



General Information

Private or Public Statement? - Private

Statement Provider: Luke Joseph

Date: August 6, 2014

Location: Presque Isle, Maine

Previous Statement? N/A

Statement Gatherer: Rachel George

Support Person: N/A

Additional Individuals Present: Gail Werrbach

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Recording

RG: All right. It is August 6, 2014. We're here in Presque Isle, Maine, at the Aroostook Band of Micmacs. My name is Rachel George and I'm here today with:

LJ: Luke Joseph.

GW: Gail Werrbach.

RG: Fantastic. The file number is A-201408-00082. Luke, have you been informed, understood and signed the consent form?

LJ: Yes.

RG: Fantastic. And I have to let you know that if at any point during this recording you indicate that there's a child or an elder currently in need of protection or that there's imminent risk of serious bodily harm or death to an identifiable person or group, including yourself, that that information may not be protected as confidential. Do you understand?

LJ: I got it.

RG: Is there anything you want to say starting off, or do you just want me to jump into the questions?

LJ: Just jump right into it.

RG: Can you tell me about your current employment?

LJ: Well, currently I'm employed with the Aroostook Band of Micmacs as their ICWA Coordinator. As I believe of tomorrow, no Friday, I will be, I think, becoming the Acting Director for the ICWA Department. So, I've been working here for about a year now, a little over a year. Um, I never really had an experience with it. My degree is in teaching physical education. I graduated from the University of Maine and all that stuff, so.

RG: How did you get involved in your, as the ICWA coordinator here? [00:01:32.17]

LJ: Well, I guess the position was open and I was in between jobs at the time because I just had recently been let go — I shouldn't say let go — a grant ran out at the, my previous job and this came about. Somebody asked me to apply, and I applied and got it. [00:01:51.00]

RG: Can you tell me about what your job encompasses? What are your — ?

LJ: Well, on the [00:01:56.29] coordinator's side, uh, basically I'm usually visiting the kids that we do have in care. And I think right now, we have 17 that are in care right now. I think 20 cases that are open. Uh, and what I do is, usually I try to make within a month, is try to make visits to the kids that are in care. Some of them are grouped as siblings in certain homes. But some are spread out. And I do bring, what I do with the coordinator side is bring cultural even-, cultural events, cultural activities to the kids whether it be through readings, arts and crafts, stuff like that. Just so they have that piece that they may not be getting through the foster parents or whatever avenues they have in their foster placement. That facilitates that.

[00:02:48.09] I also do attend family team meetings for said kids with their parents, lawyers, caseworkers, and such. Um, and whatever is decided in the FTMs, I'm a part of that. And that's for the best interest of the children, not the parents because, I mean, some parents, they don't have, they may not be on the right track to getting their children back. So I have to make a judgment call when it comes to the welfare and the, I guess, moving forward with whether it be adoption or a foster placement or respite care for some of these kids. [00:03:30.12]

Um, and safety plans as well, I'm involved in those. Some parents still have their children. So, I have to go talk with DHS and be an active participant in that with the family members so they make sure that we know that they're, that's what's set up so, uh, we're not left in the dark when it comes to if they're not following their safety plan. Then it's removal, and we're not, like I said, left in the dark when it comes to, or it's a surprise if it's going to be removal. That's, I guess, one of the biggest things I think that's been helping out a lot is being involved in the safety plans and stuff like that. Knowing how families are going and what route they're going down and whether they're complying with whatever stipulations are in the safety plan. And if they're not, they're not that, like I said, not that surprised. [00:04:18.00]

GW: Luke, can I interrupt for just a sec?

LJ: Sure.

GW: So, you said there are 20 open cases, 17 kids in custody. So that means those are all —?

LJ: Some of those are safety —

GW: Are those kids that are all through, 'cause you don't have a Tribal court here right? So that meant those, all of those 20 cases have a DHS caseworker as well? [00:04:39.09]

LJ: Yes. Yes. Or multiple, or some of those cases, I do multiple cases with similar workers. Like, with one worker, I may have, like, three cases as opposed to 20 different workers with 20 different children. That makes it a lot easier. [00:04:57.03] But, I mean, it's kind of hectic for them.

GW: But they're all DHS case-involved.

LJ: Yes.

GW: Would there be any situations [00:05:06.09] here where DHS wouldn't be involved?

LJ: Well, they do have some, like I said, those three that are safety plans. They may have some concerns. There's a, I think, Families United I think, is, a subsidiary of DHS, and, I think, with those ones, usually I try, and this is coming from my old supervisor, and I asked for her advice on handling those. And she said, 'If it's not something that's, where the kids are going to be removed, we might want to step back a little bit and focus on the 17 that are in foster care as opposed to the other ones that are not.' [00:05:44.28]

GW: Right. And are any of the kids that are in, the 17 that are in foster care, are any of those kids in foster homes that are through the Tribe as well?

LJ: Right now, I do believe we have [00:05:58.27] one that's actually just recently, as of last Friday; we had a removal from a foster placement in the county here. There was some safety concerns at the house, and then we had to, it was a mad scramble to see what we could, where we could, place the three children. And unfortunately, we had to split them up. But at the same time, I mean it's, we were able to place one of the children in a foster, a Tribally-approved foster home. [00:06:24.11]

GW: Sorry, I didn't mean to get off.

LJ: No, no, no, that's fine. And to get back to the, and also with attending court proceedings [00:06:33.02] as well, whether there be a jeopardy hearing — I'm trying to think of what else. All the legal stuff, jeopardy hearings, TPRs, yeah, some of the heavy stuff.

GW: Yeah, so who does the, does DHS do the initial investigations out here?

LJ: Yes, they do. But they will call me and let me know that they're going, that they've got a report on so and so and then they'll ask if I'm able to attend. And usually most often I'm not-, I'm pretty available to go out.

GW: To go out. So you go out to [00:07:07.18] those initial investigations?

LJ: Yes. Yeah. [00:07:09.19] A few of them I've had to, it's been just, uh. Well, we're going to— you need to do this, you need to do that, as opposed to, we're going to do the removal. I've only been a part of, *(softly, under his breath)* I don't think I was a part of that one, *(brief pause)* one actual removal from a grandparent and the foster removal from last Friday. That's the only ones I've ever really participated in. But it's still, you're still uprooting a child from a placement where they've kind of built a rapport with the foster family and stuff, or even with their family. [00:07:52.19] Still hard, but still, if it's not safe and inappropriate then gotta get them out of there.

GW: And excuse my ignorance here but, so the reason that you don't do the investigations is because there isn't a Tribal court? [00:08:08.10] Why isn't, 'cause if the child's identified as — I'm just trying to get a — 'cause it's different within the different communities.

LJ: And that's a good question. I'm not sure.

GW: *(simultaneously)* And you have a different challenge, 'cause the Passamaquoddy and Penobscot, that child's identified as a Tribal member. Then it goes back to the ICWA office, and they go out and do the investigation and determine. So yeah, I just, I don't know. [00:08:44.29]

LJ: Yeah, I mean that's what I understand —

GW: *(simultaneously)* I guess I'm guessing that it's because of not having a Tribal court. I don't know. It's something we should find out. Only because I'm thinking if, if a caseworker goes, if they get a call and the caseworker goes out to do the investigation and determines that it's like an emergency removal like what you're talking about. Then they have to go through State court, 'cause there's no Tribal court. [00:09:16.13] Right? It's a legal proceeding. So, maybe that's why the Tribe isn't doing the investigations because the Tribe, because you're not an employee of HH-, DHS. You're not an employee of DHHS, and they're technically the legal representative for the State that goes to the, I don't know. Have to find out. [00:09:39.15]

LJ: Yeah. But no, I guess that's an interesting question. I never really thought of that too much. [00:09:44.29] Like, it's just coming into this position, it was like, 'Oh, okay, if they get a call, you're going to go with them. Oh, okay.' [00:09:50.20] But, I mean, I'm pretty easy to get a



hold of, most of the workers that I do work with have my cell number so, I mean, if it's on a weekends or whatever, they usually call me, if they need to. But I haven't had that yet. But it's usually sometimes after hours I'll get calls or, not so much now, 'cause I think a lot of the workers, they've cut out the text messaging 'cause I've been told, 'Oh, we can't text message anymore because of whatever.' And I'm like, 'Oh, whatever, that kind of stinks,' 'cause at, 'cause I know with what, [00:10:21.14] how busy all of us are, I mean just to shoot a quick text message to —

GW: That's right, I remember they made that change. [00:10:27.26]

LJ: Yeah, and it just, it cuts off that, 'Hey how's it going?' on this case. So, it kind of handcuffs us on that. But I think a lot of us have our email so we use our emails. But, I mean, if I'm in a dead zone or whatever, I don't get emails, so. But, um, what else do I do as far as ICWA goes? [00:10:49.16] Hmm. Well, obviously paperwork and stuff like that, whether it be writing case notes. If I did a visit, I have to log in and input in my data during the visit, what happened, if there was any incidences. And if there were, I would have to report to my supervisor and say, 'Look, this is what happened during this visit.' Or, 'This child disclosed this to me.' Unfor-, well, I haven't had to do that yet, so fortunately that's, I don't want to have to do that, but at the same time, if it does come up, I would have to do it. [00:11:28.16]

GW: And is that your data system here within the Tribe, or are you expected to hook into the State's system?

LJ: No I don't, well, there's MACWIS, or —

GW: Whatever it's called.

LJ: — or, yeah, whatever it's called. I don't think, no, we just do it internally here, whether it just be typing up something or on the forms that we have, just, if I don't have the time to type it, just to handwrite it. I mean I have pretty decent penmanship, so it's not like it's like chicken scratching. [00:11:53.01] I'm trying to think of what else. Um.

GW: Just getting visits in to the 20 kids in a month is a challenge.

LJ: Yeah, and then add court and so, I mean, sometimes, just these past, like June/July, it was really hectic with me taking vacation during June. Tanya taking vacation during, I think, the week after, or the week before I took it. So, that kind of threw that month off as far as visits go. [00:12:19.19] And then, this past month, it's just been really, really hectic trying to keep the visits schedules on top of court, on top of FTM. *(laughs)* Work cut out for me, but I'm trying to, I'm trying to keep everything where, like trying to keep ahead of it so I don't let it get too far behind. [00:12:41.13] But, um, hmm, what else? Well, I mean, there comes with other stuff

that we do. I think some of the moneys that we do get through the State, or not through the State, but through other agencies, I have to wear a hat, a different hat every once and a while, so that kind of pulls me away from my ICWA job. But I kind of don't like that, but gotta do what I gotta do. *(laughs)* [00:13:07.01]

RG: Of the 17 cases you have where children are placed into foster care, are they placed within the area and the county?

LJ: Yeah, most of them. I mean, Aroostook County's pretty big, and we've got some area to cover. So, as far as placement goes, yeah, they stay within the county. I mean, granted there are some cases that I do, like I said Ellsworth, but that's usually because the parents live down in that area. [00:13:37.29] I haven't seen one where it's been somebody from downstate or visa versa has gone that farther down. Although, I think I've got one in Danforth right now, but I mean, that's on the cusp of Washington and Aroostook County. So, I think, with that being said, I think that's the farthest we go as far as Aroostook County goes. I just visited a child today before I came here and that was in Van Buren, and that's right on the, I mean, right on the border of Maine and Canada, so. [00:14:05.25]

And the farthest I've had to go so far was Lewiston. That's for right now. But, we do get the ones that are out of State that request, I guess, whoever they were said they have ties to the State through the Tribes. I'll go in here to our Tribal clerk and ask if the State workers for the other states will send in the birthdates and all that other stuff, and any collateral family members that may be on the Tribe here, um, they'll send that information as well, and I'll go in and talk to the clerk and give her the data, or whatever, the names and stuff like that. She'll check it with the, cross reference it with the Tribal roll, and if they're not, then I'll inform the, whatever workers from the whatever state and let them know that they're not on our roll nor the collateral members either. So, yeah. [00:14:59.15]

RG: Have you had many cases that have been cross-boarder?

LG: [00:15:10.21] Just, well ... cross-boarder. The one that I'm talking about in Ellsworth right now, I think, that might be. It could be. Well the children are in the states, but I think one of the parents are in Canada. But, based off of what I've heard of the other parent that's not in the United States, I think the State has tried to contact the person, and I know — like I said the State — but I think the Department of Interior, I think that's who, if they can't get anybody, they send it to them, and then they try to get the country, Canada, to comply with what information they may need. [00:15:57.04]

RG: The Department of the Interior? That's like long since gone. Doesn't it go to — I'm pretty sure it would go to Indian Affairs or Aboriginal Affairs? [00:16:06.29]

LJ: No, but I mean on this side, on our side.

GW: On this side, the Indians are under the Department of the Interior. [00:16:11.15]

RG: We don't have a Department of Interior anymore *(whispering)* [00:16:13.25] in Canada.



LJ: In Canada. But I think over here, we still got it. But that's the only one that I can think of right off the top of my head. Actually, I think that's the only one I do have. [00:16:27.03] But, like I said, it's based off the history of, and whatever anybody can say about that parent, it's probably not a good idea to pursue that. So.

RG: When you came into this position, what was your familiarity with the Indian Child Welfare Act, and what kind of training did you go through for that? [00:16:50.01]

LJ: As far as training goes, um, I just kind of got thrown into it. Kind of, this is how it is, this is how it works. Coming into this was interesting too, because the previous ICWA worker, who is now the previous Director, I just heard, I mean, from talking to people and stuff like that, a lot of, there was a lot of, I don't want to say hostility — It was just, it seemed more of an adversarial role, like the State was seen as more of an adversary as opposed to a — I'm trying to think of the opposite of adversary — as an asset, I guess. Or a friend, more or less.

[00:17:39.15] And that was, I think that was the misconception, or, not misconception. I think that was the interpretation that the previous director/coordinator had. Whereas now, I'm all, I guess my philosophy is, I mean, try to get everybody working on the same page so there's not, like I said, the mysterious calls on the weekend where they're going to do a removal or surprise calls. Now I know ahead of time if this is going to happen. And if something like that is going to happen, I can bring it to our community family team, which is me, Tanya, Nicole Francis, and I think Tammy Deveau, who is the director of Head Start program.

GW: Oh, Tammy, she's one of my grad students.

LJ: Oh, yeah. She's actually married to my cousin. [00:18:31.03] I was like, Tammy, 'Is she related to John?' Yeah, that's her husband. That's my cousin. But, and John Dennis, who is no longer here. And with that, we had these meeting once a month, sometimes twice a month depending on the schedule. And with those meetings, we discussed the various cases, where they are, how the kids are doing, what's the State suggesting for reunification or TPR.

[00:19:05.01] And then, just bringing up, I guess, just the cases with them. It kind of helps, I guess, shed another, get another set of eyes or anything like that on these cases, that helps, I guess, me to think outside of my role and look at it as far as the Tribe is concerned with these children, because sometimes, we get in the heat of the moment and you're in the FTM or court or whatever, and you've got to make a decision right then. Sometimes the court will, they're quick to, I can tell our lawyer to say, 'Well, I think I want to go back to our team and talk about this,' as opposed to making a snap decision in court and doing that. But, like I said, being in close contact with DHS workers, from my end, from the way I'm handling it, it seems like I'm able to go before we go to court and before we have these meetings to discuss these, I guess, some of the options that the parents might have as opposed to once the gavel hits, I mean, it's done. [00:20:13.18]

GW: So, that's been kind of a, that's been in a shift in sort of how, I'm not trying to have you throw anybody under the bus, but it's been a shift —

LJ: *(simultaneously)* It's changed the atmosphere with the ICWA Department for the Aroostook Band of Micmac and the Department of Human Services. Well, I should say certain DHS offices. *(laughs)*

GW: Yeah I was going to say. Yeah. [00:20:34.21]

LJ: Because I work, since working here, I've had really great open communications with the Caribou offices. Houlton, not so much. [00:20:46.10] But that's, I don't know, to me, even just talking with my Mom who, like I said, who's done this work before, and she said she got some resistance through that office, too. I mean I don't know where it's coming from, or why, but I just think that I get more, I don't, that level of communication that I may have with the Caribou office is not the same with the Houlton. [00:21:10.10] And it's just, I shouldn't say just that one office, 'cause even the Lewiston office that I have to deal with, and now the Hancock County office that I'm dealing with. I'm getting more, I guess, calls from them as opposed to the Houlton office, who are right down the road, and they have a couple of our kids in care. [00:21:29.09] You just don't hear a peep out of them until there's an FTM scheduled, or one of the kids is in crisis, and they're in the crisis unit as opposed to pre-emptive, as opposed to damage control afterwards. [00:21:44.09] And I've heard this, and I'm trying not to toot my own horn, but I've heard from various agencies that now that I'm in this role that they are willing to work with me and stuff like that as opposed to before. So.

GW: Good. Cool. [00:22:05.00]

RG: Could you describe a situation where you've felt very positive about your work with, or on behalf of a Wabanaki child and family? And working with State Child Welfare?

LJ: Well, I guess a couple of them, and it's, I'm thinking about it now. The child was able to be out of foster care. There was a, I think about a month, or two months ago, a child was on the, was close to being removed from the home. The parent was able to pull themselves together and get into services and basically get their ducks in a row to get their child back or not taken. And it was, and that, those are the moments that I see as a positive because it's, I guess, the end.

[00:23:06.25] And, well actually, no, I had a couple of them, now that I think of it. I had one in Bangor. The only real concern that the State had with this family was the marijuana usage. I know, within the Aroostook County now, and I'm taking this from lawyers speaking during, before cases and stuff like that, and now, even the workers are kind of saying it, that the marijuana usage is kind of going by the wayside as a, well, no, we're not going to waste our time with that because we've got people who are bath salts, meth, all the other harder drugs.

But, anyways, this family who was in Bangor, and I think the only concern was marijuana had shown up on the initial screening for the child that was at birth. But, I guess the mom or dad or



whomever, was a known bath salt user or had admitted to it, or whatever. They weren't doing it anymore. And I guess, like I said, when they did the screening for the baby, marijuana showed up and then it was all automatically, 'Oh the child's going into care,' blah, blah, blah.

But, that was probably my first real initial case of that. [00:24:28.04] And that was like my first, where the child was removed, but we weren't really part of it, 'cause it was in Penobscot County. But that played out for about, I think about eight months? No, less than that. Five months. About five months. And then the parents were able to get the kids back. But it was based off of, they had jumped through all their hoops and whatever, but I mean the hoops were pretty small. But it still, they were able to get their child back. And that was pretty neat to be part of that. [00:24:59.05]

And, I think a few months ago, to speak about, I guess, a positive situation, in one of the cases, a Native parent was trying to get into rehab, and the mom was saying well, 'Dad has a drinking problem,' and like I said, gets into the bath salt problem up this way. I think the mom said she would only use bath salts when dad was drinking. Well, it's like, 'Well, how often does dad drink?' 'About six or seven times a week.' 'So, you're saying you do bath salts six or seven times a week, too?' [00:25:38.12] And that kind of halted the FTM right there, because I don't think anybody had thought to make that connection of, well, we're working with dad and trying to get him lined up, but we have mom who's, I won't say a closet bath salt smoker or whatever they do. But it was, like, never thought, so, we were able to get mom into counseling, drug counseling because of that. It was like, 'Oh, all right.'

But I mean, it's like, just things like that, I think little things that I see as far as, well, this last investigation too, with the case that I was talking about where I was out earlier, we had to do a safety removal from a foster placement. And working with the worker, too, who I've worked with and I've gotten several cases with, who's now not in child protective, she's going to adoption, and I'm kind of bummed 'cause she was a good worker too — I'm trying to think, she gave me some good advice, and she's fairly new, too. And I never thought to think of this, but while we're doing the removal, she said to think about that mental picture of her doing whatever she was doing to the child, keep that in your thoughts when she's trying to say, 'Oh, I can't believe this is happening,' and blah, blah, blah. [00:26:55.06] And that right there kind of kept me on task with trying to get the kids out of there as soon as possible. Because it was just, it wasn't, I don't know, it's just irritating to me that that happened because of the, I guess, the background of the children when they got put into care was kind of what it was like when they got put into foster home. So it was like, so that kind of, guess set me up for, (*laughs*) I had to bite my tongue once. [00:27:22.16] But I won't get into that.

GW: Yeah, that's a hard one. [00:27:29.16]

RG: Could you describe your working relationship with the State and how that may have contributed to the positive outcomes in your —

LJ: Well, I think, with me working with the, I guess the, being part of the FTMs and keeping a contact, a constant contact, well, I shouldn't say constant contact, but keeping the dialogue open with the workers if there's some changes or if I hear of anything that may be of interest to them or visa versa. — It's really cold in here. I'm having a hard time keeping myself warm. — It's, I guess it just to me it, keeping that open dialogue with the workers is probably helped our program. And that's with, I guess, with some of the support with Betsy Tannian, too. That's kind of helped out. [00:28:26.01]

GW: What does Betsy, what's Betsy's role?

LJ: She's the expert witness for the State. And she is, she does a lot of the expert witness reports for our cases, too. [00:28:39.13] So. And just, I mean, she's done this type of work, too. And with my supervisor not being readily available as she was, and having Betsy, who's got years, decades of experience in this field, asking for her advice or what does she think, or I guess stuff on that kind of helps, helps the situation out when it comes to not having a supervisor who's readily available to bounce stuff off of. [00:29:08.18]

And with Lisa as well, Lisa Chase, who's our lawyer. She's pretty well versed in ICWA laws, as she should be, (*laughs*) but she's been part of custody cases and stuff like that, non-Native, too. So she knows, I guess, the ins and outs of the law as opposed — And even with the ICWA laws, too. But she's pretty, like I said, if she doesn't know, she's quick to get back to me about stuff if it's something that I may get a question on, or answered a question. [00:29:44.23]

But, yeah, just trying to get back to the positives for work here. Yeah, I mean just making the FTMs, making court, and having those conversations before court. I think building that rapport with the AG's office, the DHS workers, to other, not even, even just the parents' lawyers, too, that they have to come and talking with them. And I think I'm able to do that because I've worked in the non-Native world. And, I don't know, I've kind of got, I grew up in a non, I grew up not on a reservation, in living in a, I wouldn't say well-off neighborhood, but I grew up having well-off friends. My friends growing up were like, my best friend's dad was a lawyer and his mom was a teacher. [00:30:41.19] So I mean, it was, me and him were like that, and he was adopted, too, which was kind of, I never really thought of that, but him and I were closer all through school. So, I think that helped me get through, I guess, growing up in a small town in Northern Maine, being Native. But I think that's helped me be, I guess, I'm not so, I guess, intimidated by being in a non-Native world 'cause I grew up in it. [00:31:10.13] I'm able to, I guess, talk their talk, in other words.

GW: Cross-cultural.

LJ: Yes. Yes.



RG: Could you describe a situation where you felt less positive about your work on behalf of a Wabanaki or Micmac child, rather, or family that involved working with the State?

[00:31:35.13]

LJ: Hmmm. That's a good question. That being said, um, I think just hearing the situations or, I guess, my previous director's interpretations of how to view the State and how to view certain lawyers and certain offices or certain people that we have to deal with on a day-to-day basis, I guess, as far as ICWA is concerned, that's kind of, I guess, the bad side to it. I don't know where that was coming from, I guess, as far as what she was going through. But I know, with my experience, it's been positive so far.

I think there are some issues where some offices I'll have to contact a few times — now that I think of it I think the Fort Kent office is actually on — is kind of like with Houlton. I have to call several times to get information or I have to call supervisors to get information.

[00:32:46.14] Because the workers just feel like they don't need to talk to me, or they don't see us as an equal parent, which is what ICWA's helped the Tribes with. I think as far as that goes, and I mean just trying to — I think one of the biggest things that we're seeing with this department here at the Aroostook Band, is the funding. **[00:33:12.02]** Like I said, I have to wear many hats, but my main focus — what I got hired for — was ICWA, and that requires, I mean, and granted, like I said, the 17 - 20 cases that I have, if I'm off doing something else, I'm not on task with the Child Welfare. So I think that's one of the biggest things we see, or I see, with our program is the funding. **[00:33:40.00]** And not having the resources or, I guess, the Tribe not having the resources to put into the ICWA program that they should or need to. Because, like I said, 17 cases, that's a lot of kids. Even for one per-, or even if there was two people. When Tanya and I were doing it, so — *(sighs)*

RG: Who is your supervisor?

LJ: For right now it's Tania. Tania Paul. **[00:34:14.24]**

RG: And who was the person who worked in this position before you?

LJ: Tania Paul.

RG: Oh. Okay. That's good to know. **[00:34:22.08]**

LJ: Yes. *(laughs)*

GW: And part, the name piece is partly just for us to be able to think about other people, from attorneys that you mentioned to Betsy to other folks that maybe somebody that would be good for us to also follow up and interview.

LJ: And like I said, there's a couple of things too, I'd like to talk about. And this is, I mean and it boils down to, I guess, like language when it comes to court. And this is like I said, the many talks that I've had with Betsy and Lisa. [00:35:03.27] Heidi Silver through the AG's office through — Sorry, Rachel, I'm going to give you names here — Heidi Silver, who's the AAG through the Assistant Attorney General's office. She, I don't want to say she gets it, but it seems like she's more culturally sensitive to, I guess, the Tribes and is more, I shouldn't say willing, but she seems more warm to the Tribe, as opposed to another lawyer.

GW: Another AAG, yeah. [00:35:37.06]

LJ: And the other AAG that I was going to bring up is Channa or Shanna Stacey. It's C-H-A-N-N-A and then S-T-A-C-E-Y. Just helping Rachel with her spelling. It's just, I mean, it's just a little thing that we were in court and it's I guess the, when she's talking to Betsy on ITV when she has to, or whether Betsy's in court or whatever she's addressing, she doesn't have to address me yet, so I haven't had to testify yet, but in Betsy's test-, when she's during testifying she'll go through the questions, and she'll say, 'Indian tribes,' and it's like, 'We're not Indian.' So I think that, I don't think I've ever really heard Heidi say it, but I've noticed with Channa she's, 'Are you part of an Indian tribe of Maine?' It's like, well, 'We're not an Indian tribe.' [00:36:30.11]

I felt like saying, well, 'We're Native American,' or even I mean something other than Indian or anything derogatory. I think that's something that I would like to see. Or that's not a, that's I guess a, a not-positive thing that I see that I work with on a basis. But other than that, like I said the workers are pretty good other than the ones the Fort Kent one and the Houlton one. That's pretty much it. I mean even the, even the [00:36:58.25] AAG's office in Lewiston, they're willing to bump cases up early or later in the day to make it better for me to travel 'cause that's a four hour, a four and a half hour ride from here. So they're willing to work with that. And I think his name is David Hathaway? I'd have to look it up, but I know he's the AAG's office or AAG on a couple cases that I have down there, but they're willing to work with me and even the DHS workers. And then they don't, they're not the warmest, but it's because I don't have rapport built with them like I do up here. And they're willing to, like I said, move FTMs to later in the afternoon to allow me for travel, as opposed to a nine o'clock one where I have to get up at four o'clock in the morning to make it to Lewiston. And I've had to do that, too. But now that I've got the rapport built with them, they're more likely to say, well, 'What time do you want to schedule for?' So, that helps out a lot. [00:37:58.20]

RG: As you can see, the next one is like a list of different aspects of working with ICWA. Could you describe your experiences in working with the State and initial identification of a child who's Native American? [00:38:21.28] Or challenges that you've found in working with the State in that area?

LJ: Well, there's been a couple cases that I've seen where the initial Native American question, it was kind of like after they did the investigation. To get back to what we were talking about early about going out on investigations. If I'm not present at one that they go out on, usually we hear after the fact, well they did identify that they were Native American, and come to find out we go to check here and they were a Band member or whatever. And they didn't, or they're,



they're — How's that worded? They're eligible for Tribal enrollment because of a grandparent or great-grandparent, and that allows them to be thrown under the IC, or I shouldn't say thrown under, but ICWA law would apply to their case. [00:39:11.26] With that, I th-, but, I mean, that's something that the worker may not know until, I don't know where it is as far as the questioning goes, once they're doing the investigation, but if something like that were to come up like from the initial get-go, I mean, it would be nice to know or get a phone call that, 'Hey I'm at an investigation. The person's claiming that they're Aroostook Band of Micmac member. Would you like to participate or not?' depending on, I guess, the location of where they are, but.

GW: I mean, what it raises for me is more the way the State gets its referrals and how much, 'cause it's, if I still understand it, it's going down to the 1-800, right? The assessment unit that picks up the referral decides whether it needs to immediately go to one of the State offices for immediate investigation. So, the question that comes up for me 'cause I'm always sort of thinking about well what are the things that could improve the state, is is that assessment unit which is sitting down in Augusta not up here, not Down East, how well are they asking about, um, Tribal identity. [00:40:32.27]

LJ: Um, hmm. And how, and where it is, I guess, in the as far as the questioning goes —

GW: Right how much are they getting that as much as possible from the referral source at the point that they are taking that referral and sending it, sending it up here.

LJ: Yeah, or appropriate offices, yeah.

GW: Right, 'cause at this point, at the point that it comes to Presque Isle, yeah, they have to, but they should, but happ-, it should happen at both places. Now I'm already getting into this is what you should do. [00:41:00.20] But no, but I guess that's part of that education piece that where is it falling, where is that information falling through the cracks?

LJ: ((*simultaneously*) Slipping through the cracks. I guess it's, that's one thing that I think that, that I've encountered as far as the initial identification is, hearing after the fact, 'Well they did identify that they were Native American and they were through the Aroostook Band of Micmacs.' And then the next one —

RG: ((*simultaneously*) Notification of children to you. So from DHHS, DHHS.

LJ: Yeah, it's like D-H-H-S. [00:41:47.29]

GW: Sort of how, you know, getting, are they, are they good at notifying you?

LJ: Yes. Yeah.

GW: How are they in terms of notifying you when there's —

LJ: When there's an investigation or an allegation or whatever. [00:42:02.11] They're usually pretty good. Like I said, I'm pretty readily available on my cell phone, if not, Tanya was, or is. But now, I try to keep myself as available as can, as I can for those, I guess, inquiries from the workers. And then she was actually right over here to see with the Tribal clerk, to see if there's anything that we could do as far as if they're eligible for ICWA or not. But no, they're usually like I said, mostly they're pretty good about getting to me and then letting me know if they need to go out. And I guess, even, and I guess investigating kids in schools too, that's something that I kind of was part of, too. So that's, that was something new that I, that was one of my hard cases, and that was one that I had come back to my office and then talked to Tanya, was like, went in her office, shut the door, it was like, this is what happened. [00:43:01.04] I mean, get the Kleenex out for that one, but that one was —

GW: So, they're letting you know when they go out to interview the child in the school?

LJ: Yep. Yep. And being able to tag along too, that's something that's —

GW: Yeah that's critical. [00:43:14.17]

RG: And how about in determining jurisdiction of residence of a Micmac child? You talked about that a little bit and the Tribal role?

LJ: Hmmm. (*brief pause*) Jurisdiction of resident. I guess we don't really have to deal with that too much, because we don't have our, we don't have a Tribal court, so that kind of, kind of gets rid of that, but, I think the only thing that really, that, I that I kind of have an issue with that would be, and that's, I guess, I don't know if it's part our problem and the State's problem, but I mean, trying to get Tribally-approved homes and setting, getting them into Native American residences of Native American children. [00:44:04.13] Tribally-approved homes is really tough right now, just because of, I guess, the economic state of the, of the Native communities. It's just, it's really hard, I mean, I'm working full-time and my wife is working part-time, and we're still struggling. I mean it's tough for everybody, but I think that's one of the biggest things that I see with the, with residents of Native American children, is getting a Tribally-approved home that's willing to take in somebody or whether it be a relative or non-relative.

It's still, we're still getting the, 'I can't do it, I don't have the money. I don't have the time.' So I think that's one thing that I think would say with the residents of jur-, of the Native American children, I don't know if that applies to that though? [00:44:49.25] 'Cause like I said, it doesn't really apply to us, because we don't, 'cause with the Aroostook Band of Micmacs, they don't have a court system, so.

RG: And how about in child custody hearings?



LJ: Yeah. This one, I kind of, I guess, when it comes to a custody, that's something I think from previous, with my previous supervisor, it was kind of, 'Well it's a custody case, we don't usually handle custody issues because it's not a removal from a parent,' or whatever. So, I guess, I guess, I don't really have anything to say about that as far as, as opposed — I'll take in information and take notes and make a note of it, but as far as, I guess, applying, asking our lawyer, I usually try to refer them to our lawyer to say well, 'We, the Child Welfare doesn't really handle this,' but I'll refer them to Lisa, and then I guess she can explain to them what our, the legal role of us is opposed to a, I guess, a ICWA case. [00:46:13.17]

RG: Do you want to expand on what you were mentioning before about foster care placements?

LJ: Um hmm. Well, I guess with Tribal foster care, like I said earlier, it's based off of if there's a need for — Well, there is a need for it obviously, but it's just the willingness that, I guess, people are, like, they just don't have the means for it right now, and I don't know if that's going to get any better or worse, but like I said, even family members are having a hard time taking in, taking in their own family.

And then I don't think it's, sometimes it's not about if they're willing to do it. It's ... some of them can't, because some of, a lot of people — I hate to say this, but within the Native community, people have criminal backgrounds, and it's hard to get these people approved for — I mean, they may have a drug charge when they were ki-, young adult, and that's going to stick with them for the rest of their lives, or something along those other lines where homes don't get approved because of that stuff. [00:47:19.20]

And that ties into doing the whole foster placement in a non-Native home. From what I've seen, with the families that I work with, they're willing to know anything and everything about the Native kid's history, the history, the cultural I guess background. They want language, I provide them with Internet links to various Micmac stuff that I might not be able to bring in, I guess, that chunk of information that a website could provide. I can't. But I try to bring in stuff that, just little language coloring books or stuff like that or there be making arts and crafts and stuff like that. But as far as the foster care placement, um, I've only been out on a couple where they've had to do a, they'll do the questioning and all that stuff and do, I guess, a home inspection, too. And that's kind of neat to be a part of that as well as far as our ICWA department goes. [00:48:29.23] Because I'm not sure what, if that was even done by the previous worker.

RG: Yep. And how 'bout in family team meetings? [00:48:39.24]

LJ: Um. Pretty good. I mean there are some things that happen that's not more or less the State is concerned, it's more the parents. Just some of the things that the parents have to abide by, it

seems to, I mean people who are not in that situation it seems like. 'Oh that's easy, just don't do it anymore.' But I mean, people are getting put into, to, getting drug-screened to, I guess, setting up counseling and stuff like that. I mean, to me it seems, 'Oh, okay, if I want my kids back I just got to do this. Okay.' But some people just don't have that, I guess, that in them to step up and do what they need to do to get their kids back, because either they, they, they're dealing with addiction or a mental illness or something that's holding them back, and they can't get their kids back.

And that's, I guess, that's the thing that I worry about the most with the family team meeting is, they're pretty civil and sometimes they get a little heated depending on the parent, but as far as the workers and lawyers and all that other stuff, they're pretty good. It's just, like I said, that parents are the ones that kind of make the FTMs a little stressful. Because I mean, obviously I would be, if I was in their shoes I'd be doing the same thing, be a little pissed off and mad about somebody coming in and taking my kids, but like I said, some of the parents are, they're jumping through the hoops and getting what they need to get done, done, so. [00:50:15.26]

GW: And are you following sort of the State timelines related to, are you following — ?

LJ: The, the, the 12-month — ?

GW: Yeah, are you following the State lines or not?

LJ: Yes. Yes. Yeah. [00:50:26.16] Although, there are some times like, I've got a case right now where the kids have been in care for about a year now, but, um, we're looking to extend it to 18 months just because, it's not so much the parents getting their ducks in a row, it's the grandparent is trying to make sure that they're getting whatever they need to get done in order to get the kids, the grandchildren back with them as opposed to the parent. Because the parent, or parents, haven't been able to get their act together. [00:51:04.13]

RG: How 'bout in arranging family visitation?

LJ: I usually don't have to take c-, take part in that. Usually, with our families, most of that stuff is done through DHS and might tie back into not having a court system and being able to enforce something like that. But most often not, they're through DHS or other subsidiaries like AMHC down the street here. Families United, I don't think Families United does that so much, but I think Community Health and Counseling with CH and CS, they do that stuff as well. But they have given me the option to come and observe visits and stuff like that. And I've done that, and it's neat to see that the, I don't get to see that part of the family side, because I'm usually dealing with all my cases, and the only time I really get to see the parents are at court or FTMs, and I don't get to see that family interaction as much as I should, because of the nature of the beast. But at the same time, it's good to be part of that because you get to see dad be dad and mom be mom, and we're not seeing them at the foster placements and calling their foster parents whatever they need to, or whatever they want to be called, I guess. [00:52:29.16]

RG: And how 'bout with Kinship Care?

LJ: [00:52:33.16] Meaning?

RG: A kid's place with extended family.

LJ: Oh, okay. Well, my experience with that, like I said, I've got one now where the grandparent's trying to make sure that whatever she needs to do, she's getting done. Or, they are getting done, I should say, 'cause it's a grandmother and a grandfather. I haven't seen so many as far as, uh, aunts and uncles. It's usually the grandparents that are trying to, trying to do whatever they need to do, because obviously it's their grandchildren, but as far as niece and nephews, I haven't seen anyone — *(softly)* Let me think here.

GW: How does the department go about thinking about kinship care? I mean they are supposed to be using more kinship care.

LJ: *(simultaneously)* They, they, well, actu-, the workers that I, the ones that I have a good rapport with — I shouldn't say all of them, they'll ask, 'Are there any family members that you know of that may want to, may take in the children?' And it's usually, 'No,' or whatever, but they will ask that question. It's not that, it doesn't get passed over. They're usually, or they'll ask about family and then they'll ask for the Tribal placement if there's any Tribally-approved homes. [00:53:47.02] And then they, based off of my answer, it's wherever they're going to go.

RG: And then termination of parental rights.

LJ: *(sigh)* That's a heavy, heavy thing. I've only been part of one, and it was, and it should have been done a long time, long before it happened because the parent that I was, I guess, the case that I was, I guess, involved with, had had a lengthy, like, the case from older children and then had some younger children later on, and, I guess, this parent was TPR'ed on the older previous children but wasn't on the younger ones, and it just seemed like to me it was, it went on a lot longer than it should have whether it be — And that case happened before I came on. I got the tail end of it. And I got into the, I was in the TPR proceedings. [00:54:53.02] But, I mean, had I been on a little sooner, I probably would have said, 'Well what are we doing here? Why is this taking so long?' Because it's I think over, almost two years that this parent was trying to, was getting back on track and getting off track, getting on track, getting off track. So it was that yo-yo the whole time and then that was, no, this has got to stop. There's no more, we're, the behaviors in the children were starting to escalate because of not being, being in the care and not being with their parent. So the think, like I said, it kind of —

GW: What does the TPR look like when it happens for your community? Do the kids still have any contact with the parent? How do they —?

LJ: From the one I've gotten, the one TPR that I've seen from, with me, I don't know how it was with previous ones, but, if the children have a decent foster placement and the ones that I'm thinking about the one that I'm part of, they're pretty open and they're willing to do whatever it takes to bring the kids up to cultural events up here from wherever they're staying. So, they're keeping themselves, they're keeping the children involved in their culture as opposed to not. So it's, they're going that extra step.

GW: But do they have any actual contact with their parent? I guess I'm wondering how the State interprets how they do TPR?

LJ: Hmm. Yeah, that's ...

GW: When they're working with a Tribal community.

LJ: Um, hmm. I think they try to limit it as much as possible from what I, I mean from what I've gathered is, and like I said, with that foster placement that I'm talking about Downstate — Well, I shouldn't say Downstate, it's Oakfield or Island Falls area. This is going to be interesting because this is going to be the first, 'cause they have the Mawiomi this year — Well, they have it every year. But this will be the first time that they will have, that the TPR will be in effect and the parents will be in contact with the kids. So I'm not sure how that's going to play out. That'll be interesting to see. [00:57:01.01] And see what, I guess, the instructions will be. I guess, as far as what the worker will tell the foster placement or the adoptive parents depending on where they are in I guess, the process. To see what they're going to say as far as, I guess, contact with mom or dad or whatever. Or even just aunts and uncles, too. I mean there are, the person, the parent that was TPR'ed has a very large, extended family, and, I mean, in the Native communities, I mean it's crazy. But it'll be interesting to see how that's going to play out when it comes to, to that. But I mean, that's going to be my conversation, I guess, I'm going to have with the, with the worker and see what, I guess, what the language will be as far as contact with mom or dad or whoever after the TPR has been gone through. [00:57:54.20]

GW: What would be the plan after the TPR? Do they tend to think about the child moving into adoption? Do they think about more foster care? Where is the State go in terms of —?

LJ: Well, speaking, speaking just from my case, uh, I guess what happened is, um, the siblings were split up due to safety concerns. [00:58:24.04] But, one of the children is staying in that area of the foster placement whether it, I think it's with the son of the foster parent. So, he's going to stay within that family, but I guess it's, I don't know how — But now that they've split up, I don't know how that's going to work. Um. Hmm. Because I mean, like I said, it kind of extends their foster placement. But, that's a conversation I'm going to have to have with the son, I guess, of the foster placement now. [00:59:05.18]

GW: And what's the sense in the community here when a TPR happens? I mean, what's, how do, does it, how do people feel about it? How do families feel about it?



LJ: I don't think I've ever really asked really, anybody. I know, with Tanya, she's kind of talked about, well, I guess, I guess, this is my interpretation of her opinion, is that, I mean, obviously within our communities, to TPR is, it seems kind of, almost like it's almost unnatural to remove somebody from a community. I mean the children didn't do anything; it's the parents that are (*brief laugh*) the ones that have caused this to happen. So I think that, like I said, with her interpretation, it's almost unnatural to do it. But with me, yeah, it's unnatural to do it, but we have to deal with it. That's I guess, my perception of it is, yeah, it sucks that it happens and it is what it is, but like I said, it is what it is and we have to move forward because I'm not going to drag my feet because somebody got TPR'ed. I mean, we gotta get these kids in a stable environment, a safe and appropriate place because, I mean, from what I've gathered from some of these families, it's, they're, the kids are having behaviors because they don't know what's going to happen to them from week to week or day to day, 'cause if something happens in a placement — I mean, if it was my kids and something happens in my life, 'Oh well, I gotta get my kids out of here.' Or I mean, if it's a foster placement and something happens in the home, and it's out of their control, the kids are on the move again and with a different family and they've got to build that rapport and all that other stuff. [01:00:50.10] Or if they're thinking about going back with their family. I mean it's tough.

GW: So after the TPR happens though, then are you no longer in contact with the kids?
[01:01:00.18]

LJ: No. No. Actually like I said with this — Well, like I said, I can speak on the case that I have. Even though they're still in foster care and still in State custody, I'm still available to do that. And that, maybe that's something, a bridge we'll have to cross when it comes to the adoption or whatever, but we do have one adopted family right now, and with them, it's more of just checking in and saying, 'I was in the area, just thought I'd stop by.'

'Cause I mean, the one, the family that I work with that they're in the pre-adoptive stage, they're more than happy to, like I said, and they're one of the families that are willing to bring the kids up to the cultural events and have been bringing them to cultural events since they've been in their care. [01:01:47.01] And that's, I think they're going on almost over, almost two years now with them being in the care, and, like I said, bringing the kids to the cultural events. And they're in the Houlton area, too, and I've let them know that look, you're in the Houlton area, but still they've got the Houlton Band of Maliseets that still do cultural events here on their, at their place, too, so. I think I, I'm just having that rapport built with the foster parents, too, helps because like I said they, I think they understand the importance of the culture, because a lot of people just think, just bypass it because it's, well, 'Oh, there's Natives in Maine.' So I mean, that mentality still thinks, is still around, but like I said, there are other people that, like, with the foster placements, they're willing to do whatever there, whatever they can to fill that need for the cultural stuff for the kids. [01:02:41.09]

RG: To the best of your knowledge, when you become, or your Tribe in general becomes, aware of a State ICWA violation, does it have a policy of legally challenging the State's Child Welfare determination?

LJ: Um. *(pause)* Yeah, I'm not sure about that because from, I guess with what I'm doing now, I mean, we don't have a Tribal court, so I can't really speak on that. [01:03:21.12] But that's not to say that, I mean, I think, I think I was at one of the TRC meetings, and it was, I think — either Sipayik or Township's ICWA worker — one of the workers mentioned something about that, how it gets transferred into theirs, and I was like, 'Oh that's kind of neat.' That would be something neat to see here as opposed to having to do, having to deal with the State, but —

GW: Do you think that will happen? [01:03:47.26]

LJ: I don't know. That's a good question. *(laughs)* Depends on if they, if they can get the funding for it. No, I, that would be good. I would like to see it but I haven't really heard too much about it, so. [01:04:01.21]

RG: Could you talk about the importance of caseworkers learning and having a knowledge of Native family structure and culture?

LJ: I think it's pretty, I mean. The caseworkers will ask me, and I'm not the end-all, be-all of knowing everything Native, but usually the workers will ask me about stuff. And I think there still needs to be some more, uh, I guess from what I've seen there, it's just, I guess, the little things. I'm trying to think of an example here. [01:04:45.23] I don't know if it pertains to this, but I think just talking about how large families are, as opposed to non-Natives. I mean, even speaking from me, I guess in my sense, even though I'm not in this, in ICWA, I'm not involved with the State anyways, but, I mean, to explain have, to try to explain that to a DHS worker that, 'Yeah, my aunt and uncles raised me.' 'Well, how many aunts and uncles do you have?' 'Well, I've got almost thirty.' So I mean, to explain that to somebody — Holy crap, 30 people. But I mean, that's I think, I don't know if that is like that out in the non-Native world, but from what I've gathered, there are some families depending on, I guess, their financial, you would see it more, I guess, in the lower end of the non-Native world, I guess, with having a larger and larger family is the, 'cause they needed hands for the house, I guess. But I think, I don't know, it's stuff like that. Explaining the little differences, I guess, with our how our cultures are set up.

But I mean, to me, they're pretty quick to ask me stuff. Well, 'How is it like this, or how is it like that?' [01:06:15.24] So it's, they're, and I guess, trying to answer them the best I can, getting back to them the best I can. Kind of, I guess, I see that as important because they want to know why. They want to see, they want to understand, I guess, the dynamics of, I guess, our culture and how we're, I guess, the community's set up. I mean, that's to me, I see that as important. [01:06:39.21] 'Cause it shows they're willing to grow and learn, I guess, 'cause some of them are — Like, my, I got one case now, a friend of mine, who I've know since probably 2003, 2004. He's since graduated and now works for DHS, so I mean, he's even asking me questions. 'Well how does —? What is it like —?' Trying to, I guess, to grow, I

guess, as far as a child protective worker. He's wanting to do that. So it's good, I think.
[01:07:12.29]

RG: And how about the importance of having a Native child who's placed in out-of-home care to be placed within a reasonable proximity to his or her family or the community?

LJ: I think, I think trying to keep them as close to this community is important because, I mean, of all the cultural events that happen, a lot of them are pretty close to the community. And I haven't had an experience with it yet, but I know there probably has been in the past, but I guess if they're too far away, I know DHS will reimburse, but I mean, some people it's still a long drive and they're probably not willing to do it, to bring them to cultural events. So, I think that, to me, is something that I would like to see that is important is making sure that they're, if they are placed outside of the, or if there's a removal to try to keep them close as possible to the community for the, for, like I said, for those reasons of cultural, cultural events, Tribal events stuff mentioned in the question. [01:08:22.22]

RG: And what do you see as strengths and weaknesses in the State Child Welfare system insuring ICWA compliance?

LJ: Well, from what I've seen is and just, just thinking off the top of my head. I know the notification of the initial hearing, some of the Tribes have a verbal, they just have to have contact, telephone contact or whatever in order to notify us of a case I know, I should say, them, of a case. The Aroostook Band of Micmacs, it's got to be certified letter and signed and stuff like that. Sometimes, I think we've had a couple cases where we've had to get the motion to intervene and get the, get an extension on getting our facts and everything together for the case. I think that's one thing I think, I don't know. I would like to see it switched to the non-certified letter because, like I said, I make myself ready avail-, readily available to the workers and sometimes I'm like — With that being said, I'm readily available, but I'm not able to come in and check my mail or sign for a letter, and that gets kicked to the post office for the next day, and if I can't make it to the post office on a Friday or Saturday, and it's sitting there, and I can't wait. I gotta wait until Monday and then court's Monday morning, and I can't say, 'Well, I'm sorry I wasn't able to make it, 'cause the mail was in the mailbox.'

But I think, one thing that I would like to see change with our, I guess our ICWA policy, is the verbal agreement. As opposed to the certified letter. But, that's gonna be something we'd have to talk with our ICWA lawyer to see if there's anything we can do as far as that goes because I mean, I think with me personally, I think my word is, I hold that very high. I guess if somebody tells me something and I say, 'No you didn't tell me that,' but I mean, with the way technology is anyways, to say, 'Well you didn't tell me.' Well, cell phone records show whatever. [01:10:31.13] To me that's something that I would like to change is the certified letter because, like I said it, just holds it up sometimes.

GW: How are you holding up?

LJ: Hm? No. No I'm just trying to think of —

GW: I just want to make sure.

LJ: No I'm good. [01:10:56.00] Hm. Yeah, right now, I think that's good. I think one of the strengths, too, is having, just, I mean, the lawyers being able to, I guess, having their contact. Our lawyer is pretty good about getting in touch with the Attorney General's office and stuff like that. So it's having, I guess, a good legal representative for the Tribe. I think that helps a lot too 'cause I know, with who they had before, she was very good and everybody speaks very highly of her, and our new lawyer, too. She's the same. So, I mean it's, we've got pretty straightforward lawyers that aren't afraid to go against or speak up against, to a judge and stuff like that. I think that helps a lot. [01:11:59.19]

RG: Who was the lawyer before?

LJ: Uhh, I'm trying to think of her name. Sarah LeClaire. And like I said, she may have a different I guess, a stance when it comes to, I guess, the court too, 'cause I mean, she, like I said, she's very good at what she does from what I've heard. And that might be just her personality and with Li-, cause I know they're both pretty, they're both willing to speak up, but I think Sarah is more, from what I've gathered, is more, I'm trying to look — What's the word I'm looking for? — More assertive. Not to say that Lisa isn't assertive, but she's more assertive than Lisa is, and Lisa's pretty assertive too, so. [01:12:44.04] But yeah, I think that, which one are we on? The strengths and weaknesses?

RG: Of DHHS ensuring ICWA compliance.

LJ: [01:12:57.20] But usually, and like I said, that's the only thing that I can think of as far as the non-compliance is the, or the, is the, the certification. Um.

RG: How about what strengths and weaknesses do you see in the Micmac Tribe possessing in working with the State for ICWA compliance? [01:13:21.27]

LJ: I guess dedicating set moneys to the Act — to the ICWA program and not having — 'cause I mean, like I was saying earlier, I have a lot of cases. And if I have a couple hats I gotta wear besides the ICWA hat, it kind of pulls me away from it. So, I think having a dedicated ICWA department with its own funding, and appropriate funding I should say, to make it successful. I think that's one of the biggest things that I see with our program here is allowing that, having that, the budget to do it and the man-hours to do it. [01:14:14.15]

GW: What are the other hats that you wear? [01:14:16.20]

LJ: Well, right now, I am part of GONA, it's Gathering of Native Americans, and it's through a SAMHSA grant with the Kaufman Group. I think that's what it is. But having to do events here on, with Christa who's, she's one of the representatives here. Nicole Francis. Tanya. I'm



doing events here for that. I think that kind of, I guess, getting involved with that kind of, I guess, I don't want to say slows me down but it keeps me, I'm trying to keep, I guess, a linear path with ICWA but, those other, like I said those other hats, they're pulling me in other directions and I have to schedule stuff around that to things I have to write up ,or reports.

And I guess just today there was a survey that was supposed to be done a couple weeks ago and hadn't been. And having to take the time out of my day to go back to my office and work on that, I think that just — it's not a big deal, but it's still — it's still a disruption. [01:15:26.22] And I guess, and I think unders-, having the, I guess, administration know the amount of time and man hours that is put into these cases, that needs to be put into these cases is one of the things I think, I don't know if the previous supervisor/worker was able to get across. But I think, I don't know if my case load is bigger than what they had or visa versa, but I know that that's one of the biggest things is having, was being able to dedicate 100% of ICWA to ICWA as opposed to other things. That's not to say that that stuff's hard but it's just it, like I said it's, getting pulled away from stuff (*laughs*) is kind of a bummer. [01:16:18.20]

Oh, wow, I didn't realize it was this late! (*laughs*)

GW: I'm sure somebody's looking for you, at this point.

RG: How does State Child Welfare policies, practices, and events influence your work with Micmac children? [01:16:50.18]

GW: He may have answered some of that.

LJ: I was going to say.

RG: You've answered portions of all of these questions, so it's just kind of —

LJ: Rambling on here.

GW: This could be is, there anything to add. [01:16:59.21]

RG: Yeah, or have there on the next one have there been any changes?

LJ: Yeah there hasn't been anything, yeah, I'm trying to think. Have there been any changes to State? No, there hasn't, actually. Not that I'm aware of. [01:17:19.05] Yeah.

RG: Over the course of your work, what do you, or did you see as barriers to the successful implementation of ICWA in Maine? I like how we've added Maine like we're going to ask

about another state. By the way, do you know about the successful implementation of ICWA in Vermont?

LJ: Oh. No. Well that's kind of a touchy subject 'cause isn't —

GW: Vermont hasn't gotten, the Tribes haven't been recognized.

LJ: (*simultaneously*) Yeah, 'cause there was the —

GW: (*simultaneously*) They're still trying for state recognition.

LJ: The Abenaki.

GW: The Abenaki are still trying for state recognition.

LJ: Yeah, I have a funny story about that but I'll save that for a later date. (*laughs*) That's —

RG: So the successful implementation of ICWA in Maine.

LJ: Nothing that I can see for right now. I mean, like I said, I'm a year into this, but I haven't seen anything that's, I've seen a barrier. I think consistent. Well I'll start rambling about a barrier. The consistency across the State, I mean, like I said earlier. We've got cases up here that are being dismissed because it's a marijuana charge, but yet we're, one county down in Penobscot County and they're removing children because it's showing up in with children. **[01:18:43.16]** So I mean that inconsistency. I think that's something I would like to clear up. Are you guys, I mean not you guys, but I mean DHS, is DHS going to go after the kids that are showing, babies that have THC in their blood as opposed to not, and visa versa.

GW: (*simultaneously*) And then there's Washington State where they just decriminalized it. **[01:19:07.13]**

LJ: But, I mean, I mean, are they doing that in Portland? I doubt it. I mean it's still, I don't know if it's legal, if it's still legal down there, but I don't know, it's just that to me, it's just the inconsistency of, I mean Aroostook County, as backwoods as it is up here, and it's like, 'meh.' We're not going to worry about it because, but at the same time it falls under the metabolic rate of the other drugs. Yeah, they're showing up in marijuana in children, but is bath salts being metabolized too quick to catch in the children? So, and being the metabolism of a baby, I mean that's going to burn off like that anyways. **[01:19:51.26]** But, I guess, I think that the inconsistency, I guess, from one county to the next when it comes to the marijuana usage because, I mean, there's like I said, there's people that I hear, and even in the non-Native world where they're saying, 'Yeah my so and so, my kid got taken because I was on marijuana,' or whatever, but then you hear another case where it's being dismissed. **[01:20:18.07]** I guess, pick a stance and stick with it across the State.

RG: In what ways do you see the, do you see ICWA and the Adoption and Safe Families Act working together? In what ways do you see them not working together? If you know.



LJ: [01:20:35.14] I don't know actually. I've never heard of the Safe Families Act, but now I'm going to look into it.

GW: It's what the State's following.

LJ: Uh-huh. As far as ...

GW: I mean one of the, one of the differences which is what makes it so interesting — For example, the Passamaquoddy that have their own Tribes, they have some kids who are in foster care for long periods of time. Because they don't TPR. I mean, they just don't. They don't TPR. You don't have a Tribal, you don't have, you don't have, you don't have —

LJ: (*simultaneously*) What we don't have, I don't want to say that luxury, but I don't know if that would be a luxury —

GW: (*simultaneously*) I mean, it gets into sort of, you know, different. So if you're following adoption say family, you're following their time frame, which says you need to make some permanency decisions within —

LJ: (*simultaneously*) — within a year to 18 months. [01:21:29.21]

GW: You know, and obviously we all know that sometimes it goes into that 18- to 24- month period. But that doesn't probably, like if you were at Sipayik, you wouldn't see that time frame happen as much as probably you see it. And I'm not saying it's a good time frame, a bad time frame, just that there are pieces of both of, the time frame in particular. And I'm not an expert. May be something to ask, ask your attorney. But that's the one that struck me in hearing about your work. Is your, your following the State timetable, which may be the timetable that's right for that particular case, but you have less flexibility if you feel like that isn't the right timetable for your families that I think the communities with their own Tribal court systems.
[01:22:31.15]

LJ: And I gu-, and just brought out the thought of, like I was mentioning earlier, the grandmother that's trying to get the children back. That case is falling into the, we need to start doing some permanency planning, and it's at a 12-month mark, but it kind of hinges off if one of the children is able to get onto a steady track, and there's some, I guess, some documented successes, I guess, in that time frame in order for the other child to come back. [01:23:03.01]
So that kind of, that 12-month window is I think, it's going to get pushed to 18-month, if not further. And I hope it does, because I know that the grandparents are working their butt off to get where she needs to be, but —

GW: But, that's a good example really of where that, that's exactly where some of that real tension is in those two laws. [01:23:28.02]

RG: What are your concerns about Tribal children who are in the State Child Welfare system? If you have any.

LJ: That's a good question. (*laughs*) What are my concerns for children, Tribal children who are in the State Child Welfare system? [01:23:52.08] I think, with the Aroostook Band in consideration, I guess making sure that the parents, the foster parents, are culturally sensitive. 'Cause I mean, yeah, I can go to some of these houses and they could be, 'Oh yeah, we're all about culture,' and as soon as we get out of the door, they're saying derogatory statements to the kids and putting them down. I mean that's to me, it's, I guess, a concern of mine because I guess the climate of the State when it comes to race relations, it has its ups and downs, so I guess it's hard to say if a Tribal placement, a non-Tribal placement, is a good thing. So I mean, I guess that's a concern of mine, is being placed in a non-Tribal home, how do we really know if they're being culturally sensitive to the child's needs? [01:24:58.20] And, I mean, the child may be scared to say anything to me as opposed to, about that. So, I mean, that's I guess, a concern of mine. Not having that, I guess, the ava-, the Tribally approved homes or even the Tribal court. We're subject to State law and the rules that follow, I guess, when it comes to placement. So.

RG: Do you have anything else to add in terms of how the State could improve in ICWA compliance? [01:25:35.24] I know we've talked about some of it already. So any other comments about that one?

LJ: I think the only thing we've mentioned earlier was just making sure that, in the initial intake, is making sure that that gets asked right off the bat as opposed to a follow-up after the investigation or removal. [01:26:04.02]

RG: If you could change anything or make anything happen for a Native child involved in ICWA, what would you do?

LJ: I guess creating more therapeutic homes. Non-Native and Native. Because it seems like that's one of the biggest things that I've seen, or I guess, one of the biggest issues, I guess, with our department is we've got a couple cases where kids have had to go to crisis units because there's no therapeutic foster placements. I think that, and like I said, goes for the Native and non-Native. [01:26:48.23]

And I think one of the biggest things I see, too, is from what I've gathered being in this position for the short time that I've been in it, is the, is once the children that are in foster care hit their teens, it seems like they become too, I don't know, they are developing their personalities and some of them are feeling, I guess, that resentment, and I'm just, I guess, speculating when it comes to talking about this, but if I were in their shoes, I would be a little stand-offish when it comes to being in foster care, because I'm not with my family, I'm not in my, in some cases, not in the community.



So it, it, I would become a little pissed off when it comes to being in foster care and giving foster parents attitude. And I think that's one of the things I think I'd like to see is an improved system for the teenagers. 'Cause I mean, even like the ones that I go to, the ones that I have that are in care now in the State's custody, the teenagers are in crisis units because the [01:28:09.05] therap-, because whatever therapeutic foster home or just regular foster home they were in didn't have the, I guess, the, not to knock the foster parents, but I just, they just, they couldn't, I guess, they were quick to, I don't even mean to say that either, because they, based off of the ones that I've seen, they were going to bat for the child, but it just, they —

GW: (*simultaneously*) It's a lot to handle. [01:28:36.26]

LJ: Yeah. It just became too much to handle. And my mom did the same thing kind of with our adopted brother. He, my mom's only five foot tall, but my foster brother, just 6'2" in a matter of two years, and he's a physical presence. So, I mean, she, and he started doing some of the behaviors that I've seen with some of the teens that are in crisis units. They get to that certain age where they all those hormones are getting dumped into their system, and if they have a diagnosis that's not helping them out either any. It's just, I guess, getting people, I guess, versed in that, I guess, that type of care once they get to that certain age of teens and stuff where they're having those behaviors and, I guess, getting an outlet for them.

Maybe that's something to think about. [01:29:25.24] Hmm. I guess setting up something, I guess, maybe with CH and CS or AMHC, or any other ones that do handle that case management stuff. Maybe that's something to look into. I've just, had the thought here, of I don't want to compare to a prisoner, but not having that sort of cultural release that they may not be getting in the crisis unit. I mean, even if I do go visit one of the kids in the crisis units, it's very cold and it just —

GW: (*simultaneously*) It's not a place to raise a kid.

LJ: No.

GW: (*simultaneously*) Crisis units don't make good parents.

LJ: No, they don't. And I've heard — and that was kind of a — I think a DHS worker said that. She's like, 'You don't want your kids in our care. [01:30:21.07] Because we're not parents. We're doing what we need to do to make sure that the kid's safe, but we're not parenting kids.' And it's not to say that the foster parents are not doing what they should be doing, but a parent knows their kids and knows what, should know what's right and wrong. So I think, like I said, getting on to crisis units, it's hard because they're exposed to kids that have behaviors that are, and then the kids are taking on those behaviors because that's all they know. And it's getting whatever X kid is getting Y kid. So it's, 'Hey, I'm going to act like that so I can get whatever

they're doing.' So, I don't know, it's just, I think that's one thing that I would like to see change is the, the handling of the foster children that are, tuh, hat had those behaviors. I mean it might just be —

GW: (*simultaneously*) Do any of those families get in home support services for some of the behavioral stuff?

LJ: (*simultaneously*) Yeah, the therapeutic one I was talking about. **[01:31:25.19]** One of the kids —

GW: (*simultaneously*) Not that that can sometimes make a difference —

LJ: (*simultaneously*) Yeah, 'cause if kids not complying and not wanting to talk to his therapist or take medications or whatever, I mean, it's, it's, that all hinges on how the kids going to, I guess, I don't want to say comply, but to do what he needs to do or she needs to do to make sure that they're doing what they need to do to make sure their foster placements good and happy. **[01:31:56.19]** Or, I guess, happy as it would be. So.

GW: All right, well, you win the prize for this afternoon, Luke. Best endurance in an interview. **[01:32:07.22]**

LJ: (*laughs*)

RG: Is there anything else you want to add?

LJ: Not that I can think of. Yeah, I'm a little long-winded, so sorry. **[01:32:21.28]**

RG: No, that's fantastic.

LJ: Yeah, nothing I can think of off the top of my head.

GW: Thank you so much.

RG: Thank you so much.

LJ: Thank you. **[01:32:34.16]** Sorry for talking your ears off.

GW: No, it was very helpful and absolutely important.

END OF RECORDING