



Eastern Band of Cherokee Indians

FAMILY SAFETY ATTORNEY

Position Description

Program:	Civil Law	Reports to:	Senior Associate Attorney General
Division:	Office of the Attorney General	Position Number:	906517034; 906517008
Classification:	Professional	Revision Date:	10/01/2022
Pay Level:	19	Safety Sensitive:	No

PERFORMANCE EXPECTATIONS

In performance of their respective tasks and duties all employees of the Eastern Band of Cherokee Indians (EBCI) are expected to conform to the following:

- Uphold all principles of confidentiality to the fullest extent.
- Adhere to all professional and ethical behavior standards of the Tribal Government.
- Interact in an honest, trustworthy, and respectful manner with employees, Tribal members, visitors, and vendors.
- Participate in departmental staff meetings, quality management activities and educational programs.
- Embody respect and understanding of EBCI traditions and values.
- Display willingness, initiative, and teamwork, to perform other duties as requested.

POSITION PURPOSE

Represent the Tribe and Tribal Department of Human Services in civil child and adult protection cases. Litigation in Tribal and state Indian Child Welfare Act (ICWA) courts. Will be responsible for legal compliance with the ICWA for all cases involving Eastern Band of Cherokee Indians (EBCI) children and the compliance with EBCI inter local agreements. Performs a variety of legal services as directed by the Attorney General. Maintains good community relations by providing efficient and comprehensive quality of service to the Tribe. Provides leadership to the Health and Human Services Department to ensuring Tribal law and policy are adhered to, systems are functional and is committed to be a member of the Integrated Child Welfare Team.

ESSENTIAL DUTIES, FUNCTIONS, & RESPONSIBILITIES

- Provide Tribal intervention in state child welfare cases and work with Tribal Human Services Department to decide which cases to transfer from State to Tribal court.
- Provide all legal services to tribal Human Services, Family Safety program and the integrated child welfare team to adjudicate and manage litigation of Tribal child maltreatment cases.
- Establish and/or maintain use of appropriate software to assist with legal tasks and coordinate with court and Integrated Child Welfare Team to ensure relevant collection of data for measuring performance of legal system, including court processes, for child welfare cases in the court system is occurring.
- Report quarterly on system performance and annually on case outcomes.
- Learn and become expert in the Tribal child and adult protection (family protection) system.
- Develop and maintain cooperative relationships with County, State, Federal, Tribal, and private agencies in regards to child and adult maltreatment issues.
- Assure confidentiality and professionalism in all cases.
- Must be able to handle demanding, angry, or upset people in a professional manner.
- Drafts pleadings, reports, letters, memoranda, and other documents.
- Interprets laws, rules, and regulations and becomes proficient in stakeholder systems and services in order to provide comprehensive advice and assistance.
- Must be able to work independently and have the ability to follow verbal and written instructions accurately.
- The ability to operate a computer, facsimile, copy machine, and other related office equipment is required.

Position Description

- Researches and prepares written reports for the supervising attorney.
- Assists other legal staff as instructed by the Attorney General.
- Draft orders and disseminate them to appropriate persons.
- Participate in case staffing and decisions to initiate legal actions for the Family Safety Program.
- Provide all legal services to the Adult Protective Services unit, prepare, adjudicate and manage litigation relating to maltreatment of vulnerable adults.
- Research legal issues, prepare legal memoranda as necessary. Handle appeals of Family Safety Program cases.
- Provide training as necessary for Family Safety Program in the areas of effective testimony, court performance and legal case updates.
- Meet with Family Safety Program prior to court appearances to prepare testimony. Develop timed schedule of cases for Family Safety Court sessions.
- Attend Child Family Team meetings and other meetings at the request of the Family Safety Program Manager.

Scope of Supervision:

This position is not responsible for supervising others. Works under the direction of the Legal Director of Civil Department. Develops a course of action and uses independent judgment to achieve objectives.

MINIMUM MANDATORY QUALIFICATIONS

- Experience:** Five (5) years of related experience required.
- Education:** Juris Doctor Degree required.
- Licenses & Certifications:** Valid, insurable NC Driver’s License required.

KNOWLEDGE, SKILLS, & ABILITIES

Key Job Knowledge:

- Knowledge of child and adult protective services is required.
- Knowledge of the Tribal law, the Indian Child Welfare Act (ICWA) and North Carolina (NC) rules of civil procedure and evidence required.
- Requires knowledge of NC State Bar Code of Professionalism and Ethics.
- Knowledge or willingness to become proficient in best practices in behavioral health and child development issues is a required.

Safety/Accuracy Focus:

Timeliness and accuracy are essential, and adherence to sound legal practices is paramount. Review of work and subsequent procedures would detect most errors of job functions.

Key Relationships:

Internal contacts occur on a regular basis with Attorney General and divisional personnel. External contacts include officials of Tribal Government, Tribal Human Services staff, outside attorneys, Directors of Domestic Violence, Child Welfare, Child Advocacy, legal experts, and law enforcement personnel of all ranks from Tribal and other agencies. Additional contacts are made with various Federal, State, and Tribal agencies and courts. A high degree of tact and professional decorum are required.

Resourcefulness & Initiative:

Follows well defined Tribal procedures and guidelines. Initiative is required to maintain accuracy, establish work priorities, and meet scheduled timeframes. Must be motivated, resourceful, and be able to work under stressful situations. Ability to work as a team member and provide leadership and support is important.

Discretion – Confidential Data:

Access to confidential and proprietary data and information which is not known by the public may occur during employment.

Position Description

Exercise excellent professional discretion regarding confidential and proprietary data and information, never disclosing or misusing such information. Has access to highly confidential files, memos, court records and proceedings, legal documents, and discussions. Must adhere to all tribal confidentiality policies and procedures in performance of job duties. Must not release confidential data without prior approval of the Attorney General. Must follow NC State Bar Rules.

Complexity of Duties:

This position includes completing tasks of varying complexity levels. Requires the ability to solve problems, assess situations and develop appropriate legal strategies and form legal opinions. Must use judgement and initiative to maintain accuracy of work. Must be resourceful when responding to changing circumstances. May require availability after normal work hours in an emergency situation. Must be skilled at negotiation, able to bring others together and reconcile differences.

PREFERRED QUALIFICATIONS

Prefer prior Tribal law and Federal Indian law experience. It is preferred but not required that prior experience include Indian Civil Rights, and U.S. constitutional law

WORK ENVIRONMENT

Work Environment: Work is performed in a normal office or court room setting with occasional outside consultations. Extensive travel may be required with this position.

Mental/Visual/Physical Effort: Must be able to lift 25 pounds and carry 5 pounds on a repetitive basis. High levels of concentration and attention to detail are required along with general observation necessary for problem solving. Job duties require physical efforts of sitting, standing, walking, bending, reaching with arms and hands, good eye/hand/foot coordination, manual dexterity, and visual acuity. Must be able to hear and speak. Must be able to lift 25 pounds and carry 5 pounds on a repetitive basis.

OTHER

Confidentiality: All employees must uphold all principles of confidentiality to the fullest extent. Sensitive information must be kept secure; a breach of these principles may be grounds for disciplinary action, up to and including immediate termination.

Background Investigation: All employees are required to complete a background investigation. Results of the background investigation will be evaluated against the requirements of the position, and as applicable to federal and state requirements. Candidates must be able to successfully pass all required background checks for data sensitive positions and for those positions subject to a 101-630 background check to ensure compliance with Public Law 101-630 "Indian Child Protection and Family Violence Prevention Act."

Drug Screening: All applicants must successfully pass a preemployment drug screening prior to beginning employment. Random drug testing will be carried out based upon position requirements.

Disclaimer: The information on this position description has been designed to indicate the general nature and level of work performance by employees in this position. It is not designed to contain, or be interpreted as, a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to this position. Employees will be asked to perform other duties as needed.

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ACKNOWLEDGMENT

I have reviewed the content of the **Family Safety Attorney** position description and have been provided a copy of such position description. I certify that I am able to perform the essential functions of this position as outlined in this description.

Employee (printed name)

Employee (signature)

Date

Supervisor (printed name)

Supervisor (signature)

Date