

The Orange Case

Olivia Orange – 12 years old, receives special education services

Mark Maroon – 4 years old, attends preschool

Yolanda Yellow – 13 months old, may have developmental delays

Maggie Magenta – mother of all 3 children, 28 years old, unemployed

Franco Yellow – father of Yolanda, 39 years old, employed in food preparation industry

Bruce Orange – Olivia's father – deceased

Brad Maroon – Mark's father, formerly in military, whereabouts unknown

Protective Services Report

The Office of Children's Services (OCS) received a protective services report (PSR) from the school that the oldest child, Olivia Orange, age 12, came to school dirty, tired, and hungry. Olivia reported she had witnessed a physical fight between her mother, Maggie Magenta and her mother's boyfriend, Franco Yellow, in her house the night before. She said at one point she saw Franco pull a knife and threaten to slit Maggie's throat. Olivia explained she was up all night, trying to comfort her younger siblings, Mark Maroon, age 4, and Yolanda Yellow, age 13 months. This morning Olivia left the house while her mother and Franco (who is Yolanda's father) were still asleep. Before going to school, she stopped at a neighbor's to ask if the neighbor had some food her brother and sister could have for breakfast. Olivia also told her teacher that Maggie and Franco fight and drink all the time. She also described what sounded like a meth pipe and used syringes on the coffee table.

At 2:00 p.m. the same day, an OCS Initial Assessment (IA) worker went to the home and knocked on the door. After about 10 minutes, Maggie opened the door; she was disheveled, and had bruises on her cheek and arm. The home was filthy and in complete disarray, with chairs turned over, food spilled on the floor and empty beer cans scattered in the kitchen and living room. There was no fresh food in the refrigerator or kitchen cabinets. Olivia's brother and sister both appeared frightened, dirty and hungry. Yolanda's diaper was in bad need of changing. Mark had an open sore on his leg that looked infected.

Franco came out of the bedroom, also looking disheveled, and demanded to know what the IA worker was doing in his home. Although he calmed down somewhat, he was fairly belligerent during the entire interview. Maggie and Franco downplayed the incident. They said there had been a party and others brought in the beer and then left without cleaning up. They adamantly denied the children were in any danger. They both refused to sign a safety plan.

The IA worker determined the children were in danger of imminent physical harm. The children were removed from the home and placed together in a non-Native foster home.

Prior OCS Involvement

The file indicates that OCS became involved informally with Maggie four years ago, after Mark was born positive for cocaine. Mark's father, Brad Maroon, was in the military and left Alaska shortly after Mark was born. According to Maggie, Brad has made no effort to contact Mark, but he does pay child support. Maggie successfully completed an outpatient drug treatment program, and OCS closed its case.

Over the past three years, OCS received four reports regarding Maggie, all involving neglect and possible drug use. Two of the reports were not investigated because Maggie and the children could not be located. The other two reports were not substantiated as the children were not forthcoming with information, the home was adequate, and Maggie provided clean urine samples (UAs) each time.

Other Background Information

Maggie is a member of a northern remote Tribe and has a large group of extended family members who live in the village, which is only accessible by air or water. Maggie was raised in the village, and became pregnant with Olivia when she was still in high school. Olivia's father, Bruce Orange, died in a fishing accident when Olivia was an infant; Maggie receives Social Security survivor's benefits for Olivia. Maggie and Olivia moved to the city so Maggie could attend college, though she has not received a degree. She is active in her church, and is currently unemployed.

Franco was born in southern California, where his parents were involved in migrant work. His parents are citizens of Mexico but have lived in California since he was born and are working on US citizenship.

Franco originally came to Alaska as a seasonal firefighter and has no local family. Franco moved in with Maggie two years ago because he needed a place to live after fire season and Maggie needed help with the rent. They became involved as a couple after a few months of sharing the home, and Yolanda was born a year later. Franco currently works in the food preparation industry.

Six months ago, Franco was arrested for domestic violence assault after punching Maggie in the face during an altercation at a bar. Franco pled to a misdemeanor assault, and received no jail time. This incident was not reported to OCS.

Olivia receives special education services in her Middle School. Her teachers have been concerned about her, due to her violent outbursts followed by silences and her poor school attendance. Mark shows no identifiable delays; he attends preschool in Maggie's church. Yolanda may have some developmental delays, as she doesn't crawl and rarely even babbles.

Both Maggie and Franco deny any current drug use and deny that there is any violence in their home. Franco reports that the child Olivia "hates me and tells me she doesn't have to do anything I tell her," but that Mark calls him "daddy." He describes Yolanda as the "light of my life" and tells the worker he can take care of both Mark and Yolanda. He insists there is nothing wrong with Yolanda and that "kids in my family were always a little behind the curve."

The Temporary Custody Hearing

At the temporary custody hearing, Maggie appears but Franco does not. A guardian ad litem (GAL) is appointed for the children and Maggie has counsel appointed to represent her.

The OCS IA worker, Irene Apple, is very experienced, having worked for the department for seven years. She has a BA in psychology and has completed the coursework for her MSW. Irene will ask that the children remain in foster care, as she does not believe the children would be safe in Maggie's and Franco's home.

Maggie's lawyer, Peter Dumpling, has worked with the Public Defender (PD) Agency for several years. Peter explains to Maggie prior to the hearing that the best way to get the children back is to cooperate with OCS. Maggie is suspicious and doesn't trust either him or the process. She doesn't think there is really any justification for state involvement.

The children's GAL, Greg Albino, is also very experienced. He has been working as a GAL with the Office of Public Advocacy (OPA) for 6 years. Cathy Sacks, the assigned CASA volunteer, has just completed her training and this is her first case.

The Assistant Attorney General (AG), Amy Gross, has been with the state for 15 years.

The Indian Child Welfare Act (ICWA) worker, Ida C. Walker, has been a part-time employee with the Tribe for six months, and will participate in the temporary custody hearing by telephone. She knows Maggie and Maggie's extended family members and is well-versed in the support systems available in the village.

Magistrate Judge James has handled Child in Need of Aid (CINA) cases for three years, and views the work as very important.