

... JUDGE ROBERT JOHN BUTTS ...

Court, Tribe, & State Agency: How These Entities Banded Together to Benefit Cheboygan Children

On many occasions, Cheboygan County Probate and Family Court Judge Robert John Butts has had personal experience with the cooperative spirit that exists between his county, the Michigan Department of Health and Human Services (DHHS), and Michigan's tribal community.

Specifically, Judge Butts recalls one very complex case that resulted in the collective efforts of the court, the MDHHS, and the Pokagon Band of Potawatomi Indians ("Tribe"). Through mutual efforts, they were able to provide the best services for three children embroiled not only in a child protection proceeding, but also delinquency proceedings for each child.

The three teenage children involved were in the home of their aged grandparents/guardians who were the named respondents. The biological parents are currently incarcerated for an extended period of time. The MDHHS and the Tribe all worked diligently in finding the best possible foster and residential placements tailored to fit the specific needs of each child.

"The prime benefits of working together are the services that we can all assist each other with," explained Judge Butts. "In this case that I am referring to, the Tribe was able to help us out financially as well. They were



From left to right: Cheboygan County Probate Register Patricia Hansen, Judge Robert John Butts, and DHHS Children's Services Specialist Katelyn Engler

able to help by providing substance abuse services for a member in their Tribe, where it was not clear that we would be able to do so."

In addition to the Tribe providing help and funding to assist this family, they also arranged an expanded communication system to allow for the multiple parties in the matter to participate in the proceedings. Judge Butts says that the key in neglect and abuse cases is to have everyone who is important to the family included in the resolution.



“We want to have not only mom and dad, but grandma and grandpa, friends of the family, and the Tribe involved and present,” Judge Butts remarked. “Not only do we have a group of people on the phone, but we have a courtroom full of people too, who are interested in these kids and hoping to change their behavior and provide them a stable home. The tribal attorney and/or tribal social workers attended and participated in all hearings.”

Collectively, all three entities—the Tribe, DHHS, and the Court—examined what services were needed to provide for the welfare of the family. Through active communication and cooperation, they were able to work together with their available resources to achieve the common goal.

Although the different entities have been able to succeed, working in partnership is still an ongoing effort. While there was no direct contact in this case, the judges set the tone for tribal and state court relations, according to Judge Butts.

“The Indian Child Welfare Act was passed many years ago but as far as courts being aware of its requirements, that has been a long slow process,” Judge Butts said. “I would say that the State Court Administrative Office’s Court Improvement Program that created the Tribal Relations Committee is what really started the training. The creation of various information guides for the courts and ultimately the changing in the court rules and the passing of the Michigan

Indian Family Preservation Act, has all contributed to success over the years.”

Cheboygan County Probate Register Patricia Hansen, who works closely with Judge Butts, says the interaction among the state and tribes is fundamental.

“I think that the courts, within the last 10 years or so, have really realized what the tribes could offer us,” she shared. “Through partnership, as everything has evolved, the ties have grown stronger to where we are relying on one another. Together, we are able to fill in certain service gaps with the variety of services that the DHHS, state courts, and tribes are able to provide.”

Judge Butts remarked, “To me, it’s a focus on not necessarily the judge communicating with the judge, but the cooperation between the Tribe and DHHS, which is what is going to resolve cases and help the families involved. Two key things for success are notice and active efforts. You need to notify the Tribe from day one, and you need to be looking at active efforts. The direct communication between the DHHS worker and tribal services workers was the key to successful services and complying with the active efforts requirement.”

Judge Butts is proud to be involved with a working network of support among both courts and encourages them to work together to continue the positive impacts on their communities and local families. ✍️