

General Information

Private or Public Statement? - Private

Statement Provider: Anonymous

Date: November 18, 2014

Location: Portland, Maine

Previous Statement? N/A

Statement Gatherer: Marilyn Bronzi

Support Person: N/A

Additional Individuals Present: Carol Wishcamper

Recording Format: Audio

Length of Recording: 1:09:20

Recording

[INTRODUCTION REDACTED AT REQUEST OF STATEMENT PROVIDER]

MB: The date is 11-18-14. Location is at the Universalist Church in Portland. And umm... have you signed the consent form?

A: Yes I have.

MB: Thank you. Okay so any of the information provided – disclosed – that indicates a child or elder is in need of protection or there is imminent risk of death or serious bodily injury to any identifiable person or group, including yourself, may not be protected as confidential.

A: Absolutely.

MB: Okay thank you for saying that you understand those things. So if you, this, now, I'm going to ask you all these questions. (*Sound of paper rustling.*)

CW: Do you need a file number?

MB: Oh yes, thank you very much, it didn't say that.

CW: It's usually a very long file number.

MB: The file number is ME-201411-00138-003. Thank you, Carol.

CW: I'm always amused by the length of the numbers. This little TRC.

(Laughter.)

MB: Okay, I'm always amused by how long the paper takes. So, here we go. Would you please tell us about your current or past employment?

A: Well, I am retired from the Maine Department of Health and Human Services. I have worked in the child welfare field for approximately 35 years prior to that. Uh, in the state of Maine, um, I originally worked with state of Maine actually while employed by a private agency, referred -- getting a federal grant having to do with child protective services. Just child protective services -- the New England Resource Center for Child Protective Services and Judge Baker. I sat in the central offices of the Department of Health and Human Services but was employed by Children's Hospital in Boston. And our charge at the time was to improve the child protection system. At that time there was fortunately a lot of money to improve things and that was our main charge. Um, I did that for five years and then came back in to state service as the manager of Child Protective Services. That was state responsibility and in both those jobs I did not have direct casework contact with families. It was more administrative, training, policy development, multidisciplinary work, putting groups together to work together, so, it was not direct service. Then I was promoted to the Director of the Division of Child Welfare and had responsibility for both child protective and children's services.

CW: What was the span of years, [name redacted], that you were with the Judge Baker, then you came in?

A: Five years. From 1970 to 1982. I came back to state service. Prior to that, I had been, a long time before that, a worker in Portland. Then moved to Florida and became a Child Protective Worker, when the modern Child Protective Services was just being formed at that time. We used to all be rolled in together and then when they separated it out. And was-- had the opportunity to have a lot of good experiences so when I came back to Maine -- staying home for a while, having had a baby -- um, and wanted to go back to work, I was able to bring that pretty brand new, and kind of very modern child protective stuff back to Maine, which is why...[00:04:22.02]

CW: An exciting time...

A: It was a very exciting time in the field, I have to say.

MB: And you have a lot of history.

A: I have a lot of history.

MB: That's great. Okay, you answered several of the questions, what types of positions... and the total number of years?

A: Around 35.

MB: Okay. And a paid employment capacity?

A: Oh, yes.

MB: Ok. How many cases involved with Wabanaki children?

A: Well, again, not direct case involvement. But the kinds of things that I did – you know, I did the policy development, the policy compliance, training and I did a lot of case reviews. That was one of the things that I started. That we didn't do when I came into both those, manager and division director. In my mind there was not enough review of the work that we did from a professional, clinical standpoint. So I did start those. So while I did not provide direct service to families and children, I had responsibilities to try and see that people did what they were supposed to do. And to identify gaps in service or knowledge, or so, it wasn't direct service.

CW: Ok. So, if you were in that position in the time that ICWA was passed in 1978, were you involved in how the state developed its policies?

A: No, very interesting. Well first of all, I worked for Judge Baker at that time, and that focus was child protective. And in Maine, and actually a lot of states -- because one of the things in my position that I had a lot of national contacts and knew what other states were doing as well. When ICWA first came it was first seen, again some states still had everything all together -- there was not a separation out, I'd say it was half and half. When it came to Maine, ICWA was seen as primarily seen a Children's Services -- a foster care issue, and not a child protective issue. For many years, even sometimes when maybe that shouldn't have continued and there was discussion--

CW: Sort of an interesting theoretical split.

MB: Discrimination.

CW: Yeah, why children were placed in foster care if its not a protective issue?

A: Well, it wasn't something – I don't think it was really that. I think they saw the emphasis on following certain rules and regulations. And that sort of put it under the law and the court and all that. And so, it was, I mean, I never even dealt with ICWA when I worked for Judge Baker.

It was never even mentioned. And I only knew about it just from sitting in the office. And I, you know, I wish I – I’m terrible on dates. I wish I could remember actually chronologically, where all of a sudden -- it wasn't all of a sudden -- it became clear that we needed to look. It wasn't as though there was nothing -- I shouldn't give that impression. But the emphasis wasn't on the front end. It really wasn't when it first came to Maine. It was quite a number of years after when -- oh Gee! We oughtta start doing this from the very beginning. And then we did, I mean we did do that that but um...

One of the things that, the whole treatment of Native families and our response was something that bothered me personally and professionally a great deal. Because I did not think it was an adequate response. Not only because of ICWA just because – but that was obviously one thing. But. It was also just because we weren't doing what we needed to do for families.

MB: For the children.

A: We were not.

MB: Can you say specifically in what ways you weren't?

A: There had been ... The training the people had gotten at first was: here are the requirements of ICWA and you need to do these things. What had never taken place was an assessment of where our staff was, as to their understanding of Native culture... The historical context in which the families and the tribes of Maine are living in, having their lives. There was none of that done. There was no assessment of our staff, where they were for acceptance or lack of prejudice. I frankly was horrified when I started becoming involved and dealing with staff -- of the mixture, and the prejudice and the bigotry of some of our staff. Not all of them. A minority. But they were there. And then I would say the overwhelming majority -- including myself! I have to tell you, I'm not from Maine -- I'm originally from Washington, DC -- I had no idea for years, living here, that there were four tribes in Maine.

MB: Tribes in Maine.

CW: Exactly.

A: I had no knowledge. My daughter went all the way through school -- cause I asked her when I started myself, and “oh, duh!” Are you learning anything about Native history in Maine in school? And she said, “Oh! There are Indians here?” and I said “Yeah!” and she said “Oh! I never knew that!” Well of course she goes --went-- to Wiscasset and of course their mascot was the Red Skins -- as you're probably aware -- which, ya know, they finally changed. But, so. So there was not just bigotry and prejudice. There was total lack of knowledge.

CW: Ignorance.

MB: It was ignorant. Ignorance.

A: Yeah! Now, some of those people who had--

MB: That's a hard word but that's what – we were ignorant.

A: Well, I had no knowledge! And then, it's a complex, deep, subject. It's not just, oh in 1842 – you know, that's not what this is about. Especially in the kind of work that we do. It's just not what it's about. I mean, yes you obviously have to follow the law, yes you need to know certain facts. But you also have to have an understanding -- we come from a, the dominant culture. Most of us the staff in the department, and, we have a hard enough time struggling to understand our own! Let alone outside. And, practically no efforts had been made to --

MB: I think that I – well. I'm not supposed to say things. (*Laughs.*) I have heard that before, I can say that.

A: I'm sure you have.

MB: And then actually, I think there were attempts to get training —

A: I did!

MB: But it was embedded in a larger set of training. It was--

A: Well, no, we – when I...

MB: Did you segregate the..

A: See, this is where I wish I had good dates. We started, and I met with tribal representatives because I wanted to put together a joint training with our staff and Native staff and Native members -- community members. We did training in all parts of the state.

CW: Was this around 1999? *[00:11:56.04]*

A: I think was -- I don't remember.

CW: With Penthea? Penthea was?

A: Penthea was involved in some of it. Yeah. But it was really... And it was, for a lot of people it was like 'Whoa! I had no idea!' And a lot of people were able to move on and incorporate that and gain more sensitivity. Some were not. Some were - I mean I had some staff come to me and say 'Why are we doing this?'

'Cause it's important. So it was really a mix of stuff that was good and stuff that wasn't very good. And, a lot of denial on the part of staff that they themselves, ya know, harbored, um,

preconceived ideas, um. And I mean, I know I came to this thinking 'I don't know anything' but I really, I need people to tell me when I'm not being sensitive. Because I'm... I'm not experienced with this, with this group of people. I, you know, I was a child of the Civil Rights movement and I went to school in the deep south, to college. 'Woo!' (*Laughter.*) In the sixties! You know, so that -- I did a lot of work there, but that's different. That's a different culture. Its something that I learned from my friends and colleagues and I always felt like I needed, even though I wanted to, you know, I needed help too. I still need help, you know. Because I don't understand completely. I've listened, I've had the opportunity to personally have relationships with Native -- with tribal members in Maine -- talked to them about their history, and their story, including people who went boarding school-- sent to boarding school. And heard their stories, so. So I've had some advantages to understanding but certainly not... So I look at our staff, and some of them - some of the people who lived in Portland initially said 'Why do we need to know this?' and then it's very interesting to see that some of those same very people, once they had begun to change their practice. They were the most militant - if you will - about making sure of those connections and making sure that the kids got to see their families.

MB: Oh, making--

A: Yeah! It was very interesting. Whereas sometimes the folks who lived in Washington and Aroostook counties were the hardest to get involved. That wasn't universally true - there were many people who were-- I mean I had people who were born and raised there saying, 'I had no idea. I had no idea - I lived right here. I didn't even know. I had no idea.' They were so separate. The living was so separate. And so, um, yeah.

MB: I think that you're saying the things that will be needed to be heard, I wanna just make sure we get the questions too -

A: Sure, absolutely.

MB: One of them is about a date. And it asks, how were you made aware of the Indian child welfare policies?

A: Um, actually I was made aware of them because even when I was just CPS manager, we started to become aware of them. I am terrible with dates - I really, I guess when we were coming to the conclusion that we needed to start more assertive efforts at the front door than we had been doing. Um, you know, something as simple as approaching Natives families with the child protection issue, as a white person, representing white power, representing the state. Um, so when those kinds of things began to be discussed, as being really important is when you know, we really in CPS dug in more to the ICWA stuff. But I can't give you a date, I'm sorry. I'm terrible with dates.

MB: No, that's ok. That's ok. And, um, your training - you've been talking about the training so I don't have to ask you that question. Um, could you describe a situation in which you and or your staff felt positive about your work with the Wabanaki child and family?

A: Uh, case specific?

MB: Something that you feel like. Yeah - if you can remember any cases.

A: I can't give you any case specific kind of thing other than things like that when I've been reviewing and uh, a case, and it turned out well, uh, and talking to both the families and the staff about that. And, it had mostly to do with developing mutual trust and what it took to do that. (*Sound of children playing in the background.*) And that both the families and the staff exerted an effort to develop that trust. They sort of focused on the child.

CW: So your case reviews were more than just a paper review? You actually had some interview contact...

A: Sometimes with the clients. Sometimes. Yeah. Not as much as I would have liked -- didn't have a lot of support to have the...

CW: It would be time consuming and expensive.

A: Well, it was ...

CW: It would be beyond bureaucracy...

A: Well, but it was also an evolution in the field because back then, uh, clients were seen - I don't know what they were seen as - but as the profession, I'd like to say, progressed some - actual direct family involvement in discussion and review grew over time. It grew a lot over time.

CW: And do you know if that's still practiced?

A: I have - I don't really know. I don't know the current practices and I've been retired for ten years. I - yeah. I doubt if the kind of reviews that we did at one time are done now.

CW: Yeah. I doubt it too.

A: I don't think people care enough, thank you. I'm now on the outside - but I'm on the outside because -

CW: It's different administrations? Different leadership?

A: Yeah. Totally different.

CW: Whole different mindset.

A: Whole different mind set. The... and I've been on the outside. I just retired in March – last March -- from being a hospital social worker. So I had to report things to the department --

CW: So you were on the other side. See it as the consumer side.

A: The other side. A horrifying experience. But, that's neither here nor there.

MB: This is recently?

A: Oh, yeah.

MB: Oh, dear. OK, um, I'm going to ask you some questions that I want to make sure are answered. And then we have to go back to the - I think that a lot of the other questions you can say either you, it's not applicable to your work or something like this.

A: Right.

MB: This is about the ICWA work group and the question is, how did the ICWA work group come in to formation?

A: If I remember correctly, and I hope I'm right, it was mainly with the realization that things were not going very well. That we were not doing what we were supposed to do in the way that we were supposed to do it too. It was both the actual compliance measures and also, again, that's sort of when this whole issue of 'Wait a minute!' we haven't really approached our own staff well to sensitize them, and make them culturally sensitive and aware. So, you know, we need to do that. And I think that was a change in um, a view of involving the Native community.

MB: Okay.

CW: So, the ICWA work group from the beginning was cross cultural in terms of its leadership?

A: I don't think it was, initially, it did... If I remember, and I could be wrong, cause it wasn't my direct responsibility - I was part of it, sort of. But I don't remember if it was cross cultural initially or not. Frankly, I wouldn't be surprised if it wasn't, but it became.

MB: Some of this may jog your memory - what was, what were the early meetings like?
[00:20:48.07]

A: I'm not sure I was in the earliest meetings, so I am not sure. What they were like.

MB: How about the early ones that you were in?



A: Yeah, I'm not sure how early they were. My role at that time was primarily the whole training component of what do we need to do, to improve our staff response? Again, not just the letter of the law, but to Natives families. So I know some other stuff had happened beforehand. I think doing some work with getting the attorney general's office involved, learning about tribal courts, you know, some of that kind of stuff had gone on before but my involvement wasn't that direct, so.

CW: Was there a particular person who spearheaded the formation of the ICWA training group - the ICWA group – or...

A: I don't know.

CW: Just wondering where it bubbled up. Whether it was a single voice of someone or whether there was just...

A: I don't know. I don't know the answer to that.

MB: And so the last question is, what would you say came of those meetings?

A: Well, I think there was some good that came of those meetings. I do think we created some staff and actually I like to think the majority of the staff certainly had a greater knowledge, certainly had a greater awareness.... Now whether they changed their practice, that I know that some of them did because I looked at their work. But um, some of them didn't - because I looked at their work. *(Laughter.)*

But, so, I think that – I think that that was there. I think one of the good things that came is that in no way shape or form can you talk about doing this work with Natives families and not involve tribal members. I think if nothing else, it became clear -- well you can undertake those efforts – they're not going to be very good. They're not going to be very good. And you're just whistling in the dark, you know, by and large, but you're just not – it's just not gonna happen. And I think we had done that, earlier on - we, you know, just thought we knew what to do. We didn't bother to ask any body else. What we knew.

CW: That's a huge shift, in levels of consciousness - and that that's a different way of working.

A: Oh, it is. It is a big - and you know, some people come to that more easily than others. And some never do - they never do. I mean I, I have to say, you know, for some of the people that I work with, I knew many of them for many years. Some surprised me with how little they were able to move. Some did not. Some I thought 'Oh, of course you did' but you know it was a little surprising that some people did not move. You know, I'm not saying it's easy. You know, we all and we don't like to have it pointed out to us that 'Oh yes you do still have biases!' I know

that I do, I know that I unintentionally look at things from only my perspective even though I tried to, ya know, I don't make it all the time! I absolutely don't make it all the time. But, uh, you know. But I can just remember being appalled at some of the sessions! The things that people even said out loud – what? You know even if you think that, that's bad enough but you're gonna say that out loud? How? Yeah. Anyways.

CW: These are -- when you talked about the sessions, the training sessions or the ICWA workgroup?

A: Training sessions. Well, actually, both! The training more so because the training environment sort of gets people to discuss - I mean that was obviously part of our goal with that training, was to get people to talk to each other, really talk to each other. Really listen to each other, be able to say things to each other, that they wanted to say. Whereas more formal kinds of things - but even in those meetings, I mean people wouldn't say them to be mean or ugly. But they were mean or ugly.

CW: Right, it fell out of the mouth.

A: Because -

MB: It was what they knew.

A: It was what they knew. You know? But, uh, the other thing for me is that all of that work - and I don't know where that work is, I don't know how much of work is being done jointly together. That work has to go on, intensely, forever. Forever. I mean it just has to keep on going and I don't know where it is at this point.

MB: Can you say what's behind – that's a very strong conviction - can you say what, where that is coming from?

A: Um, because it's easy for all of us to slip back in to the ease of what we know, and our comfort level - rather than striving to connect and striving to - and it's very comfortable to have the 'other' present as a way to make you feel separate and special and... And that's in both directions. That can go in both directions, so we really need to keep the contact, keep the humanity of our relationship. Not just the knowledge. It's just, to me that's - and you can't do that without contact, you have to have contact.

CW: You have to be in the same room -

A: You have to be in the same room! You have to have joint experiences, you have to go through joint struggles, you have to go through joint triumphs and then, you know, it becomes more real. Those relationships become more real. But if you just stop and start, stop and start - you lose ground every time you stop, you do.

CW: You lose trust.

A: Yes! You do! Because why did you go away? And then you have the whole issue of loss and abandonment and, you know, if you put that in a cultural context, you know, it makes it even stronger. That's another awareness of understanding how the two different groups experience things. That's very cultural. Culturally influenced. There is a different sense of cultural loss as a people, whereas we tend to be much more individualistic. There is a big difference there. That's why it's a big difference in working with families and working with the tribe.

MB: Yes. Yeah. Ok, these other questions [00:27:32.04] may or may not apply. Can you please describe your experience working with Maine's Indian child welfare policies?

A: Well, as sort of a separate thing that I did - as a result of having the opportunity to work with tribal members, I was requested, by the Pleasant Point Reservation to do an evaluation of their child welfare program. They requested that I do that. Cause they had concerns themselves about their own policies, practices, um, you know, anything that was going on. So I really had an opportunity to work with the staff there, um, and go over with them and then also meet with some of the tribal leaders as to what-- and submit a report as to what I saw. Um, from a, a child welfare perspective. Don't ask me what year that was! Because I don't remember.

MB: No, no I was gonna...

CW: Do you remember who might have been in charge? Molly?

A: Molly. Yeah.

CW: She's been there for a long time. And Mary Lou.

A: And Mary Lou was there, Mary Lou Barnes, yes.

MB: And the report was submitted to them?

A: To the tribal - well, to them and then also to the tribal leadership. Oh, who was Governor then? Trying to remember. I should know that. But, it went to the council as well. I don't really know what they did with it. I know that, what we, I know that we were, that we did end up doing some, some work as a result of that report. That we were able to offer the tribe without cost to them.

CW: Do you remember what some of the findings might have been?

A: Um, well, their policies themselves were, you know, they were fairly good. They had some gaps, some specific gaps in them. Um, some of the findings were that they did not have - what a surprise - adequate resources to respond to families, the right kind, especially mental health and substance abuse resources. They had some. What they had was pretty good but not nearly what they needed. Some of their services weren't coordinated as well as they could have been. Just like the Department of Human Services had, uh, sometimes people would stick their hands in, in certain cases to change the outcome - you know. We dealt with that ourselves and that um, that influenced individual cases but the fear of that also is ever present in people's minds. Which influenced. They needed more staff - they needed more foster homes, they really, really - at that particular time - they did not have nearly the number of Natives foster homes that they needed.

MB: When you say people would stick their hands in, what would they do?

A: Oh, they would just try to influence decisions in individual cases - whether it goes to court, whether they get particular service or whether you even open a case.

MB: So, it was preferential treatment?

A: Yeah. Same thing that happens, unfortunately, everywhere.

MB: OK. Um, I was trying to read this - it's kind of hard to listen and read at the same time -

(Laughter.)

A: I do have to say though, I did - because of the sort of inter-disciplinarian you know, coordination things. I did have the opportunity to talk to other tribes' child welfare staff too. We had, we did this written agreement with the Mimacs and Maliseets - man, I'm terrible with years - when Steve Rowe was the attorney general. And so I got to talk with the staff, child welfare staff, um, and you know one of the things that always struck me was the dedication of the staff people. It was just incredible, the work that they did. I mean, they were just... always available, always there, you know, they were, they were incredible. They really were. So, I did get to meet with the staff, just to talk with them and see how things were going for them.

CW: I have a question in terms of the availability or lack thereof -- foster families as resources within the tribes. In terms of licensing foster homes within the tribes, who's jurisdiction is that? Do tribes do that themselves? Or does the state still have any say in the standards?

A: You know, that was evolving as I left, so I'm not sure how it is now. Initially, they weren't licensing their own....

CW: Right. The State was licensing.

A: The State was licensing them all. They were moving to licensing their own - um, and I know that initially we did a lot of things jointly. We did some, you know, studies and stuff jointly so that as it transitioned... But I'm not sure where that actually ended up.

CW: I'm not sure either.

A: I don't know where that ended up. Um, but you know -- that's -- those kinds of thing - like standards and licensing and assessment criteria and risk, and all that stuff. That was where a lot of the conflict when people came together -

CW: The cross cultural stuff.

A: The cross cultural stuff really came in to play.

CW: And standards of a white eye versus a tribal eye? In terms of what's cleanly and what's decent?

A: Well, and what's safe and what's safe, and what do you know? You know, really. You know some really good work was done around that, um, but again that's the kind of work that has to keep on going. That's the kind of work that has to keep on going. It can't stop. And I have no idea what they're doing. I know that, for example, we started with certain kinds of cases. We wanted both a tribal worker and a state worker to go together to certain houses and when we did the training -- right after we did the training about how to effectively interview and what not to do and what to do and what might be helpful, we did have quite a number of cases where they went out together. But, again, I don't know what happened to that. I don't know if they're...*[00:34:22.19]*

CW: Were there specific at the time, and maybe even into now, specific triggers in terms of when DHHS would come in and when Tribal would come in? What the jurisdiction was?

A: Well the, um, if it's on the reservation for the Penobscot and Passamaquoddy, that's tribal. But if it's off the reservation, it's the state. And then of course, we had that mix - the Micmacs Maliseets - and that's what triggered the negotiations that went on for quite a long time between the tribe and the state, involving the attorney general. Um, and we developed a written agreement and it was a big deal and really worthwhile, cause that jurisdiction is so muddy. Because, it's not really a reservation - well it sorta is, well it's sorta not—

CW: It's not federally recognized.

A: It's not federally recognized, and yet they do their [inaudible] stuff.

CW: No tribal court.

A: Yeah, and there are no courts, so. Yeah, so it - that's a dicey one.

MB: But, it brought it to people's attention

A: It did bring it to people's attention and we worked out a written agreement. I don't even know if people --

MB: Do you know about the written agreement?

CW: No, but will you make a note of it?

A: I mentioned it to Rachel on the phone, that Steve should be contacted -

CW: Yep, he's on the list.

A: Yeah, ok good, because he was really involved in that. And, I -- for the life of me I cannot remember who the attorney was that represented the tribes. And, he was so good. He was really good. We had lots of meetings but that's alright, because we got there.

CW: Well, that's the only way through. Lots of meetings.

MB: Ok, so now I'm going to go back to the questions. What do you consider active-- what did you consider active efforts to prevent the break up of American Indian families and describe if you can how the state conduct- since this is all past. If you know present - it's a present question.

A: Yeah, I don't know the present. I don't know the present question.

MB: Ok. And, do you know if the active effort standard is used in cases involving Indian children different than the reasonable efforts standard applied in cases not involving Indian children?

A: The specific - at least when I was involved - the specific things that needed to be looked at, what constituted, were slightly different in that they were more specifics in the active things and different things. Like, involving tribal people. So, but, the standards - the actual standard itself - I didn't ever see it as that different - though the list under active was longer than the list under reasonable. But, that's because it was specific to the Indian Child Welfare Act. I don't think it was any different really. It just entailed doing different things, like, contacting the tribe. You know, but that, obviously there's nothing like that in... But, you're supposed to contact the extended family in anybody, whether it's tribal or - so it's not that different. Some specific differences but... what they do now...

MB: How are tribal child welfare staff included in the development of a family case plan involving an Indian child?

A: I don't know what they do now, I really don't know.

MB: Can you say what they, what was at that time?



A: Um, they - to my knowledge, when I originally started with the department - I'm not sure they were involved very much at all. They were at times but I think it was really uneven. They became much more involved later. I have no idea where they are now. But even later, I hate to say -- people weren't doing it all of the time. They were not doing it all of the time.

MB: So, I'll ask you to answer in the same way: what you know in the past and what you know now to this also - to the best of your knowledge, if the 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 have no idea what that would be now. I don't have any idea. - But I was thinking back, did I know of any cases or any group of cases where the tribe had actually declined. And I couldn't remember. That doesn't mean that it didn't happen, but I don't have any memory of the tribe declining intervention when offered intervention. It could have happened but I don't remember hearing about it or seeing it.

MB: Ok. And to the best of your knowledge, if a tribe declines to intervene in a child custody proceeding covered by Maine's Indian child welfare what are the - oh! I just asked you that. *[00:39:33.06]* To the best of your knowledge, when the state declines to transfer a child custody proceeding covered by the Maine Indian child welfare policies to a tribal court, what are the reasons for that?

A: Well, I can tell you that initially, when I was involved, that a lot of times it was because they didn't think the tribal court was effective. Um, when they started seeing that they were, that they made some change to transfer. Again, did they do it all the time? No. They did not. And I think they would say to you, and I think they believed this of themselves, that they did that because they did not think the tribal court afforded the child enough protection. That would be what they said. And I think they really believed that. That, well, and you know, there were times just like anything, where the tribal courts were not as effective as they were at other times. And I think if they had a bad experience - or even if they didn't have a bad experience - a lot of it was prejudging.

MB: Have you had experience in working with expert witnesses for the child, Indian child welfare. In your experience, what criteria does or did the state use to establish a qualified expert witness in Indian child welfare?

A: I personally didn't work directly with any expert witnesses. Again, I wasn't involved in individual cases. But we did, when I was there, maintain a list of qualified experts in New England. There was an organization - I tried to look it up on my bookmarks and I couldn't find it - it's probably there somewhere. But we also had a national resource center, of Indian child welfare that we looked to, that if we couldn't find one in our area or one wasn't available, they

were busy, we could call them. So we did have this list and we did have this resource to go to. I have no idea what they do now, I don't really know.

MB: What state child welfare policies, practices and events influenced your work with Wabanaki children and families?

A: Well, again, I didn't work directly with the families - but I did, I was involved in policy writing and implementation and quality assurance and compliance. Um, and obviously many of those things related specifically to tribes. But, all the policies were important because, we like to think, that we were trying to do our best for kids and families. Sometimes we missed the mark, but...

MB: And how did the state child welfare policies and practices change during your employment and how did this impact your work with the, with the ...

A: Well, they changed a lot because I don't think there were any special policies until ICWA, then I think the implementation was - I'm not sure it was slower than anywhere else, um, but I don't think they became as broad, as they did - as they evolved over time. So I think they changed a lot - they were more specific, and so people had to pay more attention. And I think there was for a period of time - I don't know how long - you know, a focus on those policies to see that they were implemented appropriately. So, they did change a lot. There were no specific policies. And, I don't even want to think about what they- (*Laughs.*) I mean, I talked to some of the, some of the older workers, you know, when I came on board. You know, men and women who had been there for a long time for when I came on, in the 80's, and what it was like in dealing with the tribe, it was - the tribes - and it was incredible.

MB: And, in what way?

A: Well, there was just no consideration of anything and they were deemed to not be able to manage anything themselves and you know, that. And it was interesting - two of the women in particular, who had worked in Aroostook county for a long time, said they were so glad when the policies began to change, and tribal members began to have, to say something and they were very pleased with the changes. They were ready! You know, they were ready to have - and some were not... but they, these two women in particular, were really great. They were just so glad to see this happen. They were - had their own ideas. (*Laughs.*)

CW: Mm, that's great.

A: Yeah, there were a few around.

MB: So over the course of your work in state child welfare, what did you see as barriers to the successful implementation of the ICWA policies?

A: Lack of knowledge. [00:44:59.26] Lack of awareness, lack of self-awareness, I think. Total lack of knowledge of the Indian cultural context, their history, the impact of that history. Um, the culture and the individuals and how you really need to know that if you're going to



provide any kind of assistance or protection. You have to know that stuff or you're not going to do it. Or, you're not going to do it well anyway. So, I think that was a lot of it, just plain old prejudice and bigotry.

MB: What strengths does child, state child welfare possess in insuring compliance with Maine's Indian child welfare policies and what procedures or practices does that state have in place for promoting compliance?

A: I have no idea what they do now. They do have a variety of review processes, I don't know what the focus of those are. But, certainly, if reviews are being done, if cases and you know, cases involving tribal members are part of that review, hopefully that review process should look at compliance. I don't know if they still do spot reviews. I started this thing that was not really popular for a while, of just random reviews for no particular reason. I would just say, give me 'X', you know, some arbitrary thing and uh, and the reason I did that is because I had, as a case worker - beginning case worker - um, had a wonderful, wonderful supervisor who did that. And, uh, even though we didn't like it in a way, it really worked.

(Laughter.)

A: It did! It did! Oh, and I have to give you a little anecdote here, you know - I worked in Florida for a short period of time, and when I said in the very beginning that I didn't even know there were Indians in Maine. The only way reason I knew there were Indians in Florida was because I went to Florida State, the university, the Seminoles. And I said, is that ok? To call yourself the Seminoles? And they said yes because they had permission from the tribe - which they do - they actually do - so I checked that out. *(Laughs.)*

MB: That's amazing.

A: They do! They had permission - they asked! Which, particularly for that location, was odd, but they did ask, about a million years ago, to have permission... So, later in life, when I was, I had the opportunity with some members of tribes from various parts of the country, we did a visit. We had a conference in Florida, so I went with some tribal members, Navajos and Chotaws and some other people, we went to the reservation, in Florida. So, I asked - we met the Chief and I asked him, I said 'Is it really ok?' and he said 'Yes!' It's of longstanding. But, if I, when I went to work in the, as a child protective worker, in Florida - not a single word ever about Natives Americans. Nothing. Absolutely nothing. It is amazing to me. Yeah. They were invisible.

MB: Yes, they are. Invisible.

A: Invisible. Yeah.

MB: It's a good word.

A: So, it's not just Maine.

CW: No, it's not. Unfortunately.

MB: Um, what weaknesses does state child welfare - or did state, well I think we've said them I think I think we tried to get them many ways... but, ensuring compliance with the Maine ICWA policies?

A: I think there's not enough review, and review involving um, the families, or at the very least tribal staff.

MB: And so, review after like if a child were placed somewhere...?

A: Well, or even just the work....

MB: Or in the investigation of the... of the claim...

A: All. All of it.

MB: Ok.

A: And, and the review all along the way. But, you know, again - one of the issues that faces the department is that they don't have enough staff and they often don't have staff that are clearly assigned to reviews... you sort of have to take it on yourself, and when you're workload or your primary function is protection and or, you know, placement supervision, it becomes very hard to make the time. There has to be a commitment at the top, for this to be a priority, and to staff it.

MB: Uh, you talked about some of the strengths, but what strengths do people in Wabanaki tribes possess in working with the state for ICWA compliance? What procedures or practices does the tribe have in place that helps facilitate state ICWA compliance?

A: Well, they're the ones who know their culture. They're the ones who know their people - their values. Um, I'm not sure what they're doing these, the tribal child welfare people are doing either - but they can bring information, they can bring their deep knowledge, they can be a bridge, of understanding, and they are - they are, I mean, they, they do that. At least they did when I was there. I mean none of us did 100%, but you know, the efforts were there and um, they have commitment. I mean, they have commitment to their people.

MB: That's what I heard you say before.

A: Absolutely they do.



MB: Uh, what weaknesses do the Wabanaki tribe possess in working with the state for ICWA compliance? What more could tribes do to ensure ICWA is followed in every case?

A: I have to say, I hesitate to pass judgment on somebody else's system... Um, I think, again, I said some of it is that they don't have enough staff, they don't have enough resources, and, um, it's the same thing in some ways that... I was talking with an old colleague of mine, and we said, you know do - we were talking about the State of Maine and the sense, do they really want a strong child protection system? In that I include foster care as well... Does the legislature really want a strong child welfare system? I don't think so. There's this whole value of leave families alone, um, or families aren't important enough to give our resources to... you know, that whole will to have a system that's effective... I think the tribal child welfare folks suffer from that question, just like the state system does. Do people really want folks to be doing a really good job? I mean obviously they want to do a good job, but where... where is there, what about the values that really inform these systems?

MB: It's a good question. Uh, please talk about the importance of caseworkers learning about and having knowledge about family Indian, family structure and culture? And you've said quite a bit already so you can just....

A: It's the most critical bit of - not bit - of knowledge and continuing upgrading of that knowledge that makes you effective or not. It's just the most important thing in my mind. I mean, you take a very specific tool of the trade, is interviewing. You need to know what the cultural things are about interviewing. The kinds of questions to ask, where to sit, all those things. They make a difference in your effectiveness. In your ability to connect. I mean, that's a little it'sy bitsy tiny thing - but, it makes a huge difference.

MB: It's, yeah, it's the point of entry.

A: Yes, absolutely. It sets the environment. And I can remember listening to that training myself for the first time, going 'I had no idea. I had no idea'. Did not know! And you can't do it if you don't know it. So, I think that I, it's just critical. It's not gonna happen otherwise.

MB: Uh, please talk about the importance, 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: Um, I probably learned more about this - well I learned certainly from the people that I worked with in the tribe professionally - but I also learned about this from friends that I have that are tribal members. Uh, their own personal experiences, and uh, the continuing experiences that your tribal identification is so much more a part of who you are than, because it's a different kind of culture, again I mentioned individualism for white culture, or dominant white culture. And, it's not the same value. It's not that same status that comes with being a

rugged individual. You get more status and comfort and sense of belonging and sense of self-efficacy from being part of your tribe. Um, so, if that is taken away from you, and your touchstones - which are your cultural practices, your, people like you - if you take that away, you've really injured that. You've really injured that a lot. Then you don't know who you are.

I mean, I, I have echo in my head of one of my friends descriptions of what her life was like at boarding school, and the language issue - you know. Ugh, it gives me the chills just to think about it. And what the children endured there, and what they, what it says to take everything you know away from you. What does it say about who you are? It says you're nothing. It says you're nothing. You don't count. And your people don't count. So, to me, it's critical. Interesting point of actual practice, the change of that for the better occurred more quickly - it occurred - but occurred more quickly in the southern part of the state than it did where there is a - which in some way isn't surprising - but when there is a greater Indian population. It's kind of interesting. Yeah.

MB: Can you encapsulate your supposition of what that's about?

A: I think that -- we tend to have staff that work where they were born and raised. *(Laughs.)* Not always, but you know, more... Um, I think that people here had no experience with a Native population. So when someone say to them, this is very critical, they go 'Oh, ok!' If you've lived, and have in your head, a script about who Indians are, it's harder to change that script rather than write on a blank slate. I talked about that with the Director down here in Portland. I said, 'You guys are doing a great job here, you know' and he said 'Yeah, well, I think it's easier here.' *(Laughs.)*

So, I don't know if that has any influence or not, but I do think - I did see a huge change, that was one area - I did see more acceptance of the need for that than certain other things.

MB: Do you have a sense of when you saw that change? Was it after...?

A: It was after the training stuff, when a lot of tribal members came and were part of the training - and even showed some of their tribal practices and explained how important they were and what they meant to them.

MB: In what ways do you see Indians, Maine's Indian child welfare policies and the Adoption and Safe Families Act working together? And not together.

A: See I didn't so as much direct work with the adoption stuff, the Adoption and Safe Families Act as I did... Hmm... my note here says basically, if I remember - and again my direct knowledge is limited more limited than in other areas of the Adoption and Safe Family Act. There wasn't much room for cultural difference to be allowed for in the Adoption and Safe Family Act. Um, and I would say that is true of a lot of federal policies, and that's a federal policy. But, so was ICWA. But, ICWA was originally inadequate too. It wasn't that great, but um....

CW: So was ICWA strengthened when it was codified in to Maine law, or?



A: In some ways it was strengthened. It's just that they had policies and policy decisions that came always come down on these federal laws that get you know, incorporated. And it improved, I think, mostly with tribal input. But, yeah. I, I became friends with a woman who was at the time Director of, um, the Navajo child welfare - and what a contrast! I mean, she had a huge number of staff that worked for her, a huge area that they covered - oh my god! Huge area. And she talked about the progression, and she was a lot more knowledgeable than I was about it. The progression of policy interpretations and explanations and compendiums that came out around Indian child welfare. She's the one who pointed that out to me initially - and you know, she could point that out, that it got better. It got better. It made more clear, 'Yes you can do that, no you can't do that.' 'Yes you can do that, no you can't do that.' 'Yeah it's a good idea if you... it works better if....' That kind of stuff, came down. So, I don't know where, what the status is of it now. I don't know if it's changed much in the past ten years, I have no idea... but...

MB: Ok, closing questions- these are, look like, dream - if you could. 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 I'd go back to what I've been saying. Is that there has to be constant contact and joint working relationships, related to training, related to interventions, related to cultural awareness. I can't remember which civil rights leader said 'The oppressor -- the oppressed know the oppressor a lot better than the oppressor know the oppressed.' And that's really true. And we have to do a lot of just knowledge, with the goal being mutual respect and understanding. And I just think we need to have all kinds of ways and opportunities to work together on a lot of different things. I'd love to see joint projects, for example, for resource development in certain areas that made, whatever resource that was, we needed - you know, culturally sensitive and perhaps having Native staff for example, as well as white staff. I mean, I think that would be great. You know, if we had a substance abuse program just as an example, or a sexual abuse intervention program that was developed jointly, and was culturally sensitive and was staffed by both Native and white people. That would be a wonderful. But it takes time, um, yeah.

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

A: Well, I don't know where the state child welfare system is now - I don't know what they're doing. But, again, I go back to creating a range of opportunities for joint activity. Um, and really truly listening and responding. I just think they really need to do more together.

MB: And is there anything else you want the Maine Wabanaki TRC to know about your experiences working with DHHS and child welfare with Native American children?

A: Well, I think there are some examples where things were, had a positive impact on that working relationship. I think we could point to other things that were not positive, I think we should be open about those. Um, and um, I think we just have to keep moving forward. I mean, I just think that, we have to keep creating those opportunities for joint activity.

I say that again because I just think it's, I still think that when I left that there were still a lot of, misinformation. Still a lot of bigotry. I shouldn't say a lot, there was still some. But I also had the opportunity to see things that improved, so it can happen. But, it takes a very concerted effort for it to happen. The more you do it, the better it gets, especially if you can be truthful with each other. And that, that's where we need to get. When we can be truthful with each other. Like, when you do that 'beep', when you do that 'bop!' - 'Well, I see this as mmm' 'Well, I see this as mmm' - you know? That's - we have to be able to have these conversations even if it's painful.

MB: Even if it's painful.

A: Even if it's painful. Yeah. I don't mean to say 'no pain, no gain', but you know, in a way you do have to go through -

MB: You have to go through it -

A: You have to go through it. You know, I can remember hearing things I didn't want to hear. Um, I probably needed to hear more. But you know, I look at the evolution of some of the relationships I had with some tribal, you know child welfare staff, over time, and just being able to say what we needed to say to each other and it was ok. You know, even if we disagreed! It was ok. We might still try to change each other's minds, but it was alright. You know, and I think that the other thing is, we don't know when we're being - always - when we're being, showing our bias and our prejudice and our world view of only seeing it from our own perspective.

Like I mentioned, the whole Wiscasset thing. You know, that, it took years for them to come to the decision to get rid of the Red Skins as their mascot. And then, I don't know if you knew the latest thing - but they named a street! But then the people who lived on the street said that 'We find that offensive! Please change the name of that street from Red Skins... to Wabanaki lane, to honor the Native American tribes, in Maine.' Now one of those people was, I don't know if she was a tribal member but she has some affiliation, some relatives or whatever but, and, they did it. But not before the idiot - oh! Not before the, one of the selectman, whom I've known for thirty years, says for the four hundredth time 'I don't find it offensive.'

CW: It's the same with the mascot for the Washington Red Skins - 'I don't find it offensive'

A: I know. Well he's an idiot too! My hometown. Um, yeah, so, so, yeah.

CW: Long way to go. It's 2014, still a long way to go.

A: I know, still a long way to go. Well, and with each new cohort group that comes, the efforts have to be—

CW: You have to start over again.

A: Yeah, you know, it's um - because I still have contact with Pleasant Point mostly, with folks who live there - um, you know, I ask them about how, you know, things are going and, uh, it, it, it just needs constant work. It just needs constant work.

MB: Constant engagement it sounds like.

A: It doed need constant engagement. And, and an active engagement if anything is going to change. And it's, the stuff is still there - after all this time. But then, look how generally racist we are anyway. So... it's 2014. I thought it'd be different.

CW: Things actually seem to be going back instead of forwards...

A: Ooh. We have lately.

MB: Anything else that you would like to say to the TRC?

A: Uh, no. Other than to offer any assistance in any way shape or form that I could offer to the Commission. I am thrilled that it exists and um, I do hope that some very positive concrete things come out of it. And if I can be of any assistance in any way, I would be happy to help.

CW: Thank you.

MB: Thank you.

[END OF RECORDING]