

General Information

Private or Public Statement? Private

Statement Provider: Virginia (Ginny) Marriner

Date: July 18, 2014

Location: Augusta, Maine

Previous Statement? No

Statement Gatherer: Heather Westleigh

Support Person: N/A

Additional Individuals Present: gkisedtanamoogk (GK)

Format: Video

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Recording

HW: Okay, um, my name is Heather Westleigh and I'm here taking a Statement today in Augusta on July 18, 2014. Could you please state your name, for the record?

VM: Yes. I'm Virginia, or Ginny, Marriner.

HW: And in the room:

GK: Commissioner gkisedtanamoogk.

HW: Great. The file number is ME-201407-00070. Um, I now need to ask you if you have been informed, understood and signed the consent form?

VM: Yes, I have.

HW: Um, and I also need to advise you that, if your Statement indicates that a child or elder is in need of protection or there is imminent risk of serious bodily harm or death to an identifiable person or group, including yourself, um, that information may not be protected as confidential. Do you understand that?

VM: I understand that.

HW: Thank you. Okay. Um, so I'll ask you a few questions.

VM: Okay.

HW: You certainly can, um, speak to whatever comes up for you around that. Um, could you please tell me about your current or past employment in State and Child Welfare?

VM: Okay. Um, it's my past employment. Um, I was involved for close to 30 years working with Department of Health and Human Services. I began my employment in 1970, um, where I worked for then Health and Welfare at the Bangor office. And I worked, um, three-and-a-half years at that point in time as a child protective services caseworker. I then left for 12 years, ah, long maternity leave.

HW: Mm-hm.

VM: Doing other kinds of, um, positions, substitute teaching, um, working with schools in a variety of, of venues. And returned in 1986 to Department of Human Services, at that time in Augusta. And I began my work again as a child protective caseworker um, for five-and-a-half years. Then I became a child protective services supervisor for about eight years. Then I worked on a, um, pilot project called 'Family Preservation.' It was a collaborative project with a private mental health agency where a caseworker and, a, um, mental health clinician teamed to work with families. Um, and I did that about six years. And, um, that was part of my supervisory role, as a child protective supervisor. Um, and then that program was ended – unfortunately.

HW: Mmm.

VM: And part of that had to do with the Adoption and Safe Families Act, um, and more emphasis on adoption that as that program was ended, I was asked to be an adoption program supervisor. Um, so, in the Augusta regional office, I was an adoption program supervisor and then I moved to become the State Adoption Program Manager out of our central office. Um, and as part of that, I was also a member of the National Association of State Adoption Program managers – NASAP.

I did that, um, I think about thr–, well, it overlapped. I did that probably three-and-a-half years. Then I was appointed as Acting Director of Child Welfare Policy and Practice. Um, but the Adoption Manager position was not filled, so I actually overlapped and, for 15 months did Adoption Program Manager and Director of Child Welfare Policy and Practice. Um, and then I, um, finished my career as Director of Child Welfare Policy and Practice, which incorporated overseeing policy, um, writing policy, working as legislative liaison with the Maine State Legislature for the Office of Child and Family Services.

VM: Um, and I oversaw CAPTA – Child Abuse Prevention and Treatment Act funding and, and grant to the State and the Children's Justice Act – CJA – funding to the State. Um, and I sat on the Child Death and Serious Injury Review Panel. Um, so those are some of my

responsibilities as Director, and I was also part of, as Director, in my role as Director, I was part of the TRC Convening Group.

So that's kind of a history of my child welfare work!

HW: Okay. Um, can you, do you want to say more about the TRC Convening Group?

VM: Um, yeah, I, I – sometimes, you know, now that I've left, sometimes things aren't as clear on the – on the timeframes.

HW: (*overlapping*) Mm-hm.

VM: Um, but I think –

HW: (*overlapping*) That's okay.

VM: – about two-and-half to three years, I sat on the Convening Group. Um, and was –, felt very privileged to kind of a get sense of sort of the history *behind* truth and reconciliation projects, um, looking at where that had been done previously. Um, and working on the language of the Declaration.

And that was really what, during my role there, that's what the group was doing is, coming to a collaborative statement for the Declaration. And that took a great deal of time, because it really was a coming together of State –, there were four or five State representatives, um, and representatives um, from the Wabanaki Coalition, from the different Tribes.

And, so, coming together with language, making sure that our language was acceptable to everyone as part of the Convening Group.

HW: Mm-hm.

VM: Um, also recognizing the legal ramifications – both for Tribal leadership and for State leadership around what the language said. Um, making sure it was strong enough, yet, didn't leave anyone in a position of liability, was – quite a process.

GK: Hmm.

VM: Um, but the group really was able to work together again, as I said, and complete the Declaration, which was signed by the governor, and that took some steps as well, but we were very pleased to have that accomplished. (*nodding*)

HW: Um, about how long ago was that?

VM: Hhhhuh! Ah, well, I retired in 2012, um, August of 2012. So, it was, I believe the Declaration was actually signed in 2012, if my memory –, and sometimes – and sometimes I remember things way back better than I remember more recent things.

HW: Mm-hm.

GK: Yeah, I think it was –

VM: I think it was, um –

GK: in May or –

VM: – it was, yeah.

GK: [–that.]

VM: It was after, I know, being present at a ceremony where all of the Tribal leadership was present at the State Capitol, and the governor signed the Declaration, and I was working at that time, 2012. There was a, second, um, sort of acknowledgement of the Declaration, and then there was the ceremonial Seating of the Commissioners, and that was held up in Hermon, I believe.

GK: Yeah.

VM: Um, and I was able – That was **after** I had retired, but I was able to be present for that. (*nodding*)

HW: Okay. Thank you.

VM: Yep.

HW: Um, how many of the cases you worked with involved working with Wabanaki children and families?

VM: And that would be really difficult for me to put a number, um – given that I've worked for such a long time – (*softly laughs*)

HW: Right.

VM: – and over a span of years that, um –

HW: Understandable.

VM: – I really, I wouldn't even be able to venture a number, because in–, I've worked with

Native families in a variety of different roles, both as a child protective caseworker, um, and in my supervisory roles, and as Director of Policy, so I've had direct and indirect contact – that I kind of can't define with a number.

HW: Okay. That's a, a very fair answer. *(softly laughs)*

HW: Um, when did you first learn about the, Maine's policies regarding Indian Child Welfare?

VM: Um, it's really unfortunate, but I became much more aware of specific policies when I came back to the Department in 1986.

During my work from 1970 to 1973, there really – I was a you know, a young, new caseworker but, from my experience and my memory, there was very little related to, um, recognizing, supporting Native families and ensuring that Native children had that cultural connection or that Tribal relationships were maintained, that Tribal membership had a role. I remember a specific case that I was involved in that, um, I, I didn't have the support and the supervision – which I wish I had had at that point in time – to be able to make the connections with Tribal leadership around that particular case. Um, it was more, the general process of getting the information to present in court regarding the issues of maltreatment. Um, and, unfortunately, in that period of time, I think, which sort of goes along with recognizing Tribal relationships, it's recognizing family relationships. And that was not given, again, as much attention. It was –, the focus was removing a child from a serious situation of harm.

HW: Mm-hm.

VM: And what, what are the steps necessary to complete that without recognizing the strengths that **are** within that family, without recognizing the family connections.

Um, so that's sort of my memory of my work, my early work, that it was much more focused on, um, on safety – without the focus on permanency and family connections. It, I think, um, is more relevant now in practice – more now.

When I came back in 19–, um, 86, there was more discussion, more supervision, but still not the, the emphasis. And that is something that sort of occurred over time. Um, and it may be interesting just for your perspective and for you to know where I personally come from as well, is that when I, I attended college, um, at the University of Maine in Orono. Um, and I participated in a community action group, um, process, and we did a tutoring program in Indian Island. In Old Town. I do have pictures.

HW: Oh, yes!

VM: *(takes out a manila envelope from a stack of papers in front of her, takes out two photographs, looks at them and hands them over)*

This is me on Indian Island in 1968.

GK: Huh.

VM: *(softly laughs)* ... And don't look at the back 'cause there's names on the back.

HW: Okay.

VM: *(straightening other photos, placing them back in the envelope)* These are just copies.

So, um, so having participated in that program of, um, really getting to know families, Penobscot Nation families and being very connected, um, particularly –, to one particular family. That's all one family group. They had other siblings as well. That, I think it gave me a different perspective, um —

(accepts photos back and places them in the envelope)

GK: *(softly)* Thank you.

VM: – regarding issues related to Native families – and the importance. Um, one of the things that I identified in this, um, in **that** process was how the Sisters ran –, from the church, ran the tutoring program. And it was um, devoid of, of Native culture as far as – what I, I could see.

Um, so that was just –, this is just kind of background for me about my relationship and it was, um – So, I've had kind of a, a lifelong friendship and relationship, that I think supports one of the reasons why I was so involved with the Convening Group, why I've had – um, maybe a different perspective than someone who, um, didn't have the advantage of the connections that I had in sort of my early career.

So, um, I don't know if that's helpful to the – *(softly laughs)* – um, to the process. So, getting back to your question about being aware of child welfare policies, um, it really was a gradual thing. And then with the, you know, understanding the implications of ICWA, the State, I think, um, really did try to start with, when trainings for caseworkers related to the Indian Child Welfare Act, um. But the, the format, I think, for trainings back then was you sat in a room, and you went over what the regulations were and, um, and I don't remember some of our early –, earlier trainings really having much of a Tribal presence.

Whereas, as time evolved and we made more connections, I think it got better, but there are still, um, still difficulty because again some, long-held values and beliefs as well.

One of the things that um, was interesting for me when I was doing the tutoring program was how some of the young people were telling me, that did attend Old Town High School, how,

um, how the discrimination was very apparent for them and that was something that I hadn't recognized. Um, and so that was a learning experience for me – which stayed with me as far as, um, working with Native families. Um, so, it's (*gesturing like holding something with her hands*) maybe from (*softly laughs, opening up her clasped hands*) that perspective.

GK: Mmm.

HW: Mm-hm. Yes. (*deep breath*) Um. I'm just trying to think where in the ques– I want to– I know you've covered some things.

VM: (*overlapping*) Yeah, I know, I get going.

HW: No, it's, it's **really** good that you did. Um. I guess that does cover how you were made aware. I mean, is there any specific way that you were made aware of, um, the Indian Child Welfare policies, um, **other** than what you've described?

VM: Not really. Like I said, we did have, ah, statewide trainings specific to the Indian Child Welfare Act, um, that was provided to caseworkers, supervisors.

HW: Mm-hm.

VM: Um. And exactly what year that occurred, I, I don't remember, um. But there was, um, again, sort of an evolvment and, and part of the evolvment was, I think, the Tribes, I know –, I worked a lot with Betsy Tannian, as, who had a – (*under her breath*) I don't if I'm –, should use names here – um, with a liaison for the Tribes. Um, and having those personal connections, **again,** for me, helped make a difference. And that's, it was the important piece – to have someone to go to. Um, and at – I've reviewed your question, but some of the frustrations were having, sort of a guideline with the Indian Child Welfare Act, trying to ensure that, that children maintained their connections and, we would work with the –, our Assistant Attorney when there were cases where a child might be removed. And recognizing that there was a possibility of Native American heritage of this child and trying to find, um, trying to make that connection and the child wasn't on the register and, so, we were kind of, um, stuck because we wanted to be able to have the Tribal involvement and yet, we couldn't. Even though, we knew there were connections, so sometimes the legal pieces – became problematic. Um, and, I think as a caseworker, um, not always having the skills or the – where else do you go?

Um, and I think one of the things that, you know, if the law were to change or if, um, a different focus or perhaps different categories for children that allow connections. And informally, I think, um, caseworkers are trying, certainly, to do that, and supervisors, to make sure that there's, um, an informal connection. But to have that legal connection, um, to transfer to Tribal Court, to do those kinds of things that, um, more solidifies that relationship.

Sometimes there are barriers to that, um.

HW: Mm-hm.

VM: And then, so, a caseworker with, um, you know, without the supportive supervision, without the legal understanding, sometimes it's a barrier and it looks to the Tribe that the State's not doing what, what we should be doing, but they're kind of stuck with –, within their confines of what *they're* trying to do. Um, but I think having, um, the relationships with the Tribal membership supports that.

One of the other things I didn't mention is I also worked on a subsidized guardianship project within the State. And, so we –, when I was a state adoption manager, we had adoption subsidy for children that were adopted, um, but working with the Tribes, recognizing the values around adoption and, and sometimes not supporting adoption because of the impact on the heritage that, um – The guardianship program was more acceptable.

Um, so, we had a subsidized guardianship workgroup and have –, had representatives from all of the Tribes present on that workgroup. And we were applying for a Federal, what was called 'Four E,' Title IV-E, um, funds waiver to be able to use State funds and Federal funds to pay a subsidized guardianship subsidy to families, including Native families that, um, assumed legal guardianship of a child.

And, one of the requirements under that grant was that there be a random-controlled trial, um, that, so that some individuals would have access to the subsidy and others wouldn't. And it's a rule that our –, the Tribal representatives played that they were extremely, had strong values about not doing that. Some of the judges who were on the, ah, workgroup did as well, but we actually were able to have conversations, some of the Tribal representatives had conversations with our Federal representatives, and we decided not to go for the Federal IV-E waiver, but to do the guardianship within the State on our own. But it really was, um, the information and the voice of the Tribal representatives that, that allowed us to do that.

(sounds of papers being turned quickly)

So we, so Maine had a subsidized guardianship program that was fully State-funded prior to the legislation that allowed, um, IV-E funding for guardianship programs. And I met with members of the Tribal Court, both um, Passamaquoddy and Penobscot, regarding how to implement the subsidized guardianships, so that Native families could actually receive a subsidy from the State, without having to adopt – because it, it used to be, you had to adopt in order to be able to access a subsidy. Um, you –, and the, this opportunity allowed that guardianship, um, a legal guardianship to occur, both at State Court and Tribal Court, um, so I – That was something that I was proud of.

GK: Ginny, what time period are we talking about here?

VM: That was, um ... probably ... 2003, 2004, –5, somewhere in that range.

GK: So it's relatively recently?

VM: Yes. (*nodding*)

HW: Correct.

VM: Um, and then the –, I think it was 2008 that the Federal– or 2009, the Federal guardianship program allowed guardianship for relatives, al–, allowed a subsidy for relatives. And the State did redefine our IV-E Plan so that we could participate in that, but one of things that we designed our original guardianship program was so that it would follow those guidelines. Um, but I, it was, I think a really positive step.

And I also had, ah, participated in a few meetings regarding customary, um, adoption. And there had been some discussion about establishing the customary adoption within the Tribes, and I'm not sure where that is now. I think there, there wasn't, enough ... support, enough – not from the State, necessarily, but internally with the Tribes as well, to really, um, have that program established. I had attended a conference in Vancouver and, and, um, learned about customary adoption with the First Nations in Canada and, you know, quite interested in that process but I don't know where the Tribes are with that now.

GK: Hmm. Yeah.

VM: But it was, um.

HW: Can you discuss, um, the different – what you mean by customary adoptions?

VM: Um, what I understand is it's, um, an adoption that doesn't terminate parental rights.

HW: Mm-hm.

VM: Um, so, when children in the normal State system – the way it is, – there has to be a termination of parental rights –

HW: (*overlapping*) Right.

VM: – in order for there to be an adoption. In customary adoption, you don't have to go through that state of termination, um, and that has a significant impact in Tribal relationships and, and, connection *with* the Tribe – um, being a registered *member* of the Tribe, um, even though it shouldn't, it does.

HW: Right.

VM: And part of, you know, back in the '80s, and, um, sort of the purpose of adoption was *removing* a child from their Native culture, so this allows an adoption to occur with full concurrence of the Tribe and in, um, whether it's a Native family that's doing the adoption or not, that there's no termination. The parent is still, um, the legal parent – although the adoptive parent has the legal right: decision-making and medical and all those other kinds of things that are necessary to be –. So, it's a different step from guardianship.

GK: Mm-hm.

VM: Um, and so guardianship is more State term, our term – um, where customary adoption is a Tribal term for knowing the standing.

GK: Hmm.

HW: Okay. Thank you. Um, are you able to describe without, um, and you can obviously, um, describe in a general way, so that families cannot be identified, and I think you've, already covered some of this.

VM: Mm-hm.

HW: But is there a situation where you or your staff felt very positive about your work with a Wabanaki child and the family?

VM: Um, and again it's hard for me to think of you know, more recent – I think the cases, more recent, have been more positive.

HW: Mm-hm.

VM: Um, but ... the opportunity – One of the things that, um, one of the Tribal liaisons said to me is, um, the value of considering the Tribes as a third parent. Um, when a child's in, in foster care, there's a birth parent, the State as guardian 'parent,' um, but the Tribe is also, um, a parent and should have every full right and responsibility as a parent in making decisions. Um, so, I'm not really speaking to a specific case but moving to that – um, and I think the opportunity to invite a Tribal representative to, ah, family team meetings. Family team meetings started in Maine probably close to seven or eight years ago.

GK: Mmm.

VM: Um, and I think that supports the whole idea of (*clears throat*) kinship connections, regardless of whether it's a Native family or a family of another ethnicity, that we keep the family connected and recognize the strengths of the family.

Um, so again, I, I just, I'm not speaking to a specific case but – in general.

HW: And, um, I mean, that sounds like, one of the questions is: What were the positive outcomes in your work? And you, you've discussed a couple of them.

VM: (*overlapping*) Right. Yeah.

HW: Is there anything else you want to speak to, in terms of how those positive experiences that you just mentioned led to positive outcomes?

VM: Um, basically, that children – The positive outcome is that children are maintaining a connection with their family, and a connection with their heritage. That, you know, I have had the opportunity as part of the Convening Group to listen to others um, speak about their experiences, and their loss when they're removed from their family. Um, I certainly have a lot of experience in, in talking with children, being with children who've been removed from their family, but there's an additional layer when, um, you lose your entire identity.

And for the family, um, when they're experiencing – So, when we work with families and they, the State comes in and, even though we don't necessarily want the message to be that, 'You've really done wrong and, and you aren't parenting well,' that is certainly the message that they get. But when the message is also included that, 'Your entire history and background is not a positive thing either,' that's just, has such an implication for the *children* as they're removed, and for the parents.

And, so, it, um, from what I, what I hear people talk who've experienced that kind of removal, um, it's, it's almost to a point of difficult for ever recovering from. Um, you may have resiliency. You become healthy. You're able to function, but it's still there.

And that certainly happens to children in foster care in general, but again, it's that overlay of that cultural loss.

VM: And that's why the family team meeting, the connections and keeping family members connected – and the other – um, you know, when we were first – when I was first assigned as an adoption supervisor in 1999, one of the activities that happened after a termination of parental rights was called a 'good-bye visit' with the, with the birth parent. And that just was something that was very difficult for me to, to recognize as a positive thing.

HW: Mm-hm.

VM: The idea was that was it was a chance for the parent to give the child permission to go forward with adoption; to be accepted to another family; to let go, and it, it just really um, puts a child in such a conflict between the feelings they have for their birth parent, and, and trying to move forward. It, to me –

So and one of the things I think I tried to work with was, with my staff, as an adoption supervisor, that we *don't* do good-bye visits.

GK: Mmm.

VM: We do, sort of like a, an explanation visit. *(softly laughs)* Um, so letting the parent talk about, that the, the child – that there has been a termination of parental rights and what that means legally but it doesn't –, what does it mean emotionally? It, it still means that that parent has a connection with that child and that parent will always be the birth parent.

And, hopefully, whether the parent can or cannot acknowledge what behaviors there were or what circumstances happened that there was a termination, part of it is letting the child know they're not at fault but it's not severing the relationship.

And I think that's an important piece to remember in relationships with, with Native families as well that you never sever that relationship. It's there. Um, and that's part of –, that's an example of, of –, that was a practice! Good-bye visits.

HW: Mm-hm.

VM: And they don't happen anymore.

GK: Mmm.

VM: So, ... I think that's kind of, I guess I'm not sure where I'm going with that, *(softly laughs)* but that's – a change in our, our process in, um, child welfare in general – in thinking about adoption. Um, and I was – As a legislative liaison, I was involved in the legislation to allow adults to be able to access their original birth certificate.

GK: Mmm.

VM: And that was fought very strongly by certain factions – the Catholic Church being one. When, um, children were removed from young women, who gave birth as teenagers – really not their, um, *choice,* but society's decision, their parents' decision –

HW: Mm-hm.

VM: And then, children trying to find their birth parent; women trying to find their birth child, and because of, sort of an archaic law, not being able to do so in the, um, in the term of confidentiality, privacy, those kinds of things. The long-term impact that that's had – So, it took three legislative sessions to get that law passed to allow, um, anyone 18 and older to apply to the registry, to get their original birth certificate.

GK: *(very softly)* Mm, mm, mm.

VM: So.

HW: When was that?

VM: That was, um, two thousand ... seven, eight, nine? Somewhere in that range.

GK: Mmm.

VM: So we now have –, you can apply to the Bureau of Vital Records and get your birth certificate. We did have a, um, sort of process where (*clears throat*) there was an adoption registry, and if the adoptive parent registered and if the adoptive child registered, then we could make a connection, but it wasn't well advertised; it wasn't, um, didn't allow the child to get their birth certificate. But ... you know, now with this open adoption, and, just the whole general view of open adoptions is really making sure that, that children have a sense of who their birth parents are, I think is, is really critical.

As another part of the adoption work, of doing, working with –, particularly if individuals adopted a young child, their reluctance to tell the child they were adopted.

GK: Mmm.

HW: Mmm.

VM: And then it coming it out at some later inopportune time and really creating a lot of difficulties. So one of the things that my adoption staff and myself really worked with to help parents understand the importance of sharing that information. Whether, um, you know, Native child or not, that, maintaining that connection is, is important.

GK: Mmm. (*deep breath*) It, um, just, just as a clarification, birth certificates, is birth records synonymous with birth certificates or is that a different kind of genre?

VM: Um, well, there's the, the birth certificate, which is *a* document with the name of the parent. Birth records could be, ah, medical records – could be other information that might – the Probate Court might have related to, um, the adoption.

GK: Hmm. So it's –, so the, change in policy –

VM: (*overlapping*) Well, the statute, the statute only allows the birth certificate.

GK: (*in unison*) – certificates, okay.

VM: Yeah.

GK: Okay.

VM: But there is that registry, but the registry only allows, they will share a name – *(tracing a line between her thumb and index finger)*

GK: Mm-hm.

VM: – um, *if both parties* can, you know, go into the registry. People can also petition the Probate Court for records. And if they can give just cause, such as a medical issue, it's up to the Probate Court to make a decision, whether any um, information that the Probate Court might have around medical records would be released.

GK: Mm-hm.

VM: So there's several different processes.

GK: Yeah. Okay.

HW: Okay. Um. You have answered a lot of these questions already.

VM: *(laughs)*

GK: *(softly laughs)*

HW: Um, and I want to make sure I ask you all of them, because sometimes asking, even if it seems repetitive – can prompt something new.

VM: Mm-hm.

HW: So, um, if I seem repetitive, I apologize and –

VM: That's okay.

HW: – that's why I'm doing it. Um, it sounds like you have a *lot* of experiences working within the Maine Indian Child Welfare policies and, um, in some specific areas, if you were able to describe some of the challenges within some of these. And I'll just read them off.

VM: Mm-hm.

HW: You can tell me whether you feel like you've covered it or if you have something else. Um, initial identification of a child as Native?

VM: Um, well, I think there's even in, 2010, '11, '12, there was still challenges.

HW: Mm-hm.

VM: There was –, we were developing one of the individuals, ah, the ICWA liaison within Central Office was working to, um – So we have the ICWA law. There was work to do with specific policy, ICWA policy and do –, and, and a training that, um, a video, basically, with Tribal members that would be available.

But, even at that, there was still challenges. Were caseworkers asking the right questions? Were they getting family history to determine? Um, so I think there's still challenges in ensuring that the right questions are being asked.

Um, and then the other challenge, which I had spoken to earlier is whether the Tribe will accept that particular child. So we may have – And sometimes it's more of a challenge when it's not a Maine Tribe.

HW: Mmm.

VM: So, we have a process, the Interstate Compact on Placement for Children, ICPC, and that becomes problematic, that whole process, in communicating with, um, with other states and with other Tribes. So there's, there's several overlays of policies and practices that become complicated.

And then there's MEPA, the Multi-Ethnic Placement Act that also becomes complicated, you know, which trumps which? And ICWA trumps MEPA, but in what circumstance? And how is, how does the caseworker sift through all of that to really know the right route to take, and where to get the information, and who to get the information from?

VM: Um, and certainly another aspect of the, the situation as a challenge are absent fathers that, – *or* absent mothers – that there may be some acknowledgement that one –, the missing or absent parent has Native heritage, but finding that parent and getting that additional information becomes frustrating within the whole *scheme* of the work the caseworker is doing so it gets, um, (*gesturing pushing aside*) may get pushed aside because it's just too difficult to get that information. So there's a lot of barriers, and I think sometimes that becomes, um, seen as the State caseworker not doing their job.

HW: Mm-hm.

VM: Where they've made a number of inquiries or taken several steps, but you come across some road blocks and then how far do you push when the other immediacy of getting the child safe and meeting um, other requirements under the Adoption and Safe Families to get that child to permanency within a period of time.

And I think those are all pieces that come into play when it's one family and one worker, but there are so many different competing priorities and issues: the court, the time that a case can go through the court process, and the attorneys that are involved. So there's so many complicating factors that it's not always as straightforward as someone else might think it should be.

HW: And that speaks to the identification of the child, but also the, um, notification to the Tribe, I think you've really –

VM: *(overlapping)* Right.

HW: So do you have any, um – Can you describe the, the ICPC process a little bit, um, in terms of what would happen, if you did identify a child as, as Native but of a non-Maine– of, of a Tribe outside of Maine?

VM: Right, so we may identify that a child is, um, from another Tribe, and there may be a *(loud sound of a chair moving)* family identified *(sounds of papers being moved)* that is appropriate for that child, and connected to that Tribe, but the child's in State custody of the State of Maine.

HW: Mm-hm.

VM: In order for us to place the child with another state, we have to have that state *approve* that child moving. So there has to be a home study, there has to be – So, our state, we have a ICPC compact administrator – who sits in Central Office and, so there's a significant amount of paperwork that must be produced to submit to the other state and go through *their* compact administrator, who then determines who's going to do the home study. Is it a Tribal study? And, if in fact it is, the States are –, in the same way that Maine, if a Passamaquoddy Tribe does a home study, we accept that. But, you know, is that always the case in all states? It may not necessarily be.

So are there conflicting regulations in other states that the Maine ICPC has to deal with. So we can't just say, 'Okay, this child should go to this family. We'll put them on the bus, and they're gone.' That family has to be approved. That family has to go through a process, and whether it's a Tribal approval or a State approval, the ICPC Compact administrator in that state has to say, 'Yes, you can send this child to our state.' Um, and there's certainly more to that process than what I'm saying, right? *(laugh)*

GK: Mm-hm

HW: Yes!

VM: Um, and –

HW: *(overlapping)* But it –

VM: – there has to be the legal, um, jurisdiction, so that there has been a hearing in Maine where the child is actually in our custody. Um, if there's a transfer and the child's not in our custody, there's other issues. So.

HW: Thank you.

VM: And there may be changes in that process. Again, I left in August of 2012, so, if there are improvements since then. I hope there are, but.

GK: Mmm.

HW: *(pause)* Who would you usually call within Tribal Child Welfare?

VM: Well, that was certainly the advantage of, like, the guardianship workgroup and, and getting to know representatives from each of the Tribes. So, there was one individual for quite a while that we worked with, and so, usually, first call was to her. And then as, as she left, it was, we would identify the Tribe that the child was connected to and reach out to those particular individuals.

Um, there was, in the last few years, there was someone identified in our Central Office who was the liaison, so sometimes just go directly to her and she would do the outreach and make sure the connections were done.

VM: And that's from a Central Office perspective. Sometimes things done in the regional offices, they – some of the regional offices had really *good* relationships with the – like Bangor would be connected with representatives from the Penobscot Nation. In Machias, they'd be connected with representatives from the Passamaquoddy. And sometimes those relationships worked really well, and sometimes there were some challenges, but for the most part, developing those relationships so, so we would reach out to those liaisons, identified liaisons.

HW: Hmm.

VM: And really, as soon as we were aware that this child had Tribal connections or the family had any kind of Tribal connections, our policy was to make that call. Even if we could, at the very first visit with the family, and I think that's something that Maine tried to do *beyond* the requirements under ICWA, because ICWA really is related to children that are in custody and requirements pertaining to that. *(coughs)* Excuse me.

But we really tried to do our involvement, and certainly circumstances that didn't always work as well as it should, but tried to have involvement from that first contact with the family.

And, again, that's another, um, we were doing, like emergency family team meetings that we held *right,* if we felt that the situation was so severe that we were going to consider court action – what we call preliminary protection order – that we would try to hold a family meeting *immediately* prior to getting that order to ensure that there, um, might be other options for that child and um, try to invite a Tribal representative to that family team meeting is (*gesturing quotes*) best practice, and what we hoped would happen. Time constraints, emergency, you know, immediacy of the issues, you know, sometimes had to take precedence. But. (*nodding*)

HW: Okay. Thank you.

VM: Mm-hm.

HW: How about, um, determining jurisdiction or the residence of Native American children?

VM: Again, that would be just asking the questions of the family members and seeing where the child is and, and, you know, at times, that can be problematic if the child's with one parent and the other parent (*clears throat*) is the parent who has the Tribal connection and where is that parent? Um, and so I think the workers *try* to do the best they can to make those determinations. Although, I think, you know, again, it was a progressive process of ... not being done quite so well in the past and, and, and better now, with more guidance and more connections with the Tribes.

HW: Were you involved in any cases where the Tribe had jurisdiction?

VM: Yes.

HW: Okay.

VM: And in, um, most cases, recognizing that and then, in some cases, if we'd already started action and then doing a transfer to Tribal Court, or just letting the Tribe know right away.

And that would be sometimes an issue, depending on if it was a Passamaquoddy child and they had Tribal Child Welfare and Tribal Court. But if it was a Micmac child and we had State jurisdiction, um, so that would, that was another complicating factor to –

HW: Mm-hm.

VM: – ensure that we had, um, representation, but yet the State had custody as a State entity. Um, so working out those relationships, it would be dependent on where the child was, but trying to determine all the information we could from the parents. And, and understanding and recognizing when a State comes to someone's door, that it's a situation of, of, fear, that, 'Is this person coming to take my child? What kind of information am I going to give them? Um, I don't want to give them information.'

HW: Mm-hm.



VM: And, so it's a part of the skill in casework and social work is working with families to gather the information that people may be reluctant to give. Um, (*clears throat*) and, and I don't think it is as much now, but I think there was a time when um, individuals didn't want to recognize that their child had a Native connection, particularly if it was the absent parent. Um, so getting through some of those barriers. And I think I've talked about that before. But, but understanding and recognizing that, and working through that, again, takes a skill on the part of the worker. (*nodding*)

GK: Mmm.

HW: To the best of your knowledge, if a Tribe declines to intervene in a child custody proceeding covered by um, Maine Indian Child Welfare policies, what are the reasons for this decision?

VM: The only reason that I've been aware of is that the child was **not** a registered member. I think that we've been in Maine **because** we've had such a good relationship. I don't ... um, think that we've had a significant issue there. But I think we've been able to work on some of the more informal relationships if the child wasn't covered under ICWA.

HW: (*whispered*) Right.

VM: But, again, it's –, it is very case-specific and determined by a number of different factors.

HW: What were some of those challenges that um, you were able to work out informally?

VM: Um. Being able to identify families that, that had a connection to the child. Sometimes identifying –, it could be a Tribal family that was um, studied and approved by the Tribe and, and we could still place, even though it wasn't an ICWA child, but we wanted to maintain that relationship.

HW: Okay.

VM: And conversely, if the Tribe's aware of a situation of maltreatment and they inform us, but it's not a child that they have jurisdiction over, um, but have knowledge of or other connections, (*sound of a chair being pulled*) you know, we certainly would try to communicate around that.

A situation could be um, a family whether there's multiple siblings, with multiple parentage and trying to work out **those** circumstances so that – One of other priorities is keeping siblings together, um, so working with the Tribe to make sure that, um, if there are two children that are half-siblings but –, and one's covered under ICWA and the other isn't,

certainly would be something that we'd want to address with the Tribe and address with the family, and look at – And I think there's been some *negative* situations where that has occurred, where siblings have been separated, um, because of ICWA.

So, it's important to, to look at all of the factors and how they –, and what is the sibling relationship, and what is the Tribal relationship and take all of those factors into consideration.

HW: Okay. And on the other side of that, when the State declines to transfer a child custody proceeding covered by Maine's Indian Child Welfare policies to the Tribal Court, what would be some of – are there any different reasons that you know of?

VM: (*deep breath*) I'm not really thinking of any, um, specific reasons that we've encountered where, um, it could be, was the child covered under ICWA and we refused to do a transfer, um.

HW: Okay.

VM: It certainly could've happened, but I'm not recalling any.

HW: Okay. Um, and within the child welfare policy, were there any specific challenges around arranging family visitation for children?

VM: I don't um, think of any specific problems related to visitation related to ICWA or related to, um, (*sounds of papers turning*) to visitation. The only barriers that come into play usually are geographic or distance or, um – and I know there've been some circumstances where getting children to st–, if a child was placed with a relative that might be in a southern part of the state, but there is, um, the parents are Passamaquoddy and, but the relative is Passamaquoddy as well, but in another area of the state, facilitating visits sometimes is a challenge.

HW: Mm-hm.

VM: And I know there've been circumstances like that, that have occurred. But it's, um, and then just logistics of, um, and safety issues, as well.

HW: Okay. What do you consider active efforts to prevent the breakup of an American Indian family?

VM: Well, I think it's, it's pretty much the same as what we do with other families is to, ah, try to assess what is the, the issues causing the maltreatment? Um, so is it substance abuse? Is it mental health issues? Is it lack of understanding of child development? What are the concerns? Is it, um, domestic violence?

So, first assessing, understanding what the issues are that's leading to the type of maltreatment, whether it's abuse or neglect, um, and then working with the family to try to address those specific concerns.

And what kinds of interventions are required? Is it mental health intervention? Substance abuse intervention? But using the family team meeting as a venue to identify that to get the family support so, if it is a substance abuse issue with one parent that led to an issue of maltreatment, then, are there family members that can support that person getting to treatment? Is there a mechanism to access treatment? And that, sometimes it was within this state, um, there isn't readily available treatment, and that comes into that visitation issue as well. If someone's in a treatment program that's further away.

HW: Mmm.

VM: And, or are there legal issues there – if there was an actual criminal act of um, abuse towards a child, is the person incarcerated, and how do you address that?

So active efforts, basically is working with the family, identifying what caused the neglect and what we can do to mediate that.

GK: Just as a, I guess, a clarifying question, y'know, um, when, ah, when you're in a, I guess a preliminary assessment – family team meeting, um, and I think you were just making some references to costs and, y'know, whether the family can afford that or, or something. And I'm just kind of curious about the, ah, subsidy guardianship program and does that offer –, would, would that cover the costs that, that might've –

VM: It wouldn't cover costs for any treatment or remedial actions for the birth parent.

GK: Mm-hm.

VM: Um, so, if a child did come into a situation and they were um, in guardianship, in legal guardianship with a family, that subsidy is designed for the care of that child.

GK: Mm-hm.

VM: So, it's paid to those care-taking parental figures for room, board, food, school and activities. It's *for* that child.

GK: Mm-hm.

VM: We do try to pay for some services with the parent. Um, are they eligible for MaineCare?

GK: Mm-hm.

VM: Are they – Do they have other insurance? We have contracts with some mental health

agencies. We have contracts with some substance abuse agencies. Um, so we try to work out a way to meet the needs of that parent, taking into account what their financial situation is. Um, can they do a small co-pay? What, y'know, what are the circumstances? So, that is part of the role of the caseworker, to work with the family to identify not only the service but how do they access that service and pay for that service.

So there is a, y'know, do we pay for transportation for them to get to their service provider. And we have, um, transportation contracts. So, um, the State recognizes that if they remove a child from their home, that we have a responsibility for reunification, rehabilitation and reunification. And so those steps for rehabilitation ... we want parents to take ownership for that, take responsibility for that, but our role is to support them in accessing those services.

GK: Mm-hm. I might have a follow-up –

VM: Okay.

GK: – ah, query after Heather is done with her questions.

VM: Okay.

GK: So we might just come back to that for a moment.

VM: Okay.

GK: Just, just a small point.

VM: Okay.

GK: Yep.

HW: Is the active efforts standard used in cases involving Indian children different than the reasonable efforts standard applied in cases not involving Indian children?

VM: You know, the active efforts terminology – and I noted that it was in quotes – I'm not sure if that's new since I left or if –, where that, um, 'cause I see active efforts basically in general terminology what – what we're required to prevent the removal of a child, or what the State's required to do. And then for the court purposes, that we need to demonstrate that, yes, in fact, we did do those activities to try to support – Um, so it's, it's sort of a, a different way (*clears throat*) of looking at – So our efforts, we do engage in active efforts to prevent removal.

And our documentation of that is what is identified in court that we did, um, what did we do to prevent removal?

So I'm, I'm just curious about how those terms are identified in your questions because I sort of see it as a, as part of the process, but a different understanding, I guess.

HW: Okay.

VM: So, we document that we did reasonable efforts to prevent removal – and that's a legal term that we say. (*gesturing compartment to compartment*) These are the legal efforts that we did to prevent removal: X, Y and Z. But we *engage* in efforts. And I don't see that we do, um– My experience is that we have not done any different level – whether it's a Native family or not.

HW: Okay.

VM: That that's our requirement to do. And that's perceived differently by different people. Um. When we go in and we see it as an emergent situation – child's immediately at risk, at risk of immediate harm – legal terms – we do step in and have removed children, and afterwards, other information has come to light that perhaps we could've done sev–, something differently.

VM: And the, the quandary there is that, that information came afterwards. And our, we have to deal with the information that we have immediately to protect that child immediately. And if our assessment determines that child is at immediate risk, then um, our responsibility and role as the State is to protect that child.

So, with others having other information and not being available at the time that decision is made – and the State does not make that decision. Removing a child is not DHHS' sole responsibility. It's the court that makes the final decision, um, and the court makes that decision based on the information that was gathered by the State system.

HW: Okay. Have you had experience in working with expert witnesses for Indian Child Welfare?

VM: Um, I haven't really, um, as –

HW: Okay.

VM: — you know, my cases in court were, were sort of earlier.

HW: Mm-hm.

VM: I haven't had my own case in court, um, for some time. (*softly laughs*)

HW: Okay! Um, what child welfare policies, practices and events influenced your work with Wabanaki children and families, other than what you've mentioned you have?

VM: *(laughs)*

HW: I've recognized –

VM: *(overlapping)* Well, I think that I've – Yeah.

HW: – that you've talked a lot about that.

VM: Yeah. I've, I don't think I can speak to anything beyond what I've already mentioned.

HW: Okay. Um, how did State – And, and you've touched on this. But, how did State Child Welfare policies and practices change during your employment?

VM: Um, a great deal. As I had said, I started in 1970.

HW: Mm-hm.

VM: 1970 to 1973, I really didn't, um, have a lot of information about specific policies and practices related to um, working with Native families. Certainly, recognizing that um, the cases that I did have related to Native families in the '70s, we did coordination with Native police. But I don't remember doing a lot of coordination with Tribal leadership.

HW: Mm-hm.

VM: And it was usually around criminal activities that were en–, that the family was engaged in. But to really have that level of engagement with Tribal leadership related to outcomes for the children, um, there wasn't a lot of, at least, leadership or guidance and –, provided to me as a, a young caseworker.

Coming back in the '80s, certainly there was more information and more guidance around, um, and probably not even in the '80s, there wasn't much, but as we moved into the '90s and ICWA came into play, there was certainly more guidance provided.

And then, just the general development in relationships with Tribal members really assisted that process of, of change. And I really think it –, a lot of the change is, is attributed to the Tribes taking an active role in, in getting the State to recognize the rights of their children.

HW: Mmm. Do you see barriers to the successful implementation of Maine's Child –, Indian Child Welfare policies?

VM: Well, I, I still think there's barriers for full understanding, um, and again, some of those issues I talked about before, conflicting –

HW: Yep.

VM: – Federal legislation: MEPA, ASFA, ICWA. For some caseworkers, what does this all mean? Um, so, I think the, um.

And even supervisors' understanding, it becomes more problematic regionally. So, the offices in Penobscot, Piscataquis County, Aroostook and, and Washington County may have a better sense. So if there's a Tribal case in York County, they may not be as experienced – and not as aware of the procedures. So I think regional differences come into play as one of the barriers.

I think it's anything that you do, if you do it more routinely, you're more capable and adept at it. If you do something only once in a great while, following the current procedures becomes a little more difficult. So, I think, just the regional differences can be problematic and a barrier.

VM: And, again, the interstate issues are barriers, um, and addressing those. Ensuring that we're working more effectively with the legal system, and I think we've done a lot more cross-training with judges, with attorneys, with guardian ad litem, around ICWA.

And I think the TRC has had a good impact, as far as inviting judges, inviting other decision-makers to the table ... to be involved.

And so I think, one of the important things is to make sure that knowledge flows in multiple directions; that caseworkers understand administrators, individuals in, um, 'course, our administration changes, and that causes leadership at the higher levels to change. And, so, making sure that there's a good, solid foundation of knowledge, and keeping those relationships connected.

HW: Okay.

VM: And I keep kind of losing my ... *(gestures something sliding off the table, referring to train of thought)*

HW: No, no, that's good.

GK: *(laughs, coughs)* 'Scuse me.

HW: Are there specific strengths or weaknesses that you feel Maine, um, possesses in terms of ensuring compliance or – not being able to ensure compliance –

VM: Yes. *(softly laughs)*

HW: – with, um, ICWA?

VM: I think we have exceptional strengths in that we have this good network of working with the Wabanaki Coalition. That, um, that Maine State DHHS has collaborated, has sat at the Tribal table; they've sat at the State table; that we really talk together; pick up the phone quickly. I think that's – I really see a difference. I –

HW: Mmm.

VM: — I had mentioned in an earlier discussion, one of the things that I do is, um – after my retirement – is I review Federal grant applications for Federal funding opportunity announcements. And, one of the key criteria in most of those applications, and no matter what the focus of the funding announcement is, is that the, um, whatever the project, that it be culturally competent. And I see other states talk about having Tribal connections or that they will have Tribal connections and –, but don't back that up with a lot of evidence. And I think Maine can certainly do that. We have a strong history of working together. There are glitches. There are always glitches in relationships.

VM: But I think Maine should be, um, and just this whole fact that Maine is the first state to do this type of truth and reconciliation process, that we should be, y'know, proud of ourselves.
(softly laughs, nodding)

HW: Um, can you speak to the importance for an Indian child who is placed out-of-home –, *(correcting)* *in* out-of-home care to be placed within reasonable proximity to his or her birth family or community?

VM: It's just extremely important that children have that connection to, um, their history. I know many adoptive children or children that have been placed in foster care and they talk about growing up, and nobody around them looks like them, and nobody understands, sort of, their value system. Even though they may have been *quite young* um, when they came to that family, that, that sense of connection, that sense of belonging is so important to anyone! All of us! Even if, if um, you weren't removed from your family, and you know there're family members you really haven't connected with for some time, there's a loss there. So, it's just multiplied so many times for a Native child who doesn't have that connection.

Um, and then, you know, different things like media portrayal.

HW: Mmm.

VM: Or different ways other people see them. Um, just, they get, may get a distorted view of, of their heritage if they don't have that connection, to know the true value of their connections and heritage.

HW: Um, and that speaks a bit to the importance of, um, also maintaining Tribal events, spiritual customs, social activities, um, do you have anything else, um, that you think might be important or reasons that might be important for Native children?



VM: I think, I think it's, it's just, it is important, but it's important that it's, that children are able to do that in a sensitive, culturally appropriate way. Um. Just perhaps taking a child to a local Powwow, is that, is that really the connection? You know, what – How do they make those connections every day? Not just maybe one event –

HW: Mm-hm.

VM: – or one, one opportunity. So how – I think that's a, a skill that a family needs to develop is to make it real for a child every day, not just an occasional event or. So, if they do go to an event, what does that mean for them? What does it mean, going? Um, y'know, not just that they get to go, but what does it really mean? What are their connections? And can the birth parent have a role in that? Can the birth parent participate in that?

HW: Um, in what ways do you see – and, again, you've spoken to this a *little* bit – but, the Indian Child Welfare policies and the Adoption and Safe Families Act working together? Um, I know that, that you've mentioned some conflicts.

VM: Yep. Yeah. And I think, as I mentioned, that conflict related to timelines for permanency, for, um, timelines to adoption. And looking at the guardianship as um, meeting the requirements under ASFA, that's something we really wanted to ensure would, would fly with the Federal government, basically, that, so a child could be in a guardianship situation and have met the requirements of ASFA permanency, that this is a legal relationship.

And then, you know, exploring whether customary adoption is something the Tribes want to do, and how the State would, would accept that, or become involved in that. So I think that just the idea of continually exploring how the multiple Federal regulations interact and how we as a State address them, to the best outcome for families and children. Y'know, so the negative impact of not being in compliance can mean loss of Federal funds and we want to make sure that we don't do that so that if we lose Federal funds, we don't have the funds to ensure that caseworkers are trained; that we're doing the appropriate thing; that the families get the services they need. So everything is interwoven, but how do we keep vigilant in making sure that our practices in Maine are complaint with Federal practices, but complaint with best practice?

HW: Okay. Um, if you could change anything or make anything happen at the Tribal, State or Federal level to improve the lives of children touched by ICWA, what would you do?

VM: One of the things that I'd mentioned earlier, and I think we do it relatively well here, is sort of that informal connection. So how can we, um, so if a child is not –, is –, has connections with, for example, the Penobscot Tribe, but is not a registered member, how do we still work together, in a more informal relationship, even though it's –, the child's not –, doesn't come

officially under ICWA? So, and I think policy that was written speaks to that to some degree, but just to ensure that if the child doesn't meet ICWA requirements, that, that we don't stop the conversation, that we keep that communication and connection open. And I think that's the best way to improve.

HW: Are there other ways the State Child Welfare system can improve in terms of Indian Child Welfare policies and practices?

VM: I think just the – So there was the, I understood, the finalization of the ICWA policy, there was the, the video and training, exactly where that is right now, how that's being implemented right now, do all offices have access to that? Um, and that was something that was developed as a joint effort, so I would say to continue to make sure that's accessible. Make sure supervisors are aware and program administrators are using that effectively.

VM: Again, sometimes, like, online learning processes are good, but is there, um – Part of the planning around that training was that there would be actual representatives from the Tribe present. Um, is that only occurring in regional areas? It should occur across the State. Just more coordination. Are Tribal (*coughs*) members sitting on um, current committees that are making decision about policy? An example was that guardianship policy, but certainly other pieces of – not just, 'Help us with the ICWA policy.' But there are other types of policy, um, legislation, draft legislation, our legislation around drug-affected babies.

HW: Mm-hm.

VM: Um, you know, do Tribal representatives, are they involved in that? When we're doing legislative changes, proposing changes to the law, um, are we passing that by Tribal representatives? And I know from my own perspective, when I was doing that, I didn't always do that.

HW: Mm-hm.

VM: And, I think we could do better. And, again, y'know, State work and State practice and here something needs to be written, um, this session before the legislature and we have so many days to do it, and it has to be before this person and that person before you can present the bill, and your time frame is short.

So, I guess, continually being mindful of, 'We're partners,' you know, as members of the State of Maine, so. (*nodding*)

HW: Is there anything else you want the Maine Wabanaki TRC to know about your experiences working with DHHS, Child Welfare, with Native children?

VM: Just that I think it was one of my most rewarding experiences is to, to work on the Convening Group, to work on that guardianship group, to have the opportunity to get different perspectives on the work that we do. Um, and I think I probably talked enough. (*softly laughs*)



GK: Um, first of all, thank you.

VM: Yeah.

GK: Thank you for taking the time to come in and both respond to the –, some of the areas that we're interested in, but also, you know, the gift of sharing your experiences. And, um, what follow-up questions I have are mostly opinions and, you know, nothing necessarily specific, but –

VM: Mm-hm.

GK: – there's some areas that I'm personally um, interested in.

VM: Okay.

GK: And, a little while ago, Heather was talking about the Indian expert, which is an area that I'm always interested in and in how does one determine who's an, who's an expert –

VM: Mm-hm.

GK: – in, um, and that, um, and I think your response to that, um, reflected, y'know, some areas I was thinking about.

VM: *(resettles to sit back in her chair)*

GK: You know, and it seems that the relationship with the State and the Wabanaki is evolving in a good direction –

VM: Mm-hm.

GK: – I think, and, in your just recent, um, in, indication that, ah, I mean, there's still some challenges –

VM: Yeah.

GK: – and so forth, you know. And I, and I think it **is** necessary to integrate sitting at each other's tables –

VM: Mm-hm.

GK: – and so forth. But it seems to me that it's still **evolving,** not devolving, but evolving

kind of thing. Um, and so I'm kind of curious about, maybe, maybe this is more a reflection on process, a while ago that you were determining, um, a kind of an *immediate* *protective* *assessment* –

VM: Mm-hm.

GK: – that, and I'm kind of curious about, how does a State or how does one working in the Department under the Indian policy, um, determine what is, ah, what are, what is the criteria or how do we define an *immediate* *protective* *assessment* kind of thing?

And the reason why I'm curious about that –

VM: Mm-hm. (*leans in, places hand on the table, nodding*)

GK: – and, and, I think it, I think it covers a little bit on kinship relationships –

VM: (*overlapping*) Mm-hm. (*nodding*) Mm-hm.

GK: – and in, in internal evaluations or internal customary ways that Tribal peoples work together.

VM: Mm-hm.

GK: And there's, there's a, a bit of a disconnect of values.

VM: (*nodding*)

GK: So values in Indian country are often seen as questionable, in a larger context –

VM: Mm-hm.

GK: – with the State, so I'm just kind of wondering what areas does the State define as immediate intervention on, on protection?

VM: And I, I think it's, (*exhale*) it's quite varied, but you know, an example, if you receive a call that a child has significant bruising, is injured, is, you know, needs medical care. Um, and going into a home and the child is identified as seriously injured.

GK: Mm-hm.

VM: There's discussion with the parent and neither parent, neither –, no caregiver in that household – is identifying what occurred, what happened to that child. So you have a situation where you can't identify a protective factor. You can't identify um, that one individual did this injury. And so the child can stay with the safe individual, while we do further investigation.

GK: Mm-hm.



VM: But this child was critically harmed, um, and the, the individuals in the household – whether sometimes drugs are involved, other kinds of things are involved and, if you can't ascertain how to make this child safe without removing the child.

GK: Mm-hm.

VM: So that's an immediate –, so, um, the caseworker would call the police. The police do what's called a six-hour hold, while the caseworker goes to court to get immediate protection order.

GK: (*overlapping*) – The order. Yeah.

VM: Then the child is placed in a safe environment – whether it's in the hospital or, if the parent, if the parent or the caregivers are willing to say, 'There's a grandmother. There's another person.' And we can do a preliminary assessment of that person, and place the child there.

But if they, there are circumstances where particularly in drug- or substance abuse-involved homes, the parents are not –, they don't want –

GK: Mm-hm.

VM: – their parents to know. They don't want anyone to know they're in trouble, that this has happened, that the child's injured and they're not giving us information, um, in sufficient time for us to make an alternative plan other than a foster home.

GK: Yeah.

VM: So that's sort of an example of an immediate situation, so then, um, there's an immediate order. The child's placed in a home that's already been assessed to be safe – a foster home, licensed foster home – um, because we just don't have the information.

GK: Mm-hm.

VM: The next day, um, the parents are, are sober, are in a different place, bring to the, um, our attention information that can now allow us to involve the Tribe, involve, um, other family members. And so then we would try to work towards that. But that initial intervention creates a lot –, gets us going down a road that we probably would *not* have wanted to go down.

GK: Mm-hm.

VM: Um, it's a legal intervention. The child's now in State custody. There has to be a hearing. We just can't make it go away. There, y'know, we can return custody if there's a safe alternative within that 10-day hearing, but, um, there are those circumstances where we would prefer to do something different to engage other family members or the Tribe, but we just don't have that information right away –

GK: Mm-hm.

VM: – in time to make that child safe.

GK: Mm-hm.

VM: If a different situation, the child –, the family brings the child to the hospital, the child's in the hospital, is safe, we have a little more time to try to find out the family connections and we can, can do that.

GK: Mm-hm.

VM: So it's always that balance of determining, um, where that child is and how safe that child is. *(clears throat)*

GK: And is, is, is –

VM: *(puts her hand to base of throat, turns her head, speaks softly)* 'Scuse me.

GK: *(softly)* Sure. And is there something in place right now, that you know of, or while you were um, a worker in the, a supervisory role that you had last, that in such circumstances, as it is – and, and we're talking about physical ... danger kind of thing –

VM: Mm-hm.

GK: – you know, ah, is there some kind of a protocol that calls on Tribal representatives right away in helping to determining what, what's the best circum –

VM: If –

GK: – circumstances.

VM: If we have – If at that initial call, if we have information that this is a child or family that is connected to the Tribe, we would, our protocol *is* to call the Tribal representative –

GK: Yeah.

VM: — and to have them there, if at all possible.

GK: Right.



VM: Um, again –

GK: Good!

VM: – it's logistics, um.

GK: Mm-hm.

VM: If the situation is, um, it's a Penobscot child, but they're actually out in Bridgton, down south and, and we can't reach someone to be there in time, then our priority is to the safety of the child.

GK: Yeah, first of all to –

VM: And it's –

GK: Yeah.

VM: It's always, um, that bounds.

GK: And, and then I would ... surmise that, that you would follow up –

VM: Yes.

GK: – with the Tribal representative.

VM: Yes! And then –

GK: Okay.

VM: Yeah.

GK: Good.

VM: Like I had said earlier, that the follow-up would be connecting, finding out who the family members are, um, and so our, our priority would be to hold that family team meeting before we get that preliminary protection order.

GK: Yeah.

VM: But in those rare circumstances where this – and this doesn't happen a lot.

GK: Sure.

VM: Um, but in those circumstances where the family's so incapacitated or *so* belligerent or so unable to give us that information, and the child's in danger.

GK: Yeah.

VM: So, and there's a whole continuum of that. But our, our preference is to connect with the Tribe and have them engaged.

GK: Good.

VM: And that's our policy and our priority, but safety's still ... which again, gets at what you were talking about: Tribal values and, and, um, how things are perceived and ...

GK: And, and just a little bit of a historical legacy –

VM: Yes.

GK: – ah, around the values and the, kind of thing and, and I think one of those areas that, that prompted ICWA in the first place was around values because we have such different, distinct value systems, you know.

On a different, different track, um, I, I suspect that, um, ah, as, as your ... wonderful testimony has been shared, ah, there's some aspects about jurisdiction matters that are still being worked on with –, between the State and Wabanaki.

VM: Mm-hm. (*nodding*)

GK: You know, and I'm, I'm hoping that this TRC process can really help further those kinds of conversations. But I think of treaties, for instance. You know, the Wabanaki have treaties with the United States, so that, how the State kind of defines the relationship, ah, to the Wabanaki is not, is not necessary based on a nation-to-nation –

VM: Mmm.

GK: – um, but on a citizenship kind of thing, and –

VM: Mm-hm.

GK: And that sometimes becomes a problem – jurisdiction, y'know, on – And, I've gathered from your testimony that, ah, at least for the purposes of ICWA and DHS that, um, that the agency is open to uh, furthering the relationship, you know. And I'm kind of curious on, ah, at some point, where there is a capacity of, of the agency to embrace, how we define the treaty relationship and the formality of relationship with, with the nations. I'm just kind of curious

whether that would –, might be something, I think, more appropriately explored as well, and in, in terms of not just of the Federal legislation –

VM: Mm-hm.

GK: – but on a nation-to-nation relationship.

VM: Mm-hm.

GK: Y'know, because I, *I* think anyways, personally, that that's a defining quality of the Wabanaki to the –, to Maine – Maine as being a political subdivision of the United States.

VM: Mm-hm.

GK: And the treaties are between the, the Federal level and, and the Wabanaki as it is with other Native Americans so, I'm, I'm just kind of curious whether, in your expertise, that –, whether that kind of ... *ahhh* incorporating that understanding into the training of ICWA and policy would be worthwhile.

VM: I think it would be. I think, um, I think this lack of understanding about the sovereignty – *(opens palms)*

GK: Yeah.

VM: – of the Tribes.

GK: Yeah.

VM: I think that, particularly in the child welfare field – *(places fingers pointing down onto the table, coughs)* – 'scuse me, the process is, you know, so focused on the child and relationships there, but recognizing the sovereignty of the Tribes, I don't think really comes into play. I think the TRC is something that will have and, and did have an impact, when, just with the experience of the ceremony at the Hall of Flags at the State House where the governor signed the Declaration and the chiefs from all of the nations signed the Declaration. And that visually –

GK: Hmm.

VM: *(coughs)* – and ceremonially put, sort of that, that concept that the, the Tribes are a sovereign entity, forward – which, I'm not sure was as recognized maybe –

GK: Yeah.

VM: – before, as it had been.

GK: Yeah.

VM: So I think this process and continuing to have examples of that and opportunities of that, I think, may be getting at what you're trying to address. I'm not sure.

GK: Yeah. No, it is. You know, I'm, this is kind of exploratory and kind of probing kind of thing. *(softly laughs)*

VM: Yeah. *(nodding)*

GK: And, and I guess ... ah, and finally that as we're describing different factors of the agency when I include adoptive and foster care –

VM: Mm-hm.

GK: – as part of the agency. And you expressed a 'wonder,' if I can put it that way, or a question about um, how does one define, well, for instance, in a foster care, or adoptive – maybe more so an adoptive parent, how do we define what is necessary to keep the culture alive in the Native child they've adopted, you know? Is it an occasional Pow Wow, you know? How, how do we define –

VM: Mm-hm.

GK: – something like that? And, I was – It prompted me to think that maybe the training that DHS has directly with Tribal affiliations might also apply to adoptive –

VM: Mm-hm.

GK: – and foster care –

VM: Yeah.

GK: – people as well. So they have an understanding that this is not just a child out there in the wilderness –

VM: Right.

GK: – but an, *a* particular child that comes with a particular culture –

VM: Mm-hm. *(nodding)*

GK: – with, ah, particular values maybe. Ah, so I was just kind of probing your thoughts on that.

VM: I think, um, I think we've done training for foster and adoptive families on the legal issues around ICWA. Um, we've done, sort of, cultural awareness (*gesturing quotes*) – trainings, as such. But, and I think in certain circumstances on an individual basis, when, um, we've had children that have been in, in placements – non-Native placements – I think we've tried to make connections for that family with a Tribal representative. How much that occurs, um – on a regular, routine basis, I'm not, you know, I'm afraid it probably doesn't occur as much as it should.

GK: Sure.

VM: But, again, engaging the Tribes in building relationships with those particular families.

GK: Mm-hm.

VM: Um, you know, who, who in that community can connect with that family – um, as a mentor, as a guide, as a cultural guide –

GK: Mm-hm.

VM: I think would be –, you know, if we can develop that kind of mechanism – would be an effective way to do that.

GK: Mm-hm.

VM: So, (*clears throat*) getting at what I was mentioning before, that kind of informal connection, where it was a child that was not covered under ICWA, but is there someone within the Tribe who's willing to step up – to take a role to be that cultural bridge. And sometimes that's difficult to find.

GK: Sure.

VM: Um, because there are, you know, kind of conflicting feelings in relationships, but, y'know, for the betterment of the child, how can we facilitate something like that, to have that, cultural mentor kind of relationship?

GK: And I guess that, that connects with the question of eligibility – whether or not *necessarily,* not on the Tribal rolls, for instance, but they're *eligible* to be on the Tribal rolls, is, is, and I'd have to investigate that a little further with ICWA.

VM: Mm-hm.

GK: Ah, but I think that if, if a, a child is *eligible* to be on it, then they would be covered by ICWA.

VM: Mm-hm.

GK: But they're not *yet* –

VM: Yeah.

GK: – kind of thing, you know. And, and I was kind of thinking, um, more along the lines of, of the context of what, that, that the child is coming from. You know, so, so you're, you're responding with, well, if we can develop a kind of a mentorship or somebody –

VM: Mm-hm.

GK: – that they can be there. Um, and I'm thinking of a, a very general orientation of families who are adopting –

VM: Mm-hm.

GK: – Native American children to have an orientation about the culture –

VM: Mmm.

GK: – what, what the child comes from a –

VM: Yeah.

GK: Would you see that as something –

VM: Yes, I would see that as, um, very positive –

GK: (*overlapping*) — part of the training?

VM: Yeah.

GK: Yeah. Good!

VM: Although we're trying to reduce that as much as we can, have fewer families that are adopting that are not part of the culture or have no ... clue, basically.

GK: Yeah.



VM: Um, so.

GK: Which is about 95 percent of the North America. *(laughs)*

VM: *(smiling)*

GK: Ah, anyways ... thank you, Ginny.

VM: Yeah.

GK: I really appreciate your thoughts.

VM: *(nodding)* You're welcome! *(smiling)*

HW: All right. Thank you.

VM: Okay.

END OF RECORDING