

Lavender Case Study Materials

CPS Case File

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

Current Caretaker(s)	Address	Phone
Foster Parent: Bonnie Matthews	52 Greylock Rd.	555-5874

Attorneys for:		
Mother	Sara Johnson	555-6498
Father	Fred Thompson	555-6644
CPS	Lisa Kelly	555-6298

Case History

Three weeks ago: Child, Lavender Bass, age 6, came into care following a complaint made by her paternal grandmother. 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 mother 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 Mathews.

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 busted a party.

Your first interview with CPS worker:

You arrange to meet with Lisa Kelly, the CPS worker, to discuss this case and review the file. She’s a cheerful young woman, new to the agency and full of enthusiasm for her task—saving the world from itself. Lisa shows you the paperwork for the Lavender Bass case. Lavender’s paternal grandmother made the initial report, complaining that the child’s mother wasn’t looking after her and tipping CPS about where to find them. Paternal grandmother adamantly stated that she does not want to be involved in the case, “so please don’t call her.” You take her number down anyway. The mother was arrested and kept in jail overnight. Lavender and her mother 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 combined Adjudication/Disposition Hearing.

Who do you want to interview first?

The Questioner's List

It is the Questioner's job to ask questions as you go along but not his or her exclusive right. Everyone should make sure they understand the group's ideas and conclusions as you work through the case.

Questions to consider periodically:

- Where else could we get more information that would be useful?
- Why should or shouldn't this family be reunited?
- Have we checked with relatives?

Questions to consider before finalizing court recommendations:

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

Interviews Available

(DO NOT DISTRIBUTE THIS LIST. It is for your use as a facilitator only. Groups have to decide on their own who they want to interview.)

- **CPS Caseworker – Lisa Kelly**
- **Attorney for the Program and Volunteer Supervisor**
- **Lavender Bass and Foster Mother Bonnie Matthews**
- **Father – John Bass**
- **Maternal Aunt and Grandmother, Leah Mailer and Rebecca Mailer – First contact**
- **Maternal Aunt and Grandmother, Leah Mailer and Rebecca Mailer – Second contact**
- **Mother – Susan Mailer**

CPS Worker – 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. I got my MSW at University of State School of Social Work. Now I'm "livin' the dream" so to speak.

I've visited the child's home and spoke with her grandmother and aunt. Both women adamantly insist that they will not ban Lavender's mom, Susan, from their home. They were relatively guarded and uncommunicative. As no protection plan was agreed on, the child will remain in foster care. There was something strange about the home, a smell or a look that made me take notice, but I haven't figured it out yet. It wasn't pot. But it wasn't a smell I've smelled before. Perhaps it was nothing. But perhaps it was something.

I've attempted to locate the mother by leaving messages at her home and also calling her employer, so far with no response. The mother did not show up in court for the preliminary hearing.

The child's father is in jail—he's 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 busted 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. She should be able to stay with Ms. Matthews indefinitely. It's a really good foster home.

I've been by to see Lavender a couple times already, once to bring her some clothes and things from home. The child is clearly upset and freaked out to be staying with a stranger. I feel so sorry for her, but I haven't even been able to locate her mother, much less to start working with her, 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?**

Attorney for the Program and Volunteer Supervisor

Setting: CASA/GAL Program Office

CASA/GAL Program Attorney: If this child is Native American, or a child of Native American descent, then this is likely an Indian Child Welfare Act (ICWA) case. If so, the court is responsible to do certain things, paramount among them being to notify the child’s tribe or possible tribe(s) that they have the right to intervene in the case, a right they may assert at any point in a case. If the court fails to comply with ICWA, court orders are voidable, which means orders for permanent placement can be undone—even adoptions. I will be in touch with the CPS attorney to be sure they are pursuing notification of the tribe(s) and the Bureau of Indian Affairs (BIA).

As the volunteer, your primary duty is to notify your supervisor and me that you may have an ICWA case. You can also help by finding out if this child or her parents are registered members of a federally recognized Indian tribe. If you are able to identify her tribe, you would get in touch with the tribal social worker (if they have one) and/or tribal government. Of course, you should touch base with the CPS social worker about this development in the case.

Volunteer Supervisor: One of the main differences in an ICWA case is that the tribe may express preferences that would strongly influence, or even override, an existing placement of the child. The tribe’s parameters for extended-family relationships may include a wider range of relationships than in a non-Indian case. If no extended families are available, they may want Lavender in an approved tribal home or tribal foster home.

Additionally, “best interest” takes on further shading in that the ICWA best interest reflects the underlying premise that it is in the best interest of American Indian children that the role of the tribal community in the each child’s life be protected.

CASA/GAL Program Attorney: 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.

- **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 Mathews

Setting: Home of Bonnie Mathews

Bonnie: Hi. Thank you for meeting here. Lavender has been with me for about three weeks. Lavender is no trouble really, but she's not adjusting well. She still cries about missing home almost every night and she seems 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. It's a pattern that works. I've been a foster parent for about five years now. I only take one child at a time. I've had different aged children, but I prefer the elementary school kids.

Lavender never attended a real school before. I guess she was home schooled, but it doesn't seem like she learned much where she was before. 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.

Lavender seems developmentally on target. She knows how to wash and dress herself—do self care and all the usual things a 6-year-old would do. She's a very quiet and shy child. Usually by three weeks I would have drawn a child out more, but Lavender 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 hear me. The teacher said she wondered if she's got attention deficit disorder, but I don't think so. I know ADD kids usually show more symptoms in school than at home, and honestly I think Lavender's no more spaced out there than she is here. In any case, she's doing fine keeping up with her school work.

I can tell she's really, really sad. I told Lisa we should get her some counseling. 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.

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

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?**
- **What were you tempted to promise her? How might you try to comfort Lavender in this situation?**

Father – John Bass

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

They busted 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 a wild girl when I knew her. She showed me how to "huff" (use inhalants). We got high together and had a fun time for a while, but by the time the baby was born she had moved on from me. By then she wouldn't give me the time of day.

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. Hell, she belongs with them, with her kinfolk, her blood! Don't you know we're Native? Susan is Native American. My daughter is Native! Doesn't the tribe have the right to say 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 dead and gone. My dad was Native American, and proud of it. So am I. My Native name is Grey Wolf—I'm John Grey Wolf Bass.

I'm not sure what tribe Susan's people are registered with. The Mailers are not from my tribe. I'm mixed blood.

Would I take Lavender in when I'm out of here? I travel too much. I couldn't make a solid home for her. She'll be fine if you could just get her home. 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?**
- **What is your next move?**

Maternal Aunt & Grandmother Leah Mailer & 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 has to work 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 "huffing" as a teen and has struggled with addiction. We can deal with the problem—it's family 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 protection plan. Of course Susan's going to be here. She lives here, doesn't she? She'd never hurt the kids. We do miss Lavender terribly and don't even have a phone number where we can call her. She needs to be with her own people. How can the government come and just take our child? I thought they stopped doing that in the 1950s!

Lavender's father? He's at the county jail. Got busted I hear. We don't see much of him, never have.

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

Maternal Aunt & Grandmother Leah & Rebecca Mailer – Second Contact

Setting: Home of Leah, Rebecca and Susan Mailer

Leah: Native Americans visit each other a lot so we always have people dropping by and we often watch each other's children. Mine are bored today, with all this quiet. (Turning to her children) Go on and find something to do, kids. No, never mind. Go on in your rooms and get them cleaned up. (As she gives instructions, you notice the children listen intently but don't look directly at their mother. But they obey her 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 hardly even notice them unless one of them gets hurt and starts screaming. We believe they learn better from direct experience, by working most things out themselves. They don't need us butting in.

Kinnick-Kinnick is tobacco mixed with some other plants. 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 Native Americans. That's just an excuse to get high and not take responsibility for what he's doing with his life. We also use smudge smoke for purifying.

I'm not registered with the 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 all qualify by the tribal blood quantum. Lavender does 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 hurt her bad. He made her his woman the whole two weeks she was there—a little child like that, only 10 years old! She couldn't get away from him. They wouldn't let the kids call home. It was a charity thing, you know, and they didn't have money for phone calls, or at least that's what they told us. Nothing ever happened to that man; he never paid for what he did to her. Afterward Susan was never the same. Does my sister have problems? Yes. And we know why. We try to understand her pain. We give her lots of room to do what she needs to, to take care of her wounded spirit. That's why we're not harder on her.

- **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 different phone number and happen to catch Susan picking up the phone.)

Who are you? What exactly is your role?

How is that different from that social worker?

Look, I'll tell you the same thing, since you seem to be asking the same questions as everyone else. I love my child. 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.

Yes, I work at a bar. What's it to you? Yes, Lavender sometimes came to work with me. She'd do homework while I worked. I don't have the money to pay a babysitter.

Yeah, I do like to party from time to time. And if someone offers me something, I smoke it. 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. What stuff? That's personal. Don't ask.

No, I don't spend my money on drugs. I told you, I don't do that. If someone offers me something, maybe I'll do that stuff socially. But it's not like I'm a druggie.

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! No wonder we don't trust the government. Why they always gotta steal our children?

- **How about Susan's final point? Why doesn't CPS remove Leah's children from the home? Should they?**
- **Do you believe what Susan said about not buying drugs?**
- **What are your follow-up questions?**

Lavender Case Debrief Questions

- How might you go about addressing the cultural aspects of this case?
- How would you respond/comfort the child when she breaks down in tears and says, “Take me home”?
- What’s your opinion about the level of cooperation offered by the parents?
- When it comes to the hierarchy of placement/permanence options, where do non-relative and/or extended family placements fall?
- Why might CPS not remove Leah’s children from the home if it’s not considered a suitable placement for Lavender?
- The school thinks Lavender is distant and nonresponsive. What’s your interpretation?