to try to keep people safe and make sure they follow the laws. They investigate crimes and are sometimes part of child welfare investigations. They might ask you questions to help them understand what happened. Some police officers wear uniforms but others wear regular clothes.

RESPONDENT

When CPS brings someone to court because they think the person is hurting or not taking care of a child, that person is called "the respondent."

There will be one or more adults to help you if you need to go to court. Depending on where you live, they might be called attorney for child, GAL, or CASA.

ATTORNEY FOR CHILD (AFC)

The attorney for child, or AFC, is a lawyer whose job is to help you tell your side of what happened, and what you and your family want and need. In some places, the AFC can be called Guardian Ad Litem (or GAL) or Court-Appointed Special Advocate (or CASA).

GUARDIAN AD LITEM (GAL)

The GAL's job is to help you (not your family or others involved in the case). They find out as much as they can about how you are doing and figure out what they think could help you most (including where you should live) and say that in court. You might not always agree with them.

COURT-APPOINTED SPECIAL ADVOCATE (CASA)

A CASA's job is to talk to you and everyone involved, and make recommendations to the court.

JUDGE

The judge is the person in charge of the courtroom, who makes sure everyone follows the rules. Their job is to listen and make decisions about the case. In some places, they're called a referee or a magistrate.

FAMILY/VICTIM ADVOCATE

The family/victim advocate's job is to help you during the investigation and in court. They can help you understand what's happening. You can ask them questions, and they might go to court with you.

ATTORNEY OR LAY ADVOCATE

This person helps the respondent tell the judge their side of what happened, and ask for what they want or need.

COURT ATTORNEY

The court attorney is a lawyer who helps the judge. You might see them in the courtroom. They may also meet with the other lawyers and people involved in the case, to try and help everyone agree to a plan to help your family.

COURT CLERK/ASSISTANT

The court clerk or court assistant sits near the judge or referee in court and helps them.

BAILIFF/COURT OFFICER

The court officer makes sure everyone in the court is safe. They call everyone into the courtroom when the judge is ready. They wear uniforms and may carry guns.

COURT REPORTER

The court reporter's job is to write down (usually by typing very fast), everything people say in the courtroom.



YOU

Your story is one piece of the puzzle. Your job is to answer questions, and to share what you saw, heard and remember about what happened.

KNOW YOUR RIGHTS

If your family is part of a child welfare case, you have rights.

Read on to find out what they are.



Know Your Rights

You have the right to...

...have your voice listened to!

You should always be heard when talking to judges, caseworkers, lawyers and police.

...be treated with respect.

...have an advocate or access to another adult that can help.

The adults working with you are there to help you understand what's happening with your case. That means you have the right to ask as many questions as you want!

...live in a place where you feel safe.

This means you have enough food, go to school, and see a doctor or counselor when you need to.

...stay with your own family.

Except if there's an emergency, or if the judge thinks it's not safe for you at home.

...understand what the people in your case are saying and doing.

If you don't understand what's happening for any reason, ask your advocate or adult who gave you this book.

If you have a disability or something makes it hard to understand what's going on, tell your advocate right away! There are lots of ways you can get help. [See the section about disabilities on the next page for more information.](#)

...help for your parents or guardians so they can make home safer for you.

Ask your advocate or adult who gave you this book about this.

If you have a disability...

You **ALWAYS** have the right to understand what's going on with your case and what the people working on it are saying and doing.

You also always have the right to express what happened and how you feel.

This means you can get support so people can understand you.

You should always be able to get to (and around) the court or any other place you have to go for a meeting.

Let the people working on your case – like your advocate, caseworkers, and lawyers – know about your disability and what you need help with right away. You may have to ask for help at each meeting and each time you go to court, so don't be afraid to keep asking!

If your parent or guardian has a disability, they have the right to request a type of support called reasonable accommodations, too.

There are many types of support or accommodations you can ask for!

Talk to your advocate to find the right ones for you. And don't be afraid to ask. If you have questions or your rights have been violated, talk to your advocate, a caseworker, or another person working with you on your case right away.

If you're in foster care...

You have the right to...

...be in a place that is safe, healthy, and comfortable.

There are a lot of different options like a foster home, group home, or residential center. You should be placed as close to your community as possible, and with your siblings too, if appropriate.

Talk to your advocate or other adult helping you about finding the best placement for you. They might not be able to get you what you want but they can try to help.

...visits with your brothers, sisters, and other family members.

If it is safe and won't be harmful to you. Don't be afraid to ask for them!

...have a plan that says what your family and the people helping you need to do.

This is called a "permanency plan." The first goal is usually to reunify you with your family. If this can't happen, then plans are made to find another safe place for you to live long-term. If you're happy with your current foster care placement, make sure to tell your advocate.

...and depending on where you live, you may have even more rights!

The Indian Child Welfare Act (ICWA) may be applied to your case.

Read more about ICWA on the following page...

DID YOU KNOW?

“ICWA”

stands for

Indian Child Welfare Act

The Indian Child Welfare Act is a law that protects American Indian children, families and tribes. If you are a member of a tribe, or eligible for membership and are the biological child of a tribal member, ICWA applies to your child welfare case.

When ICWA applies, your family and tribe will be involved in decisions affecting your placement and services you receive. If your case is being handled in state court, this may mean a transfer to tribal court instead.

You may also have the right to...

...services for your parents or guardians to help them take care of you, like therapy, parenting classes, and other programs. They can ask their advocate or caseworkers for help getting these.

WHO'S WHO?

If you want, you can write down the names and contact info of the people that are working with you here.

CPS Worker(s)

Contact Info: _____

CPS Lawyer(s)

Contact Info: _____

ICWA Worker

Contact Info: _____

Attorney for Child/GAL/CASA

Contact Info: _____

Family/Victim Advocate

Contact Info: _____

Social Worker/Therapist

Contact Info: _____

Judge

Contact Info: _____

Other

Contact Info: _____



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The Center for Court Innovation's Child Witness Materials Project is a collaborative effort between the Center for Court Innovation and Alternate History Comics, Inc. and is supported by cooperative agreement #2018-V3-GX-K069, awarded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime. The opinions, findings, and conclusions or recommendations expressed in this document are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The characters, names, events, and likenesses thereof are Any relation to real events, people, or locations is uninter used in a fictitious manner.

The Center for Court Innovation works to create a more e and humane justice system by performing original rese helping launch reforms around the world.
www.courtinnovation.org

Alternate History Comics is a multiple award-winning publishing company that creates original graphic novels and cultural comic collections.
<http://ahcomics.com>

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The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime.

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The Office of Justice Programs is a federal agency that provides federal leadership, grants, training, technical assistance, and other resources to improve the Nation's capacity to prevent and reduce crime, assist victims, and enhance the rule of law by strengthening the criminal and juvenile justice systems. Its six program offices—the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office for Victims of Crime, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking—support state and local crime-fighting efforts, fund thousands of victim service programs, help communities manage sex offenders, address the needs of youth in the system and children in danger, and provide vital research and data.



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