

### **General Information**

**Private or Public Statement?** - Private

**Statement Provider:** Randi McKechnie

**Date:** December 15, 2014

**Location:** Machias, Maine

**Previous Statement?** No

**Statement Gatherer:** Joan Uранеck

**Support Person:** N/A

**Additional Individuals Present:** gkisedtanamoogk

**Recording Format:** Audio

**Length of Recording:** 1:25:03

### **Recording**

**JU:** Ok, yep, there it goes. Alright. Umm, ah, the names. I'm Joan Uранеck, and I'm the statement gatherer.

**g:** And I'm gkisedtanamoogk, commissioner.

**JU:** And your name?

**RM:** I'm Randi McKechnie.

**JU:** Statement giver.

**RM:** Statement giver. (*Laughter.*)

**JU:** Umm, so the file number is Maine 201412-00134. And the date is December 15, 2014. And we are—the location is the University of Maine at Machias. So, Randi, have you been adequately... informed and understand the consent form that we just fill-- you just filled out?

**RM:** Yes, I do.

**JU:** Ok. Good. And, I need to advise you that any information disclosed that indicates that a child or an elder is in need of protection or there is imminent risk of death or serious bodily injury to an identifiable person or group, including self, may not be protected as confidential.

**RM:** I understand.

**JU:** I figured you would. *(Laughter.)* Ok. So we... let's see, I'm sort of tired let me think for a minute here. Just have a little moment of silence.

**g:** Moment of silence is good.

**JU:** So, the TRC has prepared these questions which, I think they sent to you? So you've had a chance to look at these twenty-five questions?

**RM:** Yes.

**JU:** Ok, so we're just gonna go through them, one by one.

**RM:** Ok.

**JU:** That's the way they asked me to do it. And again, thank you for coming. Real—it, yeah. So the first question is, could you please tell me about your current and or past employment in state child welfare? What types of positions did you have? How long did you work there?

**RM:** I started with the Department of Health and Human Services back in 1998 as a children's services caseworker, and then about ten years later-- years later, I got promoted to an adoption supervisor and that's the current position that I still hold, and I also hold the position as a resource supervisor which involves licensing homes for the state of Maine. *[00:03:17.02]* So I've been with the department for approximately seventeen years now.

**JU:** Wow. Lots of cases?

**RM:** Yes, too many. *(Laughter.)*

**JU:** *(to gkisedtanamoogk)* Oh, I thought you had a question.

**g:** Oh no.

**JU:** No? Ok.

**g:** Fair warning. *(Laughter.)*

**JU:** Uh, so when did you first learn about Maine's policies related to Indian Child Welfare?

**RM:** I got introduced to it actually at new worker training

**JU:** In nineteen nine...

**RM:** In 1998. It was a brief introduction, and then I remember -- probably two years later -- we actually had a training where Pleasant Point came down and we did something actually here at the college, where we all got together and we actually watched a film and were educated that way. Um, and then you know, it really, we haven't had-- I feel like over the last fifteen years, not a lot of information. I know that new workers get it at new worker training. Um, I know when I went to the Adoptive and Foster Families of Maine Conference, I did have the opportunity to go in and listen a little bit about the Truth and Reconciliation Commission and what was going on and we got to watch some of the film which has really... impacted me in seeing that film. So, yeah. So that's kind of been--we also do, I mean, I have to say, here in our district in Machias, um, or the Machias office, I feel like we have -- we've had meetings over the last couple of years, where we have gotten together with Pleasant Point and Indian, Indian Township and they've come down and we've had lunches together and talked about changes and what's going well, how do we work together better. So had the opportunity to do that. Over the last few years, I feel that we've done more of that.

**JU:** Yeah. It sounds a little more informal and social?

**RM:** Much, so, yes. It feels better that way. I feel like I have had the opportunity to -- I've had the opportunity really to get to know Molly Newell better. Now she's left the position now-- and Dolly Barnes. She's retired now I think, or is that Dotty? Dotty's retired. But. And so I think there's a lot of new faces, so I think having those meetings are gonna be really important in the future.

**JU:** Yeah, because there's turnover.

**RM:** Yeah, there's a lot of turnover, and even with our staff, that is the problem about-- as far as training about what's going on--is that our turnover rate is so--it's been awful lately. They might have a new worker that gets introduced to it at training and then they're gone in two years.

**JU:** Or they've missed the major meeting and film, and all that so yeah, how do you bring them up to speed? Yeah. Um, *[00:06:44.13]* let's see, where am I here? Oh, yeah you said you feel like it's getting better and better, more adequate?

**RM:** I do, over the last few years. I feel like I know more what's going on, what each of us were doing. Um, I also feel -- I don't know, maybe I'm skipping ahead, but I feel like, I can pick up the phone and I can call somebody from Indian Child Welfare and that we can work a case together jointly even--I actually was on standby--we have coverage on, even on Saturdays and Sundays if there is an emergency that comes in. And this just happened, a couple weeks

ago when I was on. And we had a little boy that was placed in a Native home--had bruises up and down his arms and I had to send a caseworker out to investigate on a Saturday and was able to pick up a phone and get the Indian Child Welfare caseworker that was on standby and she was able to go out to the home with the worker, so to do that jointly. I have to say probably ten years ago, that would not have happened. You know, so that was positive. I felt good about that.

**JU:** Um, oh well, could you describe a situation which you felt very positive about your work with a Wabanaki child and family?

**RM:** Well that was one, but I also wrote down another one. And, but I was a little confused and I should probably know this -- but do the Maliseets fall under this council and what you're doing? Because it was..

**g:** Does it fall within the realm of TRC?

**RM:** Th--the Maliseet. Yeah.

**g:** Yes.

**RM:** Ok, so I just wanted to -- I had a chance to...it was, I think, 2013, we had two little Maliseet sibling girls that ended up being placed in one of our -- well, with a relative -- but we ended up having to do the license. She lived in Hancock county area, and had a chance to work with Greg Dorr through the whole process and I just had a, a wonderful opportunity to learn more about the legal piece. It was a great experience... But the one thing that really stood out for me in working that case was the Maliseets have a, as part of their agreement to place in a non-Native home, they have a, like a placement form and in it, it speaks to what it would require a foster parent to do and some of those things are to make sure that you bring that child to I think like two ceremonies on the reservations per year, things that they need to do to continue to keep them in touch with their, their heritage and their culture. Which I thought-- I had never seen that before and I was like, wow, that -- I really like that idea, that -- and they had their caseworker come down and meet with my worker and the foster parent and they went through it, and the foster parent had to sign off on it. And so I... that was different. I hadn't seen that before and I think that's really nice.

**JU:** Yeah. So that's a very positive, yeah, outcome there.

**RM:** And I just felt that Greg Dorr, the way he work-- he came to family team meetings, he sat at the table with us. There was a lot of issues that came up in that case with some sort of physical discipline that we don't allow in our foster homes. And, but just helped. And there was a lot of family conflict going on and um, he was really good in making himself available, coming down, being present, being part of our team which I don't always see with other attorneys, but he was right there to, to be a wonderful advocate.

**JU:** Yeah, so, part of question three is--what was your working relationship with the tribe? That sounds like in one case, with a Maliseet, this particular one, that was great.

**RM:** It was.

**JU:** And is that, would you say that's overall? Or...

**RM:** Umm, yes, I think overall, it's been fairly positive.

**JU:** Alright, number four. We're moving right along. Could you describe a situation in which you or your staff felt less positive about your work with a Wabanaki child and family?

**RM:** I can remember when I was a new caseworker, probably only maybe a year's experience and having to go out to Indian Township and to do a removal of a little baby out of a grandparent's home. And I guess back then I didn't, I mean it felt-- it didn't feel good to do a removal. I actually continued on to be that child's caseworker. I remember driving this little baby to her foster home, in Washington county, off the reservation, and placing her there. And then working that case, actually to do the adoption of this little girl. But not knowing then, what I know now. I actually see this little girl in the community and it is sad for me to know that- I don't think she has any contact with her culture. I don't think this adoptive parent made sure she provided that for this little girl. And I think to my-- about what I did as a caseworker and I feel like I failed in that department. I feel like I didn't--I guess I didn't know. It was ignorance. It's not that I wouldn't have, but I didn't know that I, you know, should have been that advocate to make sure that had happened. And maybe should have been [00:12:45.04] that advocate that looked for a family for this child that was on the reservation. Um, I have to say, back then, we aren't where we are now. We don-- now, we definitely place with relatives. I mean, that's part of our practice. That's part of our mission, that's what we do, but you know, eight-- 16 years ago, we didn't do a very good job of that.

**JU:** Yeah, well it may not just be you, it may have been the system that failed.

**RM:** Yeah, I don't think we were educated as well as we are now.

**g:** I think that that leads me to ask this. That, um, I'm not sure what, what policies might be in place but with their—I mean, we have this, you know, after-the-fact kind of scenario that you're describing. Is there – without being retroactive – but is there an obligation now under the current policies to inform that parent--that adoptive parent? I'm wondering about that.

**RM:** Yeah, I—I mean, I don't know of it on our end but I was thinking about that as I was thinking about coming here today. Like, wouldn't it be nice if, like, it is a child, a tribal child, wouldn't it be nice if somebody followed up every few years or so to say, you know "How are you doing? Would you like us to come in and educate you more?" I did think about that. And I know that--I don't think we have anything in our practice or policy that says we – we're have to, but it would be nice.

**g:** Yeah, and that's, that's, that's sort of a gray area. You know, what are we obligated as, as a agency to do -- even after the fact, you know? I mean, not to belabor this any more than it has to, but there is an obligation after 1978 to follow the federal legislation in regards to Native American children. And then, of course, you know, then, now we had this, kind of, obligation as we're developing it, right? Nothing happens overnight, kind of thing. You know, you're coming on board in 1999, 1998--twenty years after the fact kind of thing, you know? So logically there would be some presumption of having an obligation under that act and if it doesn't appear now then maybe this is something that the agency needs to think about. I'm just putting it out there for clarification. And I appreciate you thinking about that too.

**RM:** Yeah, I know that this little girl didn't meet census so I think when we thought, "Oh, you know, she doesn't meet the census to be considered Passamaquoddy" but I don't feel that way anymore. **[00:16:08.23]** I feel like if a child has, is Native and they're coming up, you know, from Indian child welfare, off from one of the reservations, I still feel like we have an obligation. Yeah. I've thought about today. Should I pick up the phone and just say---

**g:** Well, you know, to have some, some kind of a discussion because -- you know, quite obvious she's Native American—and, you know, whether, whether she's under the current, you know, tribal, tribal membership or is eligible to a tribal membership but however that works, nevertheless, she's Native American and how do we deal with those kinds of scenarios? And if we don't have a, if we don't have a kind of standing policy then maybe that needs to have some kind of a sense of well, what do we do with these kinds of issues?

**RM:** I agree.

**g:** I don't want to put any words in your mouth or anything, but, you know I think it, it sort of falls under that.

**JU:** Well that's sort of where her, where your concern is coming out of. That there isn't any.

**RM:** Yeah. There isn't any, like, follow up. **[00:17:26.26]** Yeah, who checks in to make sure that that child is being provided with some sort of cultural education. I feel like no one. I mean, in the state of Maine adoptions are closed, so...

**JU:** What happens to language, when they get adopted, like... who knows? That's on this sheet. Ok. So number five is kind of a big chunk, asking you to describe your experiences in working with Maine's Indian Child Welfare policies. So um, it says there are many facets to working within the Indian Child Welfare policies, some parts of ICWA's policy may be familiar to you in which you've had experience. Others may not be as familiar or were not part of your work or training. And I'm gonna ask you about these different areas and please speak to any that you feel you've had experience. Um, and if you didn't have experience, that's fine. So, it's not only what were the experiences, but what were the challenges? Did you find challenges in these areas as well?

So, the first one is the initial identification of a child as Native American.

**RM:** I haven't had experience.

**JU:** And the notification of children to tribal child welfare?

**RM:** I haven't experienced that.

**JU:** Ok. Who would-- no. Working with the tribes to identify Native children?

**RM:** I mean, if I need to-- any information, I usually call Indian-- the child welfare agency at Pleasant Point or Indian Township. Those are the tribes that I primarily have worked with so that's-- probably would be my first sort-of phone call.

**JU:** And how do those-- are there challenges there?

**RM:** People are usually responsive.

**JU:** Um, determining jurisdiction/residence of Native American children.

**RM:** I haven't had a lot experience in having to do the position that I've held.

**JU:** Ok. Child custody hearing?

**RM:** I've experienced a placement hearing that involved children that were known to Indian child welfare.

**JU:** Is that -- would that be arranging foster care placement? Or is that different?

**RM:** Similar. So I know that if I have a child that is, that is Native, we would seek out -- we would call the tribe and see -- do they have any homes that we could use.

**JU:** Any challenges in that?

**RM:** There are some challenges in that, in that, um, I feel like there's not a whole lot of homes, so often times, we get told that there aren't any homes. I actually too, have been told in the past that they didn't have any funding to support a child, and I, um, in a Native home. There wasn't funds to support a foster parent. [00:21:26.29]

**JU:** And there's not anything you could do about that, right?

**RM:** No.

**g:** Is that lack of funding still prevalent?

**RM:** No, this was a few years ago. Years ago that that was sometimes an issue.

**g:** But that seems to be moving in a different direction.

**RM:** I think so, yes. It hasn't been—in my experience in the last few years. I haven't heard that.

**JU:** Um, let's see, child custody hearing? [00:22:05.26]

**RM:** Not a lot of experience in that.

**JU:** Ok, let's see, we just did the placement. Family team meetings?

**RM:** Um, I have had...we always make sure if it's a Native child, the caseworker would be present at a family team meeting and that their voice is, is heard. They're the third-- we consider a third parent, the tribe, and so, you know, there's just as important to be at a table as important as it would be for a birth parent to be at the table. So they're always invited.

**JU:** Is that hard to pull off? To get everyone at the table or is communication pretty easy, or?

**RM:** Well, I think we can, we usually are able to work that out.

**JU:** Um, arran—oh, arranging family visitation?

**RM:** Um, haven't done a lot of that.

**JU:** Kinship care?

**RM:** Um, I mean, I think in my role as a resource supervisor, um, that we license homes, like we work with Indian Child Welfare to license homes. Some-- sometimes that -- if they're not on the reservation, then we have to work jointly together to license homes. So having experienced that with kinship providers.

**JU:** And does that go—is that, is that challenging? Same word, right.

**RM:** Well yeah actually, it is very challenging I think because our standards are very different from-- well, I don't know if they're very different but they are different from what, what Indian Child Welfare looks at as far as providing a license to a family member. The way our, our policies are now, kinship have to complete the same process as a foster parent-- a regular foster parent would have to, to become licensed. Our families need to be finger printed because of the Adam Walsh federal law before we can hand somebody a license, to ensure they don't have a history of abusing a child. It doesn't appear that Indian Child Welfare practices that same, um, policy or law. I've noticed often times, consistently, that licenses get issued to their kinship providers and their families have never been through the fingerprinting process.





Sometimes that makes a challenge for me as a supervisor-- explaining or trying to help my workers understand that it's not the-- we don't have the same requirements. *[00:25:32.11]* It also, it becomes challenging for families that say, "I have a license here in my hand, why are you telling me" --like we're telling them--that in order for us to support them through paying them a board rate that we—that they have to be fingerprinted. So, after the fact, they've already pulled their license, and then, we're saying to them, "Well, we can't pay you the \$16.50 board rate until you go and get fingerprinted."

**JU:** Is that a pretty recent thing?

**RM:** The Adam Walsh law? And fingerprinting? No...

**JU:** It's been awhile.

**RM:** 2006, I think. When, I think when, I think when that law was passed, George Bush was president then... I can tell you that!

*(Laughter.)*

**g:** Just when I thought I was healed from that. I, I have a--

**RM:** So that's one of the challenges.

**g:** Now, that -- that's something reminiscent of a retroactive scenario—that one we were just talking a few minutes ago about. In this case, at the time they weren't—they didn't come under this particular requirement. Now fast-forward into the future and now, um, they are -- it's necessary for them to fall under that, that, that new requirement? Is that what we're talking about here?

**RM:** I don't-- I mean, as far as I know, they don't fall under that requirement because their families do not get fingerprinted to become...

**g:** No, I mean, the-- the personalities that you were just talking about that had this license and now you're requiring them to ..

**RM:** Well, I, I-- no, this, I had a recent case where this has hap-- just recently happened and she really got upset with me when I tried to explain that in order for us to support through the board payment that you need to get fingerprinted. That was very frustrating for her and yeah, she didn't like it.

**g:** In this particular scenario, that -- you know -- where you have, you have different standards kind of thing, and this specific requirement, so I'm kind of wondering if there are other different standards that are, that you have with, you know, between tribal agencies and the state agencies. *[00:28:31.02]*

**RM:** Well, I mean, I can think, like with our licensing of foster homes, we require foster homes to participate in a fire inspection and go through that process to ensure that their homes are-- meet fire safety codes. And I know that that is not a requirement that we ask of Native homes that get licensed, that we place children in -- they don't have to meet that code.

**g:** And the question of jurisdiction, have, had -- where that's not necessarily a requirement, is that because it's in the community rather than outside of the community? You know what I mean?

**RM:** Yeah, it's confusing—I mean, it's confusing to me that that's, I call it a standard, I guess, that doesn't have to be met by a home that is getting licensed through Indian Child welfare. We have families that live off the reservation but they're Native families and so they have an option: they can get licensed through us or they can get licensed through Indian Child Welfare. And most of them want to get licensed through Indian Child Welfare. And so we want to respect that, and the standards that Indian child welfare has, and they say, "No, you don't have to have a water test, and you don't have to have a, um, a fire safety inspection by the fire marshal."

**g:** So we're, we're not necessarily talking about location, we're talking—well, you know this, this is kind of a question about jurisdiction. You know, if they're off the community then they have an option.

**RM:** Yeah, they do.

**g:** If they're in the community then, then it's a tribal jurisdiction--

**RM:** Right.

**g:** --and then you work with the community kind of thing.

**RM:** It, it does get confusing--

**g:** Yeah, it's not a gray area.

**RM:** It must be confusing for families. When I think, okay, they think they're doing one thing and then they're told, you know: "you don't need to do this" or "you do need to do this."

**g:** And I wonder if it's a, if it's a crucial enough challenge -- is this, is this, uh, a kind of a need of a framework to develop with the communities.



**RM:** Well, I mean, I do know that um, I think Martha Proulx and I think maybe Molly Newell, they did get together and they did create a policy for us to go by in regards to licensure of Native homes. Like what steps absolutely need to be completed for us to honor them as fully licensed and we—and for us to be able to provide the board payment. So we do have that in our policy now and that's helped me. It gives me guidance, when I'm looking at, okay, are these families ready to be active. But I think there's still a lot of confusion there, and I'm hoping that, and I think in January we're trying-- gonna try to do another sit down together with the Passamaquoddy tribe in Indian Township. And my hope is to kind of go through what those--what we all need to be working on so that *[00:32:08.19]* families can get to the licensing or active status, and we all know what we're doing.

**g:** Mhmm, those gray areas.

**RM:** Tho-- the gray areas, I think we need to work through that. It seems to-- the other piece for me is, um, we--my unit is responsible for providing the subsidy to families after adoption but all through permanency guardianship. And so the tribe does a lot of permanency guardianships and what happens is that after a permanency guardian is granted in tribal court, then the families come to my unit so that we can help them go through and get subsidy. And so that we can continue to support the family until the child is 18, or even at 21 if they have some disabilities or if they're going on to college. *[00:33:04.03]*

And um, one of the requirements there again, for them to be entitled the subsidy program is that the family would have needed to be-- have been finger printed. So what I have is these families that have already received permanency guardianship, and they want to receive the subsidy through the subsidy program -- which they're entitled to--but the way our policy reads is that they would have needed to been fingerprinted so, you know, here I am saying, "Well, now you need to do this this and this," which just makes it, again, a confusing process.

And I mean, and I also, I wish that in some ways, that Indian Child Welfare could, you know, provide, like they-- like I feel funny being the-- it's not me alone-- but, like, it feels funny that the Department of Health and Human Services, the State, that we hold, like the... like the purse strings, I guess -- and that's not the best word for it -- for these subsidy programs that everybody's entitled to. I mean, um, so you know, in a way, why are they-- why do they have to go through me? Like, I wish there was a system set up through Indian Child Welfare where they had access to that themselves instead of having to feel they have to come through us to do that. *[00:34:33.28]*

**g:** And, yeah, and one would think that if you have two different standards, you know, then each standard should have the same funding -- or at least the means to a--

**RM:** The access! Yeah, yeah, so-- that's another thing to think about how do we do that better so we can better serve children. I mean, really, because I find that, you know, we could have started these subsidies way back, months ago, but yet because we're trying to work through this fingerprinting and whatever else, you know, that we're holding up those subsidies to children. And I have right now a family that -- they did the permanency guardianship, my goodness, probably, a year ago now. And just-- and because I said to them, and before we can start that, you need to go get fingerprinted, they haven't even bothered to go get fingerprinted, so I don't know, you know. I guess they must be doing fine or else they would have gone and done that, but... For some people it's a big barrier.

**g:** Well, and I think that, that sort of lends to the, this mystique of not trusting the agencies 'cause, some-- they keep coming up with something that wasn't agreed to.

**RM:** Right, I feel that way, yes, and I don't like it.

**g:** And it puts you in a difficult spot. [00:36:06.07]

*(Laughter.)*

**g:** Oh, I'm sorry!

**JU:** No, this is very interesting!

**RM:** I don't know if it all makes sense.

**g:** Oh, it does to me.

**JU:** Uh, let's see--did we do termination of parental rights?

**g:** No.

**RM:** I probably experienced one, years ago, but I think we worked together well.

**JU:** How about adoption?

**RM:** Um, I know in some of the cases that I've worked with, at the end, that, we have usually agreed that, that permanency guardianship is a better option than adoption. And we as a department want to respect that Indian Child Welfare doesn't, um, always agree with terminating parents' parental rights, and so we respect that. And permanency guardianship is definitely an option that I feel very comfortable in offering families.

**JU:** Does the agency feel pretty much supportive?

**RM:** Yes, yeah, yeah, the agency very much supports that.

**JU:** So not too many challenges? Well, we just--

**RM:** I don't think so.

**JU:** No, ok. How about number six. What do you consider active efforts to prevent the break up of an American Indian family? Describe how the state conducts active, remedial, and rehabilitative efforts to prevent the break up of an American Indian family before ordering an out-of-home placement of an Indian child?

**RM:** I really haven't experienced that in the positions that I've held.

**JU:** Okay, okay, fine. Um, let's see: is the active effort standard used in cases involve.. *(Tapering off while reading question aloud.)* Let's see. Um, how about, eight. How are the tribal child welfare staff included in the development of a family case plan involving an Indian child?

**RM:** Oh, I know that they are invited to family team meetings where plans are developed and um, like I said, they are always, we consider them the third parent and, um, they're very much a part of that process.

**JU:** So no real challenges there? To speak of?

**RM:** I don't think so.

**JU:** Okay, just asking.

**RM:** Well, I mean, I think there's times where we would-- I've heard some of the other supervisors, you know, not understanding some of the cases that Indian Child welfare decides that they are going to keep jurisdiction of, and then some that they don't. Or at different periods in the case where they decide to take jurisdiction, after, for a long period of time, they didn't. Um, so I think sometimes that's confusing. And I don't always know if we communicate the reasons why things happen that way, well, with each other. *(Laughter.)* Does that make sense?

**JU:** I don't know. *(Laughs.)*

**g:** And the, and the times that the communities intervened to take jurisdiction, *[00:39:49.01]* does the, the state response to that-- do they cooperate with the communities or is there some ... some... some, some transition to it ... or some resistance to it ... or some discussion needed to do it. How does that work?

**RM:** I'm not sure.

**g:** OK.

**RM:** Yeah. All I can think is that I think there is some frustration around when it happens out of the blue. When you, you don't think that jurisdiction is going to be taken back, and then all of a sudden you go to court and it happens. And they decide to do that. I think we work through it.

**g:** As best you can.

**RM:** Yeah.

**JU:** Alright, number 11. Have you had experience in working with expert witnesses for Indian child welfare? In your experience, what criteria does the state use to establish a qualified expert witness in Indian child welfare?

**RM:** Um, my experience has been that the cases that were heard in front of Judge John Romei - that he, um, took great value in, um, like um, when Molly Newell would speak to best interest. So I've always felt like, um, we didn't have...I think that what was considered experts in the cases that I were, was involved in would be the Indian Child Welfare representatives from, you know, the Passamaquoddy tribe or from Indian Township. And in the court systems, I really feel that their voice was highly respected and heard by our district judges.

**[00:41:56.05]**

**g:** Would know if the, the state has... has a, has a working definition of what qualifies an expert witness?

**RM:** I don't know.

**g:** Okay. *(Laughter.)*

**JU:** Do you know what resources the state uses to find an expert witness?

**RM:** No. No, I mean I would be caught reaching out to our local Indian Child Welfare agencies for recommendations. I know that there's been times when, um, some our birth parents have-- maybe this is way off base-- but birth parents have needed special substance abuse treatment, and I know that we've been given recommendations for facilities that specifically work with Native American people that are struggling with, like, substance abuse, and they've been given recommendations to go to those sort of facilities. Not that we pay for them to go there but I know that they-- we've reached out to them for those sort of recommendations.

**JU:** Ok. Number 12. What state child welfare policies, practices, or events influenced your work with Wabanaki children and families? *(Pause.)* What state child welfare policies, practices, or events influenced your work with Wabanaki children and families? Policies and practices and events.



**RM:** Um, well when I went to the AFFM conference last year and was able to hear and see the films and the voices of people that had had their children taken away, and ripped away from them, and... and for people that grew up and they didn't know their culture or their heritage-- seeing that and hearing their voices, for me, it has the greatest impact. Um, I... yeah.

**g:** Just for clarity, what's AFF?

**RM:** Adoptive and Foster Families of Maine.

**g:** Okay.

**JU:** So is that... who-- how did that come about? That event?

**RM:** Well, it's Bette Hoxie-- runs Adoptive and Foster Families of Maine. And I think every year she reaches out to groups to come and present, and so she--so they presented on what was happening with the Truth and Reconciliation Commission and we had the chance to view the film, of people that had already been videotaped for it. And that was, yeah. And I know-- even as a new worker--when I had a chance to... there was a film that they showed, it's about hearing the voices of the people that have had experiences. That's the most impact--that gives me the most impact.

**g:** Do you recall what that film was?

**RM:** I don't recall.

**g:** Does-- does the title, "Invisible"?

**RM:** Yes.

**g:** Is that it?

**RM:** Mmhmm, that's it. *(Laughter.)*

**g:** Well, it's just that there... I think there's several -- several other films out there, but it's, it's most of the people that can't recall the name of the film, but they've been so influenced by, you know I mean... it resonates and they reflect on that film. I just wanted to make it clear--yes, I believe the TRC will include that film, that documentary, as part of the record, kind of thing. So I just wanted to be clear that that was the film you were talking about.

**RM:** It was very powerful.

**JU:** Personal stories are.

**RM:** Yeah, that's...

**JU:** Ok, um, well you may have talked about this in the beginning: How did state welfare policies and practices change during your employment? And how did this impact your work with Wabanaki children and families?

**RM:** I just—I think that um, we are much more educated, as far as the process that if we have a child that is on the census, um, that we need to immediately, the day that we become involved with that family that we need to reach out and involve Indian Child Welfare. Um. And I don't think that we always, you know, that was always our practice, but then throughout the life of the case, we don't make decisions without -- that's just part of how we practice now. And I feel that that we have--our working relationship has really grown. That we can express our feelings and we can hear what others' feelings are, or are their perspective and not become offended, and before it wasn't always that way.

**JU:** That's a pretty big step.

**RM:** I think so.

**JU:** Not to be offended.

**RM:** It's hard. Sometimes -- I mean, it is hard.

**g:** It is.

**JU:** Yeah, it's very hard.

**g:** I mean, you know, when you're coming from... a culture and a history of having an assumed jurisdiction, and then all of a sudden, almost overnight, you no longer have that and then we're dealing with a system that has a different standard and has a different perspective, then it's hard to not feel robbed, or left out or...

**JU:** Angry.

**g:** Angry.

**RM:** Mmhmm.

**g:** And then, and then if the state feels that way, imagine what the People, the Wabanaki, have felt all along. You know, it goes both ways.

**RM:** It does go both ways.



**g:** Yeah. That's why I'm, just as a footnote, I'm really glad to hear that there's a lot of communication and collaboration going on. I think that's really—I think that's where it should have been all along.

**RM:** Hopefully we won't slip back. That we continue to grow that relationship.

**g:** Well, that's a whole part of growing, you know maturing. It's... growing pains.

**RM:** If we could retain staff, it would be... (*Laughs.*) Because part of, I think part of the gro-- I mean it's, ah, it's being there, and experiencing it, helps you understand better and, you know, if, if you constantly have turnover, which I mean, we really can't help but it does help to have experienced staff that have been there...

**g:** Well, let me ask you this, Randi, on the subject of turnover, it sort of indicates to me that, I mean, you know, it's – it's a fact of life. But is there a, is there an existing protocol of some sort that everything that, that you have gained in the interim of having this relationship—so, there's a learning, communication is important, establishing working relationships are important, kind of thing. So that when you have a, a turnover, kind of thing, that.. that the... the new people coming into this, follows a certain protocol, I mean, when we start to recapture or revitalize those... those relationships. Does, does that sort of protocol exist right now?

**RM:** Well, I mean, I think, as a supervisor, I do try to give that to my staff and that-- educating in that way. [00:50:54.05]

**g:** Would it be helpful, to have some kind of a protocol?

**RM:** Sure.

**g:** Because if you leave -- for whatever reason -- you know, somebody coming in and assuming your position, would there be some kind of a guide-- guidance for them or?

**RM:** Well, I mean we have some polic-- I mean we do have our policies, which would guide anybody that's coming in.

**g:** Particularly in this—

**RM:** And our practice model – I mean, that speaks to how we work with families.

**g:** In this case, does that practice model include working with ICWA tribal officials or establishing that relationship? Or is it...this is something that needs to develop or?

**RM:** I mean, I think if we could develop it more, I think that that would be wonderful. Yeah.

**g:** ‘Cause I... I, I’m just wondering is, because you’re not the only one that has cited the problem of turnovers as being a huge barrier to, to a great many situations involving the working relationship with each other. So I’m kind of thinking that after hearing this, and then hearing you cite the same thing that maybe, maybe this is might be something that’s important to think about -- if not engage in -- creating a mutual protocol between the communities, so when this happens, you don't have to start from square one again.

**RM:** No, I think that would be great.

**g:** I'm not putting words in your mouth, I hope.

**RM:** No, no you said it good. *(Laughs.)* You said it much better than I could say it.

**JU:** Ah, ok, let’s see. Oh boy, let’s see where are we here? How did state welfare policies and practices change? No, we've talked about that. Over the course of your work in state child welfare, what do, did you see as barriers to the successful implementation of Maine's Indian child welfare policies? If so, please describe these barriers.

**RM:** I can-- think I spoke to it, I think.

**JU:** *(Laughs.)* What strengths does state child welfare possess in ensuring compliance with Maine's Indian child welfare policies? What effective procedures or practice does the state have in place for promoting compliance?

**RM:** Well, I mean, supervisors ensure that our policies are followed and guide new caseworkers to ensure that they’re doing what they need to do. *[00:54:04.00]* Does that answer the question?

**JU:** Hey.

**RM:** That's it. *(Laughter.)*

**g:** Would that apply to ICWA?

**RM:** It, it would. I mean, um...

**g:** I think that's where the idea of their question’s coming from.

**JU:** I don’t know.

*(Silence, then laughter.)*

**g:** Ok. You responded to it.

**JU:** Oh, well, here's the oth-- what weaknesses does the state child welfare possess in ensuring compliance with Maine's Indian child welfare policies? What could the state do to promote compliance. What weaknesses? Didn't I ask, just ask strengths? I'm getting lost here. Now I'm asking about weaknesses.

**RM:** I mean, I... I think maybe more training, more understanding of where the law comes from, what is behind the law. I, I just think mor-- the more we can do to educate, the better... People-- [00:55:32.01] if people understand what's behind a law, the easier it is to follow, and be diligent about ensuring that you're following it all the time, a hundred percent of the time.

**JU:** And why it was put in place.

**RM:** Yes. Um, so more education. I don't know if we, you know, you have the initial training, but then when do you ever get trained again? I mean, we have—I don't think we have, maybe we do? And see, I don't know as a supervisor, I don't know, when are you required to go back and be trained again? Is there a refresher course that's required? As far as I know, and maybe I'm ignorant about that, but I don't know that there is any sort of requirement that you have periodic training in regards to ICWA.

**JU:** Sounds kind of important.

**RM:** And it seems like it would be, really important.

**g:** Well, and see, and particularly as you're talking about, you know, this panoply of gray areas and, you know, that that would be something that would necessarily come under that kind of a training. What about jurisdiction, what about placement, what about obligations that-- or, our retro obligations you know, like, we did this but now we know that we should have done this, and how do we deal with those matters, kind of thing, you know?

**RM:** And the piece too with that is that we don't deal with ICWA everyday. Like, you could go for six months and not have a case that involved, you know, ICWA policy and then, it's hard, if you don't do it repetitively to retain the information that you need to have.

**JU:** Yeah, right, right, sure. Yeah.

**RM:** So refresher training-- that would be really helpful.

**JU:** Training and cultural education. I'm not the one being—sorry, but sort of, just becoming more aware and knowledgeable about the cultures.

**RM:** Yes.

**g:** Well, I think that's a really good point. I'm sorry, you were gonna say something..

**RM:** Oh, also I was just thinking about be-- you know, for use to be educated about, you know, "What resources do you have for children that are interested in their Native culture?" Maybe they don't meet census, but that doesn't mean that they shouldn't know more about-- if it's part of their culture, I mean--

**g:** Or they stop being Native American.

**RM:** Yeah! That they stop being Native, and right... And so, I mean, to be honest, I mean I feel like -- I don't feel that educated on what resources that you could bring to that child... as far as Indian Child Welfare is concerned. You know, what resources do you have? Do you have someone that, if a child is interested in learning their Native language, do you have resources available that someone would go out, or that child could go and learn some of that or...

**g:** Or, or even the transportation resources to get them from where they are to the community where they're holding these kinds of...even, even some cultural activity only happens location-specific, you know, so it's not way out there. So just, just providing the transformation to even get there -- transportation.

**RM:** Yep. I know that the Maliseets actually send out an event calendar to, um, the foster parent that adopted that wasn't Maliseet so that she could at least, see these are events that are going on that you could bring the girls to, which I thought was really nice. But just knowing, like, ok, what resources could you offer a child that wanted to know more about their Native culture [00:59:31.16]?

**g:** So, just pausing again, when we're talking about... about training, you know it seems like we have to-- the basic, fundamental idea about what's behind ICWA or ICWA itself -- what does this mean, kind of thing. And you've indicated that it would be really important to know what was behind ICWA? Apparently that's not part of the training yet?

**RM:** No, I think it is. But I always think it's nice to revisit. That you don't just get once. I just think when you're a new worker, you have so much going on, and you only get little-- you retain just little pieces. So to be able to come back and do more of that.

**g:** I've, um, I've suggested in the past, this-- because I suspect that-- you know, never gone through ICWA training or anything like that, so I'm not sure what's all involved with that, um, and I... I would suspect that there's some, some degree of providing a cultural context to that. I mean, I would think it's logical. But I would, I would suggest-- and I'm not sure it's been part of the training itself-- having a working knowledge of say, the law of genocide. Having a working knowledge of this whole federal body of law called Federal Indian Law. Right?

**RM:** Yeah.



**g:** This whole body of, of the.. the historic relationship between the United States and the Wabanaki--the context of treaties, treaties that are ongoing reality of law, which is, in a sense, a violation that ICWA is attempting to address -- in my mind anyways. I think ICWA's existence was to address, um, the practice of genocide by federal Indian policy and state policy because it's crimes against humanity and, and... and if each of these particular areas, I think would be necessary to be include in the training: having this background of why we're here in the first place, and why there's even an ICWA in the first place, kind of thing. And I would think that-- I mean, me-- I would think that these, these other areas would be very important. I would think.

**RM:** I agree, I, yes.

**g:** Because most of us don't have a... there are even attorneys that have never heard of federal Indian law.

**JU:** Really?

**g:** Yeah, there's, there's a whole body of it. I mean, there's volumes of federal Indian law that obligates every attorney when they're working with Indian country to have an understanding of it. (*Laughs.*) Anyways, but I'm just kind of...because you know I think it's really important that, what Joan was talking about a-- a context of this. You know, we know the view from the... from the boat but what about the view from the shore, there's two of us working at this kind of thing. You know, and I think you made references earlier, when, when we don't have a... an understanding of why is there a different standards in the tribe as opposed to in the state? You know my... my first immediate reaction about fingerprinting, you know, being a tribal member is that we have a working knowledge of who's who in the community -- you know, who's the best personality. We know what, what kinds of resources and gifts and talents these people have. *[01:03:40.12]* So we know who not to trust, or who needs a lot of work and who's the best candidate kind of thing. Well those are internal, cultural nuances that... how could you possibly know that?

**JU:** You don't need a fingerprint.

**g:** So, but I do see the necessity of having a fingerprint because you don't know who these people are, you don't know any of their backgrounds, you don't--none of that. But in, in the community, we do. We have that working knowledge, kind of thing you know. So that would be an obvious difference between the, the two.

**RM:** Right.

**JU:** Well I just think of my own education and I just, when I heard a talk about a year ago, and, on this-- on the relations between Native—well, particularly, Wabanaki and you know, state and federal-- or and white people and the word genocide was used, I had never ... It had never occurred to me that what had happened since whites came was a genocide. I had never-- and a light bulb went on and I went, "Oh my gosh." Like, whoa. And here I am. I'm not telling you how old I am but, you know, all these years, I'd never put the pieces together.

**g:** And, and I think what's really startling is, is when, when we're exposed to films like, like "Invisible" for instance-- where clearly genocide is a, is a part of our contemporary fabric. We never think of it like that, but it's, it's right here in our midst.

**JU:** Well that led me to this whole thinking about, well what is the consciousness that creates genocide. And then it's like, oooooohhh kay. Sorry, we got off the...

**g:** Moving right along...

**JU:** I'm not supposed to be talking here. Alright, where are we? *[01:05:56.28]* Um, please talk about the importance of caseworkers learning about and having knowledge of American Indian family structure and culture.

**RM:** Well, I think that we kind of spoke a lot to that. But it helps us understand where people come from and that there are different perspectives--definitely. Yeah. You know because you consider everybody family. That's totally different for some of the workers that, um, are coming to the department to work. They're not as trusting. I think that, um, a lot of workers come, you know, very private -- haven't had big families where, you know, all the children went to grandma's or you could go to your aunt's house, or you could go here or there. They haven't experienced that. And working with families that are Native, I, you know, we see that children can go down the road, and you know, go to this house or that house and you're all family and you all take care of each other, um. And so that's hard sometimes to understand for a new worker.

**g:** Much less value...

**RM:** And value-- yes, yes, have the... have that value. So the more we know, the better we understand, and the better we can work together.

**g:** Or at least at some basis of--

**RM:** Or understand...yes. Yep. Yep. I mean, actually now I'm just thinking about it. We just had a case where it was a Native family, and they had placement of--I don't think he made census but he's Native. But they just let him go, you know, it's okay, you know. And um, I heard some people say "Oh my goodness, why, why-- how could they have just done that?" you know...but in thinking about it, I mean, it is part of culture and that trust and if they know-- you know each other, and... See I even sometimes have to.. yeah think... step back a few minutes.



**g:** I mean it's, there's so many different aspects to this... culture. You know, I mean, if you want to hear something weird, as part of the family, you know, four-leggeds and birds and rocks and fire – are part of our family. They're part of how we understand our responsibility, by understanding how that works out there, you know. I'm Otter clan, you know, which means that aside from "we otter do this and we otter do that" kind of thing. But every otter out in the river is my relative. You know, and I learn from how otter does things, is how I-- how I ought to be thinking about doing things, because there's that kind of connection. Now, I mean, most people in Indian country understand that because they all have clans. You know, most North American people -- it's ludicrous, being raised by an animal, you know, paying attention to that, some kind of animal, kind of thing. Doesn't make any sense. But that's how, that's how varied we are, and so each of these examples incorporates a lot of that background, you know, a lot of that view from the shore. That's just to illustrate, you know, how deep this goes.

**RM:** You should come train us. (*Laughter.*) I'm serious. I mean I find it fascinating so the more I can...

**g:** You know, and, and really, and it's not a strange way. But all human cultures have come from something really similar. Even in Europe. You know, that there are-- there are clan systems in Europe that have existed-- still exist, when you think of the Scots and the Welsh and the Irish. They still have clans, no different from the clans that we have. Their clans come from something of the earth, something of creation. We have long houses all over the world. It's a global reality. And that-- those global reality long houses work in the same fashion-- same fashion as our long houses here too. You know, so even, even as we're here talking about this, it's in your DNA. Somewhere in your background, you've had the same, similar scenario. And I would. (*Laughter.*) Would love to come and spend time with you guys.

**JU:** We have more questions. Only, only three more.

**RM:** Ok.

**JU:** Now, well we've, we've talked about all of these. Please talk about the importance for an Indian child – this is number 20 -- who is placed in out of home care to be placed within reasonable proximity to his or her birth family and or community.

**RM:** Well, we kind of talked about the need to continue to know their heritage, their culture, and, um... Yeah.

**JU:** Ok. 21: Please talk about the importance for an Indian child who-- who is placed out of home to participate in his or her traditional tribal events, spiritual customs, and social activities?



**RM:** Well I just think it gives them a sense of belonging. [01:12:07.05] To know who they are, their self-esteem. Yeah. And that's why we try to place all children as close as possible to the communities that they come out of.

I mean even-- you think about education too, I mean, it would be important-- I know that with Pleasant Point, they have a school-- I think Indian Township does have-- the schools that are right on the reservations, and I think that's really important for a chi-- to be around other children that are Native or similar, and to be educated together. I think that's important.

**JU:** Ok? Ok. Um, in what ways do you see Maine's Indian child welfare policies and the Adoption and Safe Families Act working together? In what ways do you see these two policies not working together?

**RM:** Yeah, and I kind of spoke to that in, in regards to the subsidy, and how do we maybe work through that better—the whole fingerprinting... And then for Indian Child Welfare to have-- to be able to do their own subsidies and access that federal money without having to go through us. And I think wi-- I mean as far as, I mean, I feel like we do a nice job now with honoring permanency guardianships. We don't always think that every child needs to have their parent's parental rights terminated if they can't go home-- that we can do permanency guardianship and, you know, maybe down the road when the parent is able to parent again we can...

**JU:** So, um, the last three questions? Ok? Ok. 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, what would you do?

**RM:** That we would all become more educated. That... that we would have maybe annual educational, sort of, conferences that we do together. That, that we work through the whole issue with the subsidy piece, and the fingerprinting. I think that's just become like a barrier lately, that seems like, challenging right now. Yeah. And every child that is Native has the opportunity to grow up-- that there are Native homes available, that if we have a child that comes into custody, that we can place a child in a Native home. You know, how-- like maybe we need to have more funding to recruit Native families to be able to come forward and be resources for Native children. And I don't know how we do that but that would be great.

**JU:** And how could the state child welfare system improve in terms of Indian child welfare policies and practice?

**RM:** Okay, I think I just kind of joined those together, and sort of answered it I think.

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

**RM:** No. I've shared everything. I shared a lot. (*Laughs.*)

**JU:** You can always add in if something comes up.





**g:** Could, I have a...and this is just for clarifications for my own mind, kind of thing, you know. Is, I, I've heard this on different occasions, when we talk about Maine Indian child welfare program or policy. And I'm not sure what that is. Does Maine have an Indian child welfare policy? How do you interpret that?

**RM:** Well I, I guess *[01:17:19.12]* when you say that, I mean that we have...I guess we have-- I don't know if it's a policy-- but is how we, like, we need to make sure that you're involved right from the beginning, that we reach out, let you know we have a Native child that we're maybe bringing into care, or that we're working with this family. This child's Native, that we work together. I guess that is what... I guess it's practice and not policy.

**g:** So is, is this mostly adapting ICWA -- is now the state's Indian policy? And, and the reason I'm asking that is that, um, the Adoption and Foster, no Adoption and Safe Families... Act carries the language of permanency, residence, adoption. And I think some of the other aspects that, that you spoke of. And I'm not sure that that same terminology exists in ICWA, you know, and so I'm seeing that this kind of an amalgamation of the both...in, in terms of where the agency, how the agency works, you know. I think, I think kinship... ah team... you know, family team meetings, kind of thing like that, seem to be the discourse of the Adoption, Adoption and Safe Families Act and not so much ICWA.

**RM:** Okay.

**g:** You know what I mean?

**RM:** Mmhmm.

**g:** So just for clarification purposes, when we talk about ICWA and we talk about creating this, this relationship with the communities, and, and there seems to be less of a clarity about ICWA but more of a clarity about some of these terms that come out of the Adoption and Safe Families Act.

**RM:** I agree. And I'm probably confused about...

**g:** And, and what makes that important to me anyways is *[01:19:59.01]* that we might be losing the spirit and the integrity of what ICWA was talking about, in terms of keeping kids in the homes. And I think that you've...you've... you've mentioned that that seems to be the highest priority is keeping them as close to home, or keeping them in the communities, or working with the communities to keep them in the community somehow. But that seems to be an obvious priority that I've heard you describe.

**RM:** Yes. I mean, I think sometimes we've had conflicts over time frames. You know. We want children to reach permanency. Our federal guideline is within 24 months of a child entering care that they should have permanency -- either it be permanency guardianship or adoption. Um, and I think that that sometimes can become conflictual. Um, I also-- what I think interesting is when we do subsidy, that all of, all of the Native subsidies are always state funded instead of federally funded.

**g:** And... and where is the source of that, of the state funding coming from for that?

**RM:** Well it comes from...

**g:** Is that ICWA?

**RM:** I don't know. I don't know. I don't know why it matters to me, but... I guess it doesn't matter but...

**g:** Well, I would, I would think—I would think it would matter because the state, the state budget...

**RM:** Right, right, what if something happened? And, you're right—I didn't... How would all those families that got state funded, how would they continue? But we know the families that got federally funded. And that happened a few years ago, with people that were receiving state subsidy. They were cut. They were cut, and I don't remember how much they cut them down by but they did, but people that were on federal funding, they didn't get cut.

**g:** And that was through the safe families, the adoptive safe families thing.

**RM:** Yes.

**g:** So it seems like we have a kind of a conflict here.

**RM:** That is a conflict. Yeah. I never thought about it until you started talking.

**g:** And it, it-- that didn't occur to me until I started hear your colleagues talk about the same kind of thing, you know, and talking about permanency and adoption and...and subsidy and, and kinship-- kinship relations kind of things, like those kinds of things, and I don't recall those terms being implied in ICWA. *[01:22:48.20]* You know, but they are implied in this, this other—and so I'm kind of thinking that the state is looking at, at that and not at ICWA, is becoming, state child welfa—state Indian child welfare, as a practice. So, so that it seems like there's a, a little bit of a tug of war going on here, and I'm not sure that-- and I don't think that was intentional but I think this is kind of a-- you know coming from the state, and correct me if I'm wrong -- but coming from the state, you know, the whole idea about, about Adoption Safe Families Act was to, to get young people out of the fost-- prolonged foster care, and get them to stabilized homes, and kind of things like that. I think that was, that was the whole push of it, the gist of it. But in meantime, you have, we have this... Native American children, if they're not on the census or if they're not on the tribal, tribal rolls or something, then they're like



subject to the state Indian child welfare policy, which is this and not ICWA. And that's what, that's what confuses-- I mean, that's what I'm beginning to have a sense.

**RM:** Yeah, I'm very confused now. I mean, I am confused, when you s-- yeah...

**g:** And I think that that's something that we need to have a, a talk about -- conversation about. If that's any case the situation, how do we rectify that kind of thing you know? But I really appreciate you being here and sharing with us.

**RM:** Thank you. Ok.

**JU:** Yes, me as well. Thank you very, very much. I mean, things like this wouldn't come up...

**RM:** Yeah.

**g:** I think Barbara wanted to see you before you, ah, before you left, want you to stop after, but... *[01:25:03.02]*

**JU:** Yes. Thank you Randi, I'm stopping the—this thing.

**[END OF RECORDING]**