

General Information

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Statement Gatherer: Joan Uranek

Support Person: N/A

Additional Individuals Present: N/A

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Transcriber's Note:

This is an anonymous statement. Any alternations to the video and redaction in the transcript have been made at the request and with the permission of the statement provider in an effort to protect his/her identity.

Recording

JU: My name is Joan Uraneck and I am a Statement Gatherer for the TRC. And I am here with:

A: *[REDACTED]*

JU: And, no one else is present except for the two of us. The file number is 00123-003. The date is November 3. And the location is the St. Joan Episcopal Church on French Street in Bangor. And I need to ask you, *[NAME REDACTED]*, have you been informed, understood and signed the consent form?

A: Yes.

JU: Yes, okay. And also I'm supposed to advise you that any information disclosed that indicates a child is in need of protection or there is an imminent risk of death or serious bodily injury, including yourself, that may not be protected as confidential. Otherwise, everything else is.

A: Right.

JU: I think you know about this. So, um, you know, really, thank you for coming.

A: No problem.

JU: And, what the TRC has prepared is a list of questions for you. And we can either go through the questions as they present themselves or you can just start telling your story if you want to, and then we can go back and see what questions we haven't...

A: I think I'd rather have you ask the questions. Then, if I get flowin' and answer them and then we can skip some, right?

JU: Yeah, that's right. Ok so. **[00:02:15.00]** Can- could you please tell me about your current and or past employment in state child welfare?

A: K. I've been a caseworker for the Department of Health and Human Services for twenty-eight and a half years.

JU: Wow. Wow.

A: And primarily in the Adoption Unit.

JU: Ok. And... what- let's see- what is the total number of years working with children in- oh yeah you did that. How many cases involved work with Wabanaki children and families? You have any idea?

A: I don't. I'd probably say twenty to thirty maybe. Twenty-eight years, but that's a guesstimate.

JU: Yep. And... when did you learn- first learn about Maine's policies related to Indian Child Welfare? How were you made aware of the Indian Child Welfare policies? Could you please comment on the type and amount of training you received related to understanding the Indian Child Welfare policies?

A: Ok. Well when I first started twenty-eight years ago, we had three days of training, and I don't remember them bringing up the Indian Child Welfare Act. But- and I don't remember when I became aware of it, but I've been aware of it. But I would say in the last ten years or so it's really become much more prominent in human services. There's been gatherings with Wabanaki tribal members and DHHS. **[00:03:42.25]** We've gone over the Indian Child Welfare Act policies several times within that ten years. And I think right from the beginning



when a child enters custody, they're much more aware of trying to locate that. Gather the information if the child might be eligible for Indian Child Welfare and fall under that Act.

JU: So just a lot more awareness.

A: Yeah. I think there's been a bigger push in the last ten years. I mean it's been around longer than that, but I don't know how strong it was.

JU: Ok... [00:04:24.26] Could you describe a situation in which you or your staff felt very positive about your work with the Wabanaki child and family? Please describe in a general way so the children and families cannot be identified. What were the positive outcomes? What was the working relationship with the tribe? How did this relationship contribute to the positive outcomes of you work?

A: Yep. I would say my last positive experience I was working with the... Maliseet tribe? Up in Caribou. And they had two Native children placed with a white relative in our area. And we worked very closely together. Very supportive. You know, some ups- some issues had come up regarding the placement. We worked together to resolve those. Not necessarily anything to do with the Indian Child Welfare Act. But just issues within the family. And we worked together as a team. They were very supportive of the family. You know, made them aware of the powwows and different things. These children had relatives that were active in the tribe up there. The foster mom did, the relative, did a great job of bringing them up as well as locally. [00:05:48.09]

JU: Ok. Let's see... ok, the conversely- was there a situation where you felt less positive about your work with a Wabanaki child? What contributed to it being less positive? Thinking back what do you wish had been different? What was your working relationship with the tribe in this case? Did this relationship contribute to the less positive experience?

A: Ok. Well I think what I find hard as an adoption caseworker is my goal is to try and find permanency for kids that have been abused and neglected. And I do believe that the Department, you know, many years ago did take kids off the reservation and took the away from their culture and heritage, and strongly support kids being placed with Native American families. And so, you know, I think that's really important and it's our goal to help in the healing of that cause we created some of that. However if the tribe does not have a family that's eligible to take the children, and they are placed in a white foster home for a couple years, I found it challenging that these kids cannot be adopted and achieve permanence. [00:07:08.07] For me. I think one of the things that I think we could do differently is, one, between the tribes and the department is maybe do more of an outreach to Native American families to try and recruit more foster homes. Cause I do believe they should be in Native American. But if the tribe isn't able to help us, and we aren't able to locate a Native American, how can we resolve

permanency? Cause they do go sometimes into permanency guardianship. But a lot of times kids now are bonded to this family, want the same last name, you know, and need that permanency, I think. And if- is there some way, like, the tribe would allow them to sign a cultural heritage statement that they would raise these children knowing their Native American culture, you know, maybe they- in this particular case- the family would agree to follow-ups every year, you know, to see that they're doing more outreach between the tribes and DHHS and the family to make sure the cultural. But not hold a kid up from permanency just because they're Native American and we don't have a- and we have families that want these kids, you know? [00:08:16.09] So that's my struggle.

JU: Yeah. Yeah. I hear it.

A: Have you heard it before?

JU: No I haven't actually. Actually you're the first that I've heard that.

A: It's difficult. You know? I mean if we have a family- same with other cultures. You know? Afro-American were taken out of their countries and assimilated into whites and we don't hold them up or, you know, Chinese were sometimes interred in Chinese, you know, camps, and Japanese, during the war. And we place those children without the same restrictions. We do try to provide for them culturally.

JU: Yeah, yep, yeah. Ok. [00:09:02.12] This is along one. Number five. Could you please describe your experience with working within Maine's Indian Child Welfare policy? What were your- ok they have- what were your experiences and what challenges did you find in these areas? So the first area is the initial identification of a child as Native American? Can you speak to that at all?

A: Well I think we're doin' a much better job when they go out on interviews, children's protective workers are asking right from the beginning. You know, you know, are you Native American? Or anybody in your family Native American? And we're reachin' out to see if they're on the census. I think a few years ago- or eligible to be on the census- I think, you know prior to like ten, fifteen years ago, that would come up later, and then we'd already have the kids placed and then there would be issues over that. [00:10:02.08] And we could have resolved it much sooner I think. And we didn't- the Department didn't do a good job of maybe assessing-

JU: Has that changed?

A: Yes. Like I said now we ask them right from the first, you know, intake.

JU: How about notification of children to tribal child welfare?

A: Yes. If we know that any kids may be potentially Native American, we need to stop the interview and immediately call the child welfare person of that person's tribe if we know who



that is so that they can be involved in the initial intake if possible. Sometimes they'll say go ahead and do the interview, but sometimes they want to be present, which they should be.

JU: Is that information pretty ready available?

A: I think we know the contacts of the people in Maine now. Or, you know, we have the numbers for all the tribes. Sometimes they change the people, but outside of Maine I think that's where it sometimes can be a little more challenging.

JU: Who would you usually call within tribal child welfare?

A: Well some of the tribes have their own social services agency, and actually have tribal court. So a lot of times they'll want the case transferred right over to them and then we're no longer involved, but sometimes they don't have the foster homes or some of them don't have courts. So we work with them. So I forgot what the question was but...

JU: Yeah. That answers it. Working with the tribes to identify Native children?

A: Yes. Like I said we try to contact them if we have any indication that this child might follow under the Indian Child Welfare Act. Again I think it's easier in Maine. For out of state sometimes we have to do the investigation, but then we have to write, you know, *[00:11:56.28]* to the tribes. And what's- what the hardest part is- like many of us will say well I'm Irish- you know or I'm Native American, but when you're looking at that, deciphering whether it's somewhere in their past and not to say that that isn't important, but do they meet the Child Indian Welfare Act. And each tribe has a little different blood quantum levels and different things like that so it can be a little confusing at times.

JU: But the information is out there?

A: Yes.

JU: Ok. Determining jurisdiction and residence of Native American children?

A: Well I think, you know, if we have a tribe- a child in somewhere off the reservation, making sure that we find out where that tribe is. So sometimes it takes a while. They might say, well I'm Na- I think my grandmother was Native American, but I'm not sure which tribe or so sometimes it's hard to distinguish that. You know, and, of course, some people-

JU: How would you even find that out?

A: Well if you get- if you can get their names of their relatives, they can do a tribal census.

JU: I see. Ok. Child custody hearing?

A: We [00:13:18.20] if it doesn't go back to tribal court, we need to involve the- they become a party just like we are a party for any Indian child. And they should attend any court hearings. So we need to notify them of all the court hearings.

JU: And is that fairly easy to do?

A: Like I said if it's clear cut what tribe they're from, it is. If they're more iffy like well I think my grandmother was part Micmac, you know, we still need to contact the Micmacs, but they'll say well I don't have anybody immediate on my census, and then we've gotta do- you know, we gotta get the information and write a letter. Especially even Native American children, not as much Wabanaki, but those that are out of state like, you know, Blackfoot or Cree or you have to sometimes go through Washington Bureau of Indian Affairs I think it is.

JU: Probably takes some time, but eventually-

A: Sometimes it takes a time and that is hard I think for the tribe because we didn't have that information necessarily. And it's, you know our focus initially is on protecting the child and safety. Plus, you know, trying to incorporate the Native American, but if they're not around here or they don't give as specific information it takes a while to resolve that.

JU: Absolutely. Yeah. How bout arranging foster care placement?

A: Well I think we try to look if there's any Native American families and if the tribe- we're in contact with the tribe, they will let us know if they have any Native American families. So if possible we try to place them with those families, but we have a big shortage of Native American families. So that, that makes it where the challenge comes in. Cause a lot of times we are placing them with non-Native families. [00:15:04.12]

JU: I don't know what this means. Family team meetings?

A: Yes. I know what that means. So, family team meetings are when everybody on the team gets together, and since the tribe is considered like a second parent to this child, we need to be including them in all family team meetings. And that's where we talk about what's going well with the reunification process, what the birth parents still need to do, and you know, how can we resolve this? You know, what's going well. What's not going well, and how can we work towards that? So it's helpful to have the tribe there cause they might know of resources that we don't know. But I think sometimes in the past we haven't always included them. But I think we're doing a much better job. But we still have a ways to go. [00:15:57.18]

JU: Well I imagine- I mean it's hard enough to coordinate a meeting with five or six people.

A: Oh it's, yeah, it's very difficult just doing it normally, but the tribe I think has been very responsive once they know it's a Native, trying to come. But they're busy and they have their

schedules, so trying to get everybody, like you said, together can take a while. And then some people- you know, if one's a Native American and one isn't sometimes that can be conflictual cause sometimes people, even the Native Americans, you know, but don't always want their kids growing up on the reservation because of their own experiences. [00:16:34.03] But I think the children still have that right. It's part of their heritage, but it can be adversarial at times.

JU: Yeah, I imagine.

A: Cause they're- they have rights too and then the tribe has rights. And, so it can be confusing.

JU: Yeah. It's really quite a tricky little-

A: It is. Yeah.

JU: dilemma or situation I guess. All right. Now what about this one... arranging family visitation?

A: Yep. So what we have to do for every child that comes into custody is arrange visitation with the birth parents. And so I'm trying to think how we would incorporate the tribe... well I think our whole thing is the bond- you know we want to maintain the bond between the child and the parents. And if we can include some of the tribal customs in the visitation or help support a parent, you know, with rides and stuff to and from if they're on the reservation to increase, but we should be including the agency in that. Cause sometimes they can help with the parents getting to rides, and you know, getting to visits. [00:17:46.14]

JU: Ok. And I don't know what this one is. Kinship care?

A: Yep. So that's- kinship is where a relative is raising a child. So that can be, you know, sometimes it's a Native American family, sometimes it's the- you know if it's a mixed race- I don't know what you call it, but you know, a non-Native American parent and we place with a white side of the family. Sometimes that can be conflictual. You know, cause, you know, the people are saying I have a right. I think it's also hard sometimes- and we've done this across the state with kinship families, any, any culture is we used to have very poor rates of placing with kin family. You know, we kind of had the philosophy the apple doesn't fall far from the tree when I first started. And now we're doing a much more thorough exam of family members and what is acceptable. You know, cause maybe they did have some issues, but they're in a better place now. And I think sometimes the stereotype with kin families- I mean with Native American families is well sometimes they have substance abuse issues, or you know, different issues and we need to respect that- not that we're going to place with an alcoholic, but maybe they had issues in their past and are doing that or with support they can raise their kin, you know, with help and finances and you know, so working with the tribe and the family.

JU: Cause you don't want to have them chained to their past.

A: No. Right. But we need to know that they're safe too. [00:19:26.26] And I think sometimes, you know, sometimes they ask us to do the homestays, sometimes they do it themselves. And there may be- standards look a little differently or I mean the department- you know, we have reasons for some of the things we do. Sometimes they're, we don't always understand them, but like fire marshal doesn't want a child placed in a home that the ceilings are under six feet. I think it's, no maybe it's seven feet. Six or seven feet. I think it's seven feet. Because of the smoke and the way it rises. And a lot of people live in- in environments, you know, even regular families, you know, old farmhouses and stuff that don't meet that. So... then you have different, you know, issues that come into play.

JU: Yeah. But they get resolved.

A: Sometimes. Sometimes they have to move if they're renting an apartment cause we can't approve them. And it could affect financial subsidies for these kids if they're not in a licensable home. [00:20:28.11] Affects how much we can pay.

JU: Yep, yeah. What about termination of parental rights?

A: That's where it's tricky for me. Again I think children should be placed back with their parents if at all possible and we put in all the services. But if they can't be and we haven't a located non-Native family within the reunification, then they're with a family that's non-Native. They may have been there a year to two years, you know, especially the younger ones, and they get attached. Or even- even the older special needs that they don't have homes for these kids for in the tribe. The tribe is saying we can't terminate their parental rights unless they're being adopted either by a relative that's white, which is my recent experience, or by Native Ameri- unless they're adopted by Native Americans. So that leaves some kids floundering. [00:21:24.08] And I know they have a hard time severing parent's rights, but sometimes if the parents, you know, can't be safe over a period of time and make the changes they need to do, it leaves the kids sometimes in a quandary.

JU: Yeah. Well there's sort of no choice.

A: Well no we can't terminate rights at this point unless it's a relative or a Native tribe. So then we would look at permanency guardianship, but that's a little- leaves the door open for the birth parents to come back, which may be a good thing, but sometimes it can leave the door open for a lot of financial hardship. Because, the family has to go into court once a year. I mean it's up to once a year the parents can try to get their kids back in permanency guardianship. [00:22:07.27] Some kids want to be adopted. Want that feeling of finality.

JU: Yeah. Yeah. Alright. Yeah well. Here's the next one. Adoption?

A: That's the same thing we just talked about. I mean I think, I think kids deserve to be adopted if the birth parents aren't able to make the changes they need to do. And that's kids across any culture. They need that security. Especial- I mean there's some older kids that have connections



with their birth parents and want to stay with the family so permanency guardianship works for them. But younger kids I think especially- but even some of my older ones- really want to be part of that family, want to change their name. [00:22:50.04] Like I said if we have Native American families and we can look for those, you know, and place them, but if they're in that home sometimes a couple years and they have that attachment and bond, that's where I struggle.

JU: Yeah, I can imagine. All right. What do you consider active efforts to prevent the breakup of an American Indian family? Please describe how the state conducts active remedial and rehabilitative efforts to prevent the break-up of an American Indian family before ordering an out of home placement of an Indian child?

A: Ok. Well I think we try to work with the tribe and see what services they have available on the reservation. [00:23:35.04] Or like the Wabanaki- what do they have the health cent-

JU: Health and well-being, or?

A: So yeah I know that they have some supports for families, and if not working with them to develop supports. Hopefully, you know if again we have a shortage of Native American counselors of Native American substance abuse treatment, which might be more helpful to Native American families. So that's a hardship. But what we try to do is, is any child we try to prevent them being removed. So we try to safety plan. Is there someone you know, you can live with, if it's the other parent or boyfriend or if it's a male, you know, girlfriend or whatever to keep this child safe. [00:24:23.14] Can you go live with someone else? Or do you have a family member who can take this child while you're going through substance abuse or mental health treatment or batterers intervention or whatever the issue is that brought the child. Drug is the biggest one, right now, in our area.

So what can we do to prevent that child coming in at all costs I think is important. And if we can have the safety plan where one of them, if they can be safe, but if not can they be involved with a relative and then we would use that relative as a visitation person if they feel comfortable. So it keeps it within the family and the tribe. But unfortunately there's not enough. You know. Or parent's addictions are so serious.

And then after again we try, once we bring them into custody, we try all over again with reunification cause sometimes that's enough of a shock. We don't want to remove the kids if we don't have to. And I think it's a lot more serious now. Like when I started we did a lot more with neglect, like removed kids more for neglect. Not to say that that isn't pervasive in a kid's life. But now I think it's younger children who a lot more serious issues are bringing them into care. And if we can use relatives, I think that's great cause we really do have a shortage of

foster homes ourselves, you know, in the Department. And we have increased quite significantly, the relatives that we use. [00:26:00.24]

JU: I don't know how you do what you do.

A: You say that but I can't imagine not doing what I do. That's the difference.

JU: That's great. Let's see- where is this? Did we just... yeah we sort of... how are the tribal child welfare staff included in the development of a case plan involving an Indian child?

A: Well we try to again invite the- call the tribal member- the tribe and get the- whoever the tribal representative is for children services. Involved right from the beginning hopefully. But again sometimes if the parents don't have that information handy or don't share it with us, that makes it a little more challenging. But we should be inviting all tribal representatives to the table. Cause basically we consider them again as the second parent to this child. [00:26:58.28]

So they need to be invited to all court hearings, all, you know, meetings on the child. I think the more people you have supporting the family, the better it is for the family too. And they- a lot of times, they have long-term histories of the families. So I think that's really important for us to include, you know, the social service child Indian members because they do have long histories of the family and, you know, can be supportive of us too if we're trying to investigate and they say, yeah this person has had issues and they have been with this aunt and uncle when- in the past, you know, before we brought the child into care. They might be a resource for the child.

JU: Yeah. They've got the history.

A: They do. And they can sometimes if they have a tribal person that's able to do home studies, they can do tribal home studies and that helps us cause it takes a while to do our regular home studies. [00:27:58.22]

JU: Yeah, wow. Ok. To the best of your knowledge, if a tribe declines to intervene in a child custody proceeding covered by Maine's Indian Child Welfare policies, what are the reasons for this decision?

A: I think sometimes a tribe may decline because they don't have a tribal court or they don't have resources, so they'll allow us to do the investigation and place the children.

JU: Yeah, ok.

A: And I think you know again sometimes they're short handed of tribal homes or they don't have enough staff to investigate or... and so don't do that particular piece. Like the bigger tribes usually do have their own tribal court or tribal- you know, or they send representatives to our tribal hear- our hearings because it's sometimes easier for them because we have the full court.



JU: To the best of your knowledge, when the state declines to transfer a child custody proceeding covered by Maine's Indian Child Welfare policies to tribal court, what are the reasons for this decision?

A: I don't know. I think the only thing we would be concerned about is if they meet the eligibility standards, you know, and making sure they do that. We're supposed to transfer it to tribal court if they have an active, you know, recognized tribal court. So if they're not doing that I wouldn't know right now, unless it's because there's a question of whether ICWA really does- the standards of ICWA really do... If you don't know child welfare it can be confusing.

JU: All right so... *[00:29:57.14]* Number eleven. Have you had experience with working with expert witnesses for Indian Child Welfare? In your experience, what criteria does the state use to establish a qualified expert witness in Indian Child Welfare?

A: I think there's been two or three that I can think of where they were Native American and we looked at those people. I don't know what the guidelines are. I think there is a big shortage or they may be full. You know what I mean? Even in regular practice to try and get people in to services... but I think, you know, looking at their, you know- their heritage, are they Native American themselves, what is their criteria as a counselor? Cause we want to make sure they meet that standard as well besides being Native American they need to be efficient at substance abuse or batterers or-

JU: Right. They have to have a standard of expertise.

A: But that's one thing I don't think we have a big list or I'm not aware of a list of Native American counselors or substance abusers or substance abuse therapists, which would be helpful. And maybe across the area. *[00:31:21.14]*

JU: Yeah. Well hopefully maybe something like that will come along soon. All right. What state child welfare policies, practices, and events influenced your work with Wabanaki children and families?

A: One of them is we have a Youth Leadership Advisory Team, which is made up of older youth into adulthood that come and talk to the state. And there's a couple on there that were Native American, that were not allowed or were not aware their culture of when they were younger and have really identified with their Native roots and how they missed that growing up. And so I think that shows how important it is as they get older.

You know, you may not think at two or three they're- be that much aware but. Like anybody with their history. You know, and one of them's learning the language cause she's learning about the language dying out and you know to help them learn those things if they want em.

You know, learn the language and learn the beading and the basket weaving. And you know, a lot of that's important. Right. And that's their heritage. It gives them a sense of identity. This young lady, really has a sense of identity started working for the Wabanaki health counsel part-time and works with tribal children, and really helps her in her healing process I think.

JU: Yeah, great. Yeah I think - I would imagine it could.

A: Yeah cause she had a multiple- load of white families. *[00:32:57.02]*

JU: All right. Let's see- how did state child welfare policies and practices change during your employment? How did this impact your work with Wabanaki children and families?

A: Well, I think over the years we've come much more aware of the culture and how important that is to these kids, and that we have been responsible of taking them away from that. And, you know, sometimes families will say they're going to do that and then don't. But even those that do say it's different. Like this little girl was- bought books on the tribe and was given dolls, but actually being immersed around people every day and learning the language and it's a lot different than just attended maybe a powwow here and there. And reading about it becomes much more real knowing people and talking to them. *[00:33:53.06]*

So I think we've made a much more concerted effort of involving the tribe from the beginning, trying to locate who the Native American children are so that they are under the child welfare act, so there's not a lot of hostility later of... you know, this child and where it belongs. Sometimes we have had instances where we find out later that they're Native American and they do have a family and then they're having to be moved from one family. You know, if we can place them with a Native American family, it makes it easier for the child. They don't have to move.

JU: Over the course of your work in state child welfare, what do or did you see as barriers to the successful implementation of Maine's Indian Child Welfare policies? If so, please describe these barriers?

A: I think again we weren't doing a good job of assessing if they were Native American children in the beginning. And if we do assess it, there maybe trying to get that out in a more timely fashion to the different tribes. You know, in Maine, we can phone, you know, and call. But sometimes the other tribes we have to try and gather who the family members are and then send it to the census. And sometimes they say, well I'm part this and part that and part the other, trying to coordinate that. *[00:35:17.29]* You know, I think we're more sensitive now to Native American and what kids are missing by not being raised by Native Americans.

And I think we've had- we could have more- but I think having someone come in and remind us of the child Indian welfare policy. You know, knowing who the representatives are, cause sometimes those change. I think it would be nice if we had a little more closeness. But I think that people who do protective have more, you know, knowledge than I do on the other end. But, you know, and that... making sure the kids do have that history and culture. You know, whether it's on the reservation or in the foster home that we give the as much as we can.



JU: Let's see- what strengths does state child welfare possess in ensuring compliance with Maine's Indian Child Welfare policies? What effective procedures or practice does the state have in place for promoting compliance?

A: Well I think now like I said we have to ask if any child is Native American. And we have to put, you know, the original protective order that brings them in, says ICWA does involve the tribe, doesn't involve the tribe, and- or, you know, we're still working on assessing that. So we have to present that to the court. And the courts are much more, you know, on top of it now. And in adoptions we have to get permission from the tribe like if they're going to be adopted by the white relative. We're having tribal representatives at all our hearings now, which we didn't used to do. So I think we're trying to incorporate them more from the beginning.
[00:37:13.03]

JU: Yeah, sounds it. What weaknesses does state child welfare possess in ensuring compliance with Maine's Indian Welfare policies? What could the state do to promote compliance?

A: I think sometimes we get busy and don't move as fast as we could move on this issue. You know, trying to track down people cause your focus initially is on the investigation, but again if we know that there's something and there's Native American, we're supposed to call the tribe. I think, sometimes you do get working with the family and you see the kids bonding and attaching to that family, you know, and thinking of moving them or not letting them achieve permanency can create a little dissention sometimes. Where, you know, you feel a little conflictual about that- what's happening with the child and I'm sure that carries over. You know, and if we could resolve it earlier, you know... then anybody benefits, especially the children.

JU: What strengths do Wabanaki tribes possess in working with the state for ICWA compliance? And what procedures or practices does a tribe have in place that helps facilitate ICWA compliance?

A: Well, I think, you know they have access to the census that we don't have. So if we get them parent's names, grandparent's names, great-grandparent's names, they can tell us if they have been on the census and if they meet the criteria, cause sometimes that's confusing to figure out. They can help support us in court with locating resources, cause we have a shortage of homes, you know, of all types. And sometimes they know someone within a tribe that maybe isn't licensed, but would be willing to become licensed. *[00:39:10.19]* That would take this child in. Or people that have been doing it kind of informally over the years, you know because maybe there's a substance, and the kids had to go stay with mom's best friend. You know, and if we know that history, then we can look, would mom's best friend be willing to be a licensed home. You know, and keep them within the same- people that they know and they love. And I think

they're doing a much better job of trying to work with us and being, you know, more of a team. You know, I think sometimes we've been two separate entities at odds, and what we need to do is focus on how to help the children and meet their cultural heritage. And we're all in this together for the sake of the child.

JU: Yeah. Good point. *[00:39:56.04]* You need a team.

A: We need a team. And they certainly are more aware of Native American cultures and, you know, resources. And you know, sometimes they may be running, you know, a class within their tribe, you know. And Penobscot children and Passamaquoddy children have a Native American language. And maybe we could see about getting the kids, you know, if they're old enough to learn some of that. Certainly something I don't have knowledge of. Or they can let us know when there are tribal functions going on. Because we want these kids to have that history too, you know, wherever they're placed. *[00:40:32.27]*

And they can also work, I think, some with the birth families because some people that have lived on reservations- I've had a couple of these- don't want their kids raised on reservations or don't want the tribe involved. Especially if there's one that is tribal and one isn't. Sometimes, you know, they grew up in that culture, they saw a lot of substance abuse or people within their family, you know, may not be supportive and so they don't want to involvement. So they can help us explain to the parent, you know, the rights of the child. And it's not just us saying it.

JU: Yeah, yeah. Let's see- what weaknesses do Wabanaki tribe's possess in working with the state for ICWA compliance? What more could tribes do to ensure ICWA's followed in every case?

A: I think they could maybe do a, more of a recruitment effort within their tribal members and let them know. You know we could even hold the foster care informational meetings if they wanted those held within their tribe. *[00:41:38.25]* But they are- you know, I think sometimes it takes us a while. Sometimes tribes do their own home studies, but they're- they're short staffed or there's changeover. And so that can sometimes be a drawback that they don't have enough staff. And then, it's, for us it takes a while and again it can financially sometimes affect the payment to a family, whether they're licensed or not licensed.

JU: Please talk about the importance of caseworkers learning about and having knowledge of an American Indian family structure and culture?

A: Well I think, I think that's helpful because I think sometimes in the past we've been quick to judge families and the extended family. You know? Like this family has had substance abuse issues and there's nobody in the family that's appropriate, you know, because of- certain areas we know everybody. Especially non- in certain areas- and same thing in our fishing area, you know, there's certain families just within generations that you get to know them.

But there may be people within their families that's appropriate and that's one of the things that we're really trying to look at again, the apple doesn't fall far from the tree is not always true. There are oftentimes many families that- you know, sometimes if families did have a substance



abuse problem, you know, looking at what have they done to resolve that. Not ruling them out as quickly as we used to. You know, or blaming the parents. Because substance abuse is so big now and there's many wonderful families that raise their kids and then they just got involved with the wrong people and it's not their family's fault. [00:43:18.08] Whereas I think we used to blame the families, you know, across all cultures. That's something we've been trying to do a better job of.

JU: Yeah, that's great. Ok. Please talk about the important of an Indian- for an Indian child who is placed in out of home care to be placed within reasonable proximity to his or her birth family and or community?

A: I think that's really important. Unfortunately sometimes we don't have enough foster homes in Hancock and Washington County, where I primarily work. And so we've had to place them at distances to be in a fam- in a foster home. And especially those that may have special needs because of their abuse and neglect, we have to place them like in a therapeutic foster home. And so to get them a home sometimes we have to place them farther away. And, you know, of course that makes it more difficult. Kids have to travel or parents have to travel, you know, to keep that bond. The closer we can keep them the more contact they can have. [00:44:25.18] You know, and more attendance at functions and tribal functions.

JU: It just makes it easier.

A: Yeah for everybody. Yeah. Cause these kids have enough with their own- they may be in therapy, you know, or-

JU: Oh and have to be driven here and there.

A: And a lot of the, have siblings. We try to keep together, but some of them are part of large families and sometimes we have to separate them. So again, the closer they are the more contact they can have with each other.

JU: Yeah that's a good point. Ok... this seems like the same kind of question. Please talk about the importance for an Indian child who's placed in out of home care to participate in his or her traditional tribal events, spiritual customs, and social activities?

A: I think that's really important. [00:45:17.26] You know, I think even though we have families say that they're gonna raise them and they do, they try to buy the books or will buy 'em the dolls. It's not the same as being with someone who's actually living that, speaking the language, you know, that can do the basket weaving and, you know, the many different wonderful things that Native Americans are able to do. And kids really thrive on that sense of identity. So even if they can't be with tribal families that, the more they can be in contact with

tribes and talk about you know- I think it helps their self esteem, their sense of identity. And, you know. Like one girl's learning the- it's really important for her to learn the language, you know, because she knows it's dying - and passing that on to the younger kids.

JU: Yeah, wow, yeah. In what ways do you see Maine's Indian Child Welfare policy and the Adoption and Safe Families Act working together? In what ways do you see these two policies not working together?

A: So this is my- not working together. By law, we're supposed to terminate parental rights if the parent has not- the kid has been in custody fifteen of the last twenty-two months. So we have mandated requirements so that kids don't linger in foster care like they used to do when I first started.

I mean a kid would go into a foster home, stay there and then at eighteen be kicked out. You know, so if we can get the in a permanent family where they can grow up and be part of that family, that's their family for life. *[00:46:54.06]* So, I think, you know, it- what runs into conflict is when there's not a Native American home and adoption is not allowed because it's not Native American related to the child. It leaves them kind of in limbo. At the same time, you know, I understand the tribe wanting to have them maintain their tribal rights and, you know, be part of their culture and their family. And I think we're trying to do that as supportive as we can, but we don't have enough tribal families. You know. And that's when you run into the conundrum. Which right supersedes? The Native American or the permanency for a child?

And hopefully we can work together to resolve that by having a Native American family or a relative, you know, on the other- you know, if they're not Native American, that can raise them, and the tribe will support that. We run into conflict if they're not supportive and the child's been in a family for a while and we can't move forward with adoption, if that's what we're looking for.

JU: So you're kind of stuck.

A: Stuck. Yeah, we can do permanency guardianship, but that leaves open some conflicts. I mean sometimes it's good for the older kids, but sometimes it can be hard for families, you know, cause they don't have that guarantee that they're the full adoptive parents with all the rights that come with that. *[00:48:12.04]*

JU: I get the feeling you've seen it all.

A: I've seen a lot. I have seen a lot of growth. I mean I talked about some of the conflicts and I think there are ways we have to grow- continue to grow, but I think there's a lot more unity among the tribe and the DHHS than there certainly was.

JU: Probably is there more trust? A little more trust?

A: A little more trust I think as we have tried to be more... you know, thorough with- and more responsive to them being, like I said, a second parent and part of the court hearings and part of the family team meetings.

JU: Yeah, yeah. So they feel much more... involved.

A: Yes. I think they would say they're more involved than they were ten years ago.
[00:48:54.17] I think they'd say we have a ways to go.

(Laughter.)

JU: Don't we all.

A: Yeah. Amen.

JU: All right. If you could change- these are the three closing questions- 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?

A: I think we need to have... more families that are Native American for children that are Native American. And... you know, I think we've seen a decrease in families- foster families in general, and, you know, what can we do to recruit more tribal families, so that these kids can stay within their tribe, and their heritage. [00:49:43.05] So that's what I would say.

JU: I would think it would make the tribe feel better too about themselves.

A: Yes-

JU: -that they're able to care for-

A: - even if they're with a Native- like many- many tribal members elect to leave the reservation but might live in Old Town. You know. But they're still close enough. So if they can be placed with a Native American family wherever they are. But it's still connection to the tribe.

JU: Anything else on that one?

A: I think that's good enough.

JU: How could the state child welfare system improve in terms of the Indian Child Welfare policies and practice?

A: Well again, I think we need to continue to seek out if they're Native American; we need to continue to invite the Native American representatives right from the beginning. I think sometimes it can be easy to be so caught up in trying to assess the safety of a child, that that sometimes gets pushed back a little bit. *[00:50:48.19]* So it might- it might occur but it might not be until after we've had the first hearing. When we should be involving them right- even before an interview if we have a sense that they're Native American. Cause if someone calls in we ask them is this family, you know, Native American or are you aware if they're Native American? And some of them will say yes. And some will say I don't know. But, you know, trying to seek that right from the beginning. So if we can even include them in the interview, sometimes that's a big step. Or at least invite them to the initial court hearing if we talk to the parents and they say, you know, yes they have this.

JU: So it's sort of more inclusive and they feel less isolated and probably less hostile. Ok. So here's the last one. Is there anything else you want the Maine Wabanaki TRC to know about your experiences working with DHHS and child welfare cases with Native American children?

A: I just think- you know, I've seen a lot of improvements over the last ten years especially. I think we didn't do as good a job, you know, when we first started. I think we were more... biased I think sometimes, because there was a lot of substance abuse and different things and you know... so we tried to maybe help them away from that culture when that's... maybe mom does drink, but again looking at close family members or friends of Native Americans.

I think we're working together to help, you know, them through the court system. Some of them have their own tribes. I think we have helped with funding for Native American children that are adopted by Native Americans or relatives; we continue the subsidy piece even if they go through their tribal court. Whereas before I don't think we provided subsidy for Native American children that were adopted out of our system. *[00:52:54.09]*

So I, but I- I think like with anything we have a ways to go. Again more involvement with the tribe, more involvement with the registries, cause that can be confusing sometimes. And some families, you know, that grew up in dysfunctional homes in general don't have a good sense of their own history. So if we have more awareness and maybe more involvement with the tribe. I know they hate to do this, but letting us know, you know, if- if they're aware of an incident and including us as well in something that may happen on the tribe if they're gonna to you know...

JU: Right so they'd be more active.

A: Right. Yep. So more cooperation among all of us. *[00:53:41.20]* That's it I guess.

JU: Well, I mean I can't thank you enough really for all the work that you've done – really, I mean. How many years are we talking about? Twenty years here?

A: Twenty-eight.

JU: Twenty-eight. That's a lot of years.

A: That's a lot of years. See my grey hair.

JU: And just to hear- what I'm hearing is sort of your- that you've been part of a change.

A: Oh yeah, I think there's been a big change. I think, you know, the more communication, the more joint meetings we have with the tribe. You know, we did have- I see that slackening off maybe the last year or two. I don't know if it's funding or something. So... make sure that we keep getting together and meeting with the tribes, and I think the more contact that you have that builds community. *[00:54:28.19]*

JU: Well. Yes. I think also like, your story and other people's stories are really vital to the TRC Commission, because they're gonna be making recommendations.

A: Right, that's what they said

JU: And that's where your information really will be helpful.

A: You know sometimes we're in conflict around the adoptions and stuff but I mean again our focus needs to be on the best issues of the child. And, you know, if we can meet them in a non- I mean in a Native American home, we certainly want to do that. It's when there isn't one available and you know, where do we go? From my perspective the kids are sometimes left in less secure positions for permanency. *[00:55:12.17]* But the tribes- I understand where they're coming from. They don't want them to be adopted and removed like they were before. But I think there's pieces we could maybe do to ensure that maybe that's being met.

JU: Yeah and it also sounds like you're coming to more understanding of each other.

A: Yes. Yes. I think it's certainly a lot better than when I first started.

JU: So that's huge.

A: Yep, and I think they're growing in terms of their social service networks. Some of the tribes, they're developing more within their tribes. And I think that's helpful cause certainly if we can utilize the tribes- cause they do have this sensitivity to the Native American people and what they've gone through more than someone on the outside.

JU: That's a very good point.

A: But I don't. I don't think we have enough practitioners.

JU: Yeah right, well that needs education and-

A: Right. And maybe, you know, letting us know these are the people that we would love to have these families go to or that are- you know, even if they're white maybe they have a specialization that they've worked with tribes or had a tribal member. You know, whatever they would meet with their standards that they would approve. But again the really good [00:56:27.10] therapists oftentimes get full. [00:56:28.02] So there you run into- it takes a few months to- or, you know, weeks sometimes to get parents into therapy in general. And I'm sure the more specialized, it would be even harder. So again increasing resources across all settings.

JU: That's a very good point. Yeah. I mean cause once that begins to happen, they'll be a lot more available.

A: Right. Right. Well to help the parents resolve their issues we need to get them into whatever issues brought the child into care. And, you know, again if they can have a Native American one or someone familiar that's approved by the tribe. Then that would be great. And even working with the kids. They can incorporate some of the cultural stuff in the therapy and, you know, the way they do things.

JU: Right it's like sharing the responsibility.

A: Well, and there's certain things that they do. Like I know like the scents and, you know, the smudgings and different things that I don't know.

JU: All their ceremonies that are theirs.

A: Right that are theirs. And if they can include that sometimes in therapy I think that would be great- for the kids and start their cultural stuff across all settings.

JU: Yes. Wow. That's a great idea.

A: I've been thinking about this, because I knew I had to speak.

JU: Well thank you so much. [00:57:52.11] So are we ready to turn this off?

A: Yes.

JU: Are you sure?

A: Yep.

JU: Ok. Alright.

[END OF RECORDING]