



General Information

Private or Public Statement? Private

Statement Provider: Anonymous (A)

Date: July 22, 2014

Location: Sipayik (Perry) Maine

Previous Statement? No

Statement Gatherer: Margot Milliken

Support Person: Stephanie Bailey

Additional Individuals Present: Carol Wishcamper

Format: Audio

Length: 36:31

Recording

MM: Testing. Is this working? Is this working? Yes–

CW: Yes, I think it is.

MM: OK. All right. My name is Margot Milliken. I'm the statement gatherer. I'm here with Steph Bailey, as a support person, and Carol Wishcamper, a TRC Commissioner. The file number is S-201407-00073. Today is July 21st, 2014, and we are in Perry, Maine.

SB: *(softly)* 22nd.

MM: Correction. Today is July 22, 2014. Um, have you been informed; do you understand, and have you signed the consent form?

A: Yes.

MM: I need to tell you that any information that is disclosed today that indicates that a child or an elder is in need of protection or if there is imminent risk of death or serious bodily injury to an identifiable person or a group, including yourself, that information may not be protected as confidential. Do you understand that?

A: Yes.

MM: Thank you. OK. Please beg— when you're ready, please begin your statement.

A: Well, I guess, I, I don't really know ... where to begin. My concern with the child welfare system – after being a foster parent twice – is that, after doing it for the Tribe and doing it for the State I see that the Tribe doesn't terminate rights and, I have a MAJOR issue with that. Um, I don't think a child should be able to be in foster care for, forever. I think every child deserves that permanency that I don't think the Tribe is offering to kids because they're not willing to terminate a parent's rights. And, I'm sorry, but I feel that if a parent has had YEARS to change and to make things right for their child, and they haven't, that maybe that's not gonna happen.

MM: Mm-hm.

A: And that the people that **are** caring for the child and **do** love that child should have the chance to be the parent. And I don't think that guardianship, permanent guardianship, is fair to anybody involved. And that is my major issue with child welfare.

I feel like every child deserves to be adopted, if they don't have a parent that's gonna step up. And, for some reason, the Tribe doesn't feel the same way or ... I don't know. But I real— that— I **really** disagree.

MM: Do you wanna say anything more about your experience, either with your son or with the little girl that you're fostering now and ... any— anything about that, that could help, um, just give more example to what your talking about?

A: Well, I guess, like, with our oldest one, he's been here for over 11 years. And the only reason why we were allowed to adopt is because his mother agreed. To me, it seems foolish that a child can be in foster care for, it would be 11 years. It would be unfair to him I would think.

And with her, it's been a year and a half. We're dealing with DHHS. They continue to give her mother breaks. Her mother's not doing anything that's been asked of her, and we've been told that rights won't be terminated, whether she ever does what's asked of her.

MM: Because her mother is a—

A: —A Tribal member.

MM: —A Tribal member. Mm-hm.

SB: And the children are Tribal.

A: And the children are on the census, yeah.

SB: Yeah, the little girl.

MM: Mm-hm. Mm-hm.

CW: So this is a DHHS case where they're not willing to terminate parental rights? As well as the Tribe—

A: *(overlapping)* They told me that it'll be—

CW: *(Coughs)*

A: —we're gonna go to court very soon, and it will be, um, permanent guardianship, because she's a Tribal member—

(sound of cellphone ringing)

CW: Mm-hm.

A: —and the Tribe does not terminate.

CW: Mm-hm.

MM: Mm-hm.

(sound of cellphone ringing)

A: So, ah, but to me, it seems unfair to her — the little one — her mother has given up her other children. She's agreed to let them—

CW: Mm-hm.

A: —be adopted by their foster parents, but she wants one back. And I just *don't* think this is fair to her.

MM: Mm-hm.

A: At all.

MM: Mm-hm. And ... do you wanna say anything about what it's like for y— you as a foster parent to have a child that you would like to adopt that you know ... is not—

A: —I would say it's too bad for the Tribe because, to be honest with you, from my point of view, I would rather be a foster parent for a child who's not on census, because my chances of

adopting and making it more permanent—

CW: Mm-hm.

A: —are a lot better —than—

CW: Mm-hm. Mm-hm.

A: If I had my choice right now, I would probably, if I did it again, be a foster parent for a child who's not on the census.

MM: Mm-hm. Because then you'd have the option of adopting?

A: —to adopt—

MM: Mm-hm.

A: Because the State terminates after so long—

MM: Mm-hm.

A: —and the Tribe doesn't.

MM: Mm-hm.

A: The Tribe drags it out.

MM: Mm-hm.

A: And I don't think I'd want to go through that again.

MM: Mm-hm. And that's what you had to go through with your son?

A: They— He was a foster child for *years* and then, we decided we wanted to adopt and confronted his mother, and she agreed.

CW: Mmm.

MM: Mm-hm.

CW: So, it— There was consent.

A: She consented to it.

CW: Mm-hm. Mm-hm.



A: Otherwise, he'd still be a foster child – 11, 12 years later. And he really needed that step. He had some issues where he needed that permanency.

CW: Mm-hm. Mm-hm.

A: He needed to know that that's–

MM: Sure.

A: –how it was gonna be, and there wouldn't be changes and ... so I'm glad she consented. But, with our other one, she probably never will. And I don't feel like she should have that right. Why does she have the right to not consent but yet, not be a mother to her?

MM: Mm-hm

CW: Mmm.

A: How does she get that–

MM: Right. If, if, um, if a mother consents to letting her child be adopted, can the child still stay on the Tribal census?

A: Yes.

MM: So it doesn't change the child's status?

A: Nope. Nope. He is still on the census.

CW: Yeah...So, in terms of DHHS, and the fact that, if it were a non-Tribal child, they would have the, um – within in a certain period of time – they'd be able to terminate parental rights.

A: Right.

CW: Is it because of ICWA that they can't terminate the parental rights?

A: (*Overlapping*) Yes.

CW: So this is a Federal issue, rather than a State issue?

(*sound of young child's voice very nearby*)

A: Well, the social worker just ... *(child's voice very nearby)* The social worker told me that *(child's voice very nearby)* we, they, they will not terminate her rights *(child's voice very nearby)* because her mother is a Tribal member.

CW: I see.

A: I don't, I don't know all the details behind that, but they said because her mother is a Tribal member—

CW: *(overlapping)* Is a Tribal member.

A: —is a Tribal member, she will not lose her rights.

CW: Yeah.

(sounds of young children playing nearby)

MM: Mm-hm. Um, are there other people who share this experience that you're having that you, that you know of that—

A: Yes.

MM: Mm-hm. And—

A: *(overlapping)* And, it's frustrating.

MM: —and have you discussed this with them?

A: Yes.

MM: Mm-hm.

A: And it's very frustrating.

MM: Yeah, I bet.

SB: I think it's interesting, too, maybe, to, ah, talk a little bit about how, um, she come into your care, and how she— 'cause usually Tribal children, ah, with parents on the census end up under our Tribal Child Welfare—

CW: *(overlapping)* Yes, so I am curious about how—

SB: —so maybe you could tell 'em a little bit about that?

A: Well, from what I understand, when we, when we first got her, it was going to be for a week. It was respite care. Her mother had had twins and was out of town with the children,

with the, the new babies at a hospital. So, it would just be during the week, while her mother went to be with the twins.

And then, a few days in, it changed. Her mother was technically homeless and ... had a lot of other issues, and she wouldn't be able to have her or the twins. Um, so, it, we went to court and, from what I understand, her lawyer did request that it be a Tribal– under Child Welfare. And Child Welfare denied it, saying that the dad was non-Native ... and they couldn't offer him services?

(sounds of young child calling out nearby)

CW: Hmm? But the child was a Tribal member.

A: So the State continued the case.

(continued sounds of young child calling out nearby)

CW: Now what a confusing [indiscernible].

A: Mm-hm. That was what I was told was because the dad was non-Native. And the dad is banned from the Reservation. He's not allowed on the Reservation at all.

(continued sounds of young child calling out nearby)

CW: Does he have parental rights, as well as the mom?

(continued sounds of young child calling out nearby)

A: He's, ah– It's kinda confusing. He's not allowed to see her. But actually right now, neither of them are allowed to see her. They were both allowed supervised visits, but the dad never followed up with them.

CW: And, she does have supervised– The mom has supervised visits?

A: She lost those a while ago.

CW: *(softly)* Jeez.

(continued sounds of young child calling out nearby)

A: Mm-hm. So ...

SB: So it sounds like—

A: —Neither one of them see her or have anything to do with her.

CW: (*overlapping*) And how much contact do you have with the DHHS social worker?

A: How much what?

CW: Contact. (*clears throat*)

A: Um, quite a bit. She comes by, usually, once a month. I see—

(*sounds of young child starting to cry nearby*)

CW: Is she okay?

A: She wants to come in. Hold on.

SB: Mmm.

(*sounds of chair moving, pause*)

A: So, she—

CW: (*overlapping*) So, neither of the parents have visitation rights at this point?

A: No.

CW: But, they're not willing to terminate—

A: No.

CW: —their rights.

A: And, I guess, as long as they're not willing we don't do it.

CW: Has anyone approached the parents about, um, ah, consent, adoption or—

A: Um, I don't think so yet. Um, the whole thing, it just came up, like, the beginning of July that she would no longer be allowed visits and that—

CW: So, it seemed like that gives you a little bit more of a pathway?

A: (*overlapping*) They would, um, they're not going to allow her visits and that they— they're going to ask the court to terminate reunification.

CW: Terminate? Or, or did– OK, you got it.

A: She can't reunify with her.

CW: OK, so if she can't reunify with her, that would seem that, um – in some ways – that's a termination of parental rights.

A: But we can't adopt.

SB: Yeah, they won't. They'll just leave the child legal guardian, she'd remain the legal guardian until the child–

A: *(overlapping)* Forever.

SB: –until the child aa– aged out. Yep. ... Yep.

CW: Mm-hm.

A: Which to me is ... not right.

CW: Not in the best, in the child's best interest.

SB: Yep.

A: But that's how the system works here.

SB: Yep.

CW: So what's got me really confused – and we may not be able to get beyond the confusion, 'cause I understand some of these things *(laughs)* are not rational. So, I'm wanting to understand a little bit more, if possible, the Tribe's ... not ... um, the child not being under the jurisdiction of Tribal Child Welfare.

(sounds of child playing nearby)

A: We're all a little confused why she's not. ... She's on the census. Her mom's on the census. We all live on the Reservation. I don't know why.

CW: *(overlapping)* And your husband's on the census, right? Yeah.

A: *(overlapping)* I don't know why that–

CW: *(overlapping)* So that would seem to be a really important question. Yeah.

A: –that, that case was allowed to not be taken.

CW: What's happened with the twins?

A: Um, they have been adopted by their foster family–

CW: Say more about that.

A: *(overlapping)* –because Mom agreed.

CW: *(whispering)* Mom agreed. ... So this is the one that she thinks she wants, but if unification is ... terminated—

A: Right.

CW: –then that seems that, that shifts the status.

A: Right. We'll be permanent guardians.

(door closes loudly in the distance)

SB: And the thing that's awkward is – OK, so now we had a shift in child welfare director and so, if somewhere down the road, the mother wanted to approach the new child welfare director here and say, "I want to work on reunification again," there's a potential for her to do that.

A: Which is what she's saying she's going to do.

SB: Because, she, next time, this, last child welfare director didn't want the case.

A: No.

SB: And why she did that, we don't know. But the next child welfare director could say, "Yes," to the parent, "I will take this case."

CW: Mmm.

SB: And then the best interest of the Tribe would be to reunify the child because of ICWA.

CW: Because of ICWA. This is a case where ICWA works against Tribal members.

SB: Yep.

CW: So, it's very useful information for us.

SB: Yeah.

MM: And I'm sure it's not the on-, it's not the only-

A: *(overlapping)* Right. No.

MM: -case.

A: Right.

MM: So they're others, and I don't know if It'd be useful for you to speak to other people in this situation, but-

CW: Well, if you would-

SB: *(overlapping)* I'm in this situation, too.

MM: You are. OK.

CW: And you've given your statement?

SB: Yep.

CW: That's good.

A: That's who I was think- I was thinking Stephanie's in the same boat.

SB: Yep.

MM: Mm-hm. Mm-hm.

A: I didn't want to say your name, but I mean, same situation-

SB: Yep. Yep.

CW: So, are you guys in the situation-

A: *(overlapping)* -had the child for a long, long time.

CW: Is your child in DHHS or-

SB: Nope. It's Tribal.

CW: Tribal. But, same roadblock in terms of—

SB: Yep.

A: They don't terminate rights.

SB: Nope, but the Tribe is, in my case, because they're involved, ah, they have to be the one, like I wanted to go, I got the adoption papers ready, and I went to go confront, but they said they needed to do it. They needed to be involved.

(To A) I was surprised to hear that you were the one that approached the mother.

A: I asked her.

SB: Wow. 'Cause our— My child welfare said, "No. We have to be the ones to initiate this process." And so that's taken out of my hands, and it's been ... half a year. So, it's the same kinda deal—different entity.

CW: Mmm. So it feels, at some level, it's heartbreaking that there are parents who want to give a child permanency, and that the law is preventing that.

A: Right.

CW: It sounds like it's the ICWA law.

MM: Mm-hm. Well, particularly, if it's, if the intent of the law is to keep the child within a, a, a Native family and culture and environment, and that's available.

CW: Right. Right. Right. Right. Right.

A: (*overlapping*) Right.

MM: And that's what doesn't make sense.

A: Right.

MM: I can understand if they don't want her adopted in Portland, but—

SB: Mm-hm.

CW: —I also understand that, at some level, in terms of, um — this may be wrong — that I've heard people say, um, that, as Tribal people, how can you terminate a parental right, and that it's parental. It sort of, in some ways, reminds me of people's feeling about the land: How do you take land away? How do you take children away?



SB: Right.

CW: And that the child was born to you. So, it gets, um, the legalities of it– um, don't match cultural tradition.

SB: Right, the reality, yep.

A: But to me, she's, she has proven for the last year and a half that she's not gonna be a parent.

CW: Mmm. Yep.

A: And that little girl deserves parents.

CW: Mm-hm. Mm-hm.

SB: Yeah.

CW: Sense of security's sake.

A: So if she's not willing to do that, why can't somebody else? Why isn't that—that just doesn't seem fair to the little girl or to the people caring for her.

CW: So, usually, the DHHS social worker – and I assume it would be the same for the Tribal social worker – is working with both the natural mother and the foster or the adoptive family. So ... a– a question comes up is, you know, what kind of counseling, what kind of advice, what kind of direction, is she being given? Does she have the same social, caseworker you do or does–

A: Mm-hm.

CW: –she have a different case worker?

A: (*overlapping*) She has the same. And they have, um, tried setting the mom up with counseling. And they've tried a lot of options, and she's just not doing it.

CW: Not doing it.

CW: OK.

A: Nope.

SB: That must be kinda frustrating for the State, um, just because, they, they terminate, so to have those State workers involved in a Tribal case that should be a Tribal case—

A: Right.

SB: —it must be a little aggravating—

A: *(overlapping)* For everybody.

SB: —knowing that they have to stay involved until ...

CW: Yeah. Yeah.

SB: —because they would have to follow ICWA. It doesn't make sense, like, it goes against their—

CW: *(overlapping)* Well, also—

SB: —their code.

CW: —the piece that doesn't make sense is that if they can legally, um, stop—

SB: *(overlapping)* —shift—

CW: —reunification, at that point, the child's in limbo.

SB: Yep. Yep.

A: Right. That's my point. Yeah.

CW: 'Because, if they, if—

A: Her mom's not willing to take over or do what it take to be a mom but I, yet I can't adopt her either.

CW: So that— so here's where, you know, in my mind, the casework challenge would be, is at the point of that the courts state there's no future reunification, that somebody appeal to the mom that it's not in the child's best interest not to have parent, a parent, a legal, legal parent.

A: Right.

CW: Because, the child—

A: *(overlapping)* But, she's saying now that the State has told her this, that she's gonna come back to the Tribe, and ask the new people at Child Welfare to take over.



SB: And reunify. And she can do that, 'cause ICWA will protect that.

CW: Yeah. ICWA will protect it.

A: Even though she's done nothing she was supposed to in the last year and a half.

CW: Have they hired, Steph, a new child welfare director?

SB: Have they?

A: Yes.

SB: Yeah.

CW: They have?

SB: I, I wasn't sure if they did for sure. I thought somebody quit.

CW: Who is it?

A: As far as I know, Jen, I don't know her last name.

SB: "Dor—" "Dough-ty" or—

A: *(overlapping)* Yeah. I don't know how to say—

SB: *(overlapping)* "Dor-ty" or "Doug-hty."

A: Yeah.

SB: It's, um, "Mimee" and Phil's daughter.

A: Yeah.

SB: Yeah.

CW: —a Tribal member?

SB: Yeah.

A: Yes.

CW: What's her background?

SB: ... I don't know.

A: I don't know.

CW: So, it's a wild card. She could be, she could be an ally or she could be a foe.

SB: Yup.

CW: You don't know.

A: Right.

SB: Yeah.

A: According to this little one's mom, they went to school together, and they're friends and—

SB: They, ah, they did!

A: —she feels that—

CW: She can take—

A: —she'll be listened to.

SB: They're the same, um, age— yep, the mother of this little girl and the child welfare director, 'cause the child welfare director's young.

A: Yes.

SB: She's really young.

A: And they went to school together, and—

SB: Yup.

A: —she feels she'll be listened to ... now.

SB: Mm-hm. Interesting.

CW: Mmm.

SB: 'Cause those dynamics do play a part in Tribal relationships, you know, they're Tribal politics and stuff like that. It does affect, um, a lot of areas, of, especially our, our human

relations you know?

CW: And your case is with – in Township – with a different Tribal director?

SB: Yep.

A: Yeah.

CW: And–

A: *(overlapping)* And it sounds like they do things very different.

CW: *(overlapping)* Right, yeah, 'cause it's–

A: –Like, I confronted the mom about adoption, where you're not supposed to–

SB: Yep.

A: –and I, it sounds like they do things really different.

SB: Yep.

CW: So, it sounds like it makes it hard to even get a group together, who have the same issue–

A: Right.

CW: –and wanna petition or–

A: Right.

CW: –yeah, make a case.

SB: Yep. You really can't. They're protected.

CW: Hmm.

SB: Yep.

CW: Hmm.

(pause)

A: *(softly)* So that's my ... problem with ... the system.

CW: I hear it. I hear it.

MM: Yeah. It's, it's a big one.

CW: A big one.

MM: And, you know, there's no law that's gonna be right for everyone and—

A: Right.

MM: —this is definitely a case where you've got children, who are meant to be protected—

SB: Yep.

MM: —good intentioned. But, clearly—

A: *(overlapping)* Right, it's— To me, the system—

MM: *(overlapping)*—this doesn't work for these little kids.

A: —the Tribe, the Tribal Child Welfare to me, protects the parent ...

MM: Yeah, that's what it sounds like. Yeah.

A: Not the child!

MM: Right.

A: "We're watching out for mom."

MM: Right.

A: But I thought the whole point was to watch out for the kids.

CW: Yes.

MM: Right. Right.

SB: And we don't utilize Guardian ad Litem often, unless there's a conflict with ... what the Tribe wants and, um ... oh, what's that's conflict — the Tribe and the department.

CW: DHHS?



SB: Um, so, it would be the community, it would be the community and the family – ah, I mean, the family and the Indian Child Welfare and the Tribe – those are the three that are involved in a Tribal child. And, so, if, um, the family disagrees with what the Indian Tri- Child Welfare are doing, then, they can approach the Tribe, and the Tribe can actually get involved and say–

CW: –That would be through the Tribal Court.

SB: Right. Yep.

MM: Oh. So, is that an option for you?

A: No.

CW: No, because she's with DHHS and with the State courts.

SB: Yeah.

CW: But they may– I don't know whether or not the State court could appoint a Guardian ad, ah, Person ad Litem, but–

A: *(overlapping)* She–

CW: I don't know that would–

A: She has a Guardian ad Litem.

CW: She does?

A: She does.

CW: OK.

A: He comes often. He comes to see her before every court date and whatever, but ... She does. ...

MM: But the State court ... can't really do anything.

A: No. Their hands are tied.

MM: Right.

A: Because she's on the census.

MM: *(overlapping)* –The Tribal court could intervene if it was a Tribal case.

SB: Yeah. And that's where the Tribe would say, "You need to put a Guardian ad Litem on, so that they could understand what was going on.

CW: –Somebody to be a neutral–

SB: –Yep. Mediator, for the child.

CW: –Right.

A: *(overlapping)* –Which is what happened with our first, our older boy.

MM: Mm-hm.

A: A Guardian ad Litem was assigned to him and did meet with him and–

MM: –And helped make that intervention so that the parent gave up–

A: *(overlapping)* –She recommended to the Tribal Court that we adopt.

CW: Mm-hm.

MM: OK.

CW: OK. And those recommendations are usually listened to pretty much.

MM: So, if, if the mother, oh, was able to come back and bring a case back through Indian Child Welfare, then you'd have the option to go to the Tribal court?

A: But, from what I understand, no matter what, unless she says yes, that child will not be adoptable.

CW: Mm-hm.

MM: Right. But, but at least then, you'd have someone who could intervene ... is what I'm hearing – that the Tribal court could intervene.

SB: N– No, they don't.

A: *(overlapping)* No, they won't terminate her rights through the Tribal court either–

SB: *(overlapping)* –They'd just call in a Guardian– ... Yeah.



CW: *(overlapping)* –No. No. No.

SB: *(overlapping)* Yeah, they don't–

A: *(overlapping)* –As long as a parent says, "No. I won't allow them to be adopted."–she will not be adopted.

CW: And she has natural parental right.

A: *(overlapping)* No matter what she does or doesn't do she has all the rights. Not the child. Not the foster parents. It's all on her.

CW: And this is where the "Baby Veronica" case was so interesting, is that the Tribal father, for some reason, they didn't respect his Tribal right to the child. So, the child had been given up for adoption by the non-Tribal mother that signed the papers. He had apparently signed the papers, but did it on the night that he was being shipped out for Iraq. And then–

SB: *(under her breath)* It's just–

CW: –it's just, yeah. But, then, he, he lost his standing, even in ICWA. And so, the child went to the, um, adopted family.

(distant sounds of car honking, child talking)

CW: That's another whole complication–

A: Right.

CW: –in terms of the, um–

SB: And that's the fight with the State, whatever state that they're in, 'cause the State helped put up a big fight in that case–

CW: Mm-hm. Mm-hm.

SB: –whereas the Tribe– They weren't hearing what the Tribe had to say, 'cause the Tribe was standing behind the, the Tribal father.

MM: Oh, they were?

SB: Yeah.

CW: But he had basically given up his rights.

SB: Yeah.

CW: So.

SB: Yep.

CW: And this is where the ICWA— the intent of ICWA and the reality of ICWA, in terms of, um, the emotional pain of the separation—

A: Right.

CW: —of the adoptive couple, who took the child on good faith that the child had been relinquished.

SB: Mm-hm.

A: Right.

CW: Then to have the father come back and say he changed his mind and, to have ... thought that there was standing through ICWA that the Tribal right would, um, take precedence over—

SB: *(overlapping)* Yep, supersede.

CW: —the fact that he had signed the waivers. So, the law, um, has plenty of unintended consequences.

A: Yeah.

SB: Yep.

MM: So, what, what will you do? What— What can you do? What— What will you—

A: *(overlapping)* I can't do anything. I can be her permanent guardian.

MM: And, and is that what you intend to do?

A: Yeah... There's nothing else we can do.

MM: Mm-hm. But— So that— So you'll keep her ... as her guardian until she's 18—

A: Right.

MM: —unless the mother agrees to—

A: Right.

MM: –give up her rights.

A: Right.

MM: And then, you would consider adopting her.

A: Yes. And that's all we can do.

MM: And, and is it within the Tribal culture that someone else in the Tribe could go talk to this woman, the mother?

A: ... Um, I'm not really sure. I–

SB: –If, if, maybe an advocate, if she had some sort of advocate to help with it, maybe? Like if there was an ad– But we don't have a lot of advocates or–

MM: (*overlapping*) I was thinking more of a friend. I'm just talking about an elder, an elder or a friend–

CW: (*overlapping*) Or even more like a, an elder or even just in–

SB: Yeah.

MM: –within the community.

SB: Ohhh.

CW: –within the Tribe–

SB: Yep.

CW: –within the kin group or within the–

A: (*overlapping*) Her mother's not at a point, I don't think, where she would really listen to anybody.

CW: The grandmother?

A: I, I, she's just–

CW: –You mean the mother isn't.

A: The mother is not–

CW: And what about the– Is there a grandmother in the picture?

SB: She wouldn't be helpful. She's not–

A: She's, yeah–

CW: So, you don't–

SB: No.

A: (*overlapping*) –not in any shape to be helpful.

CW: (*overlapping*) It's often in these situations – the grandmother– if, if she had been placed through Indian Child Welfare, she may have been placed with the grandmother–

SB: Nooo.

A: Absolutely not.

CW: (*overlapping*) –in this case – not, not in this case. Right.

SB: (*overlapping*) No.

A: (*overlapping*) No.

CW: It's sounds like, yeah.

MM: (*overlapping*) And, no friend or auntie or cousin–

A: –Ummm ...

MM: –Or anyone who ...

A: I jus–

MM: (*overlapping*) –who would speak to her.

A: –I don't think her mother would listen.

CW: No.



A: She's very much the victim in all of it. *They've* taken her children, and *they've* ruined her life, and *they've*— This has *nothing* to do with her drug habit or her choice of ... violent relationships or— It has nothing to do with her, it's—all on *them.*

CW: (*overlapping*) Them, them, them – those nasty people.

A: (*overlapping*) And, no matter what you say to her that's and she deserves to have her child.

CW: Well, it sounds like the child is very fortunate to have you.

SB: Mmmm. She is.

A: (*overlapping*) Thank you.

SB: (*overlapping*) Yep. Donna's a good mom.

MM: (*overlapping*) Yes! Very fortunate and, at this point, fortunate that the State has ... terminated whatever her—

CW: —Termination of reunification.

MM: —her reunification.

CW: But that hasn't— That's the next court case.

A: Right.

CW: Yeah.

A: September.

CW: Right. ... (*softly*) 'Hope it happens. (*soft laugh*)

SB: Yeah.

A: That'll happen in September, and then we'll be considered permanent guardians.

CW: Which is ... not quite adoption, but it's the next closest—

A: Right. But I did ask her Guardian ad Litem, does this mean her mom could come back in a year or two. And he said, "It does."

SB: Yeah. It does.

CW: (*overlapping*) It does.

MM: (*softly*) Uhhh, that's heartbreaking.

A: It does. It's different from adoption. It's just guardianship. If her mother, two years down the road gets it together, and decides she wants to be a mom, then that'll be—

SB: That's my same fear.

A: (*overlapping*) —all on her.

SB: Yep. That's my fear, too. 'Cause it's a—

A: (*overlapping*) I could raise a child for 16 years—

MM: (*overlapping*) It just puts every—

A: —and her mother could decide she wants to be a mom and be her—

CW: (*overlapping*) Right. Right. Right.

SB: Yep.

MM: And it, it puts everyone on such a bad position because, on one hand, it'd be great if this woman got it together. Right?

A: Right.

SB: Yes.

MM: And, and became a good mother to someone.

SB: Yep.

A: Right.

MM: But, in the meantime—

CW: (*overlapping*) —This child has [indiscernible.]

MM: —this child needs a family now, and has a family now.

A: (*overlapping*) Right, and has been here since her first birthday, and—



SB: Yeah.

MM: Right. Yeah, so, it just—

A: —or, in your case, even younger, probably?

SB: Yeah, I've had him since he was five months old.

CW: Is that right?

SB: And, he's eight, yeah.

MM: (*inhale*) Right, so it just puts everyone—

A: (*overlapping*) And what does that do to a child when, they've been with someone for eight or nine years—

CW: Yeah.

MM: Right.

SB: Mmm.

A: —and someone they don't know well steps in and says, " Oh, well I want 'em back."

CW: Sure.

SB: Yeah.

MM: (*overlapping*) Oh, that can't be good.

A: (*overlapping*) I've parted for nine years, and I'm done. I want her back. What does that do to the child?

SB: And it gets afraid 'cause then when, you know, like that's the— Where I'm facing, the parent, one of the parents is getting well now and, and they've sa— I've been told that she's thinking of re-, trying to reunify with the little boy I have, and that just— I, I'm terrif— Like, I wake up thinking, is that going to happen? When, when am I gonna get a letter?

A: (*overlapping*) Right.

SB: And it's scary.

A: And that's a child with special needs. What does that do to him?

CW: Right.

A: And this is where I mean – I don't think they're watching out for the child.

MM: No, I think– No, I totally–

A: (*overlapping*) This is great for mom! But what does it do to him?

SB: Yep.

MM: Yeah. I, I totally– I'm totally with you.

SB: Yep.

A: And I just think we need to start watching out for the children more than parents. The parents have had chance after chance after chance and there's gotta be a limit to how long you can–

SB: Yeah.

MM: So, do you have any sense, either of you, from your experience of where some kind of intervention can happen in the system? Like, it's a Federal law, so does it just feel like it's way far out of your control and like, it has to change at that level? Or, is–

SB: Yeah. That's how I feel. It's a, it's a Federal law. And there's really no protecting until that's changed.

CW: (*overlapping*) –That's changed.

SB: Yep. Yep, or modified.

A: Right.

CW: So there's nothing–

A: (*overlapping*) –But what's sad is you see that the Tribe doesn't have many foster families. And when you talk to talk to people, it's for reasons like this–

CW: Right.

SB: Yeah.



A: –that people don't want to get involved.

CW: Right. Yeah, right.

CW: And, and part of the, the problem with the Tribe not having more- more foster families is children get placed out of the Tribe.

SB: Yeah.

CW: And then that reinforces the need for ICWA.

MM: Right.

SB: And the hard thing is – I'm going to say – as, as a foster parent, I was the one that had to seek out the department to become a foster parent. I don't see them doing outreach. I don't see them canvassing for potential homes. Like, what are– How are they actively engaged in seeking out placements within our community for these children? I had to go to them and say, "I was a child care provider for this child, and I want to be placed on your list of foster par– homes for this child."

(distant sounds of child playing)

CW: Did they make it difficult for you to become a, official foster parent?

SB: No, no. It wasn't difficult–

CW: –Did you have to go through licensing?

SB: No, I just went through– I had to do all the paperwork–

CW: *(coughs)*

SB: –and go get a doctor's appointment, and all of that, and have my home inspected, and–

MM: Right.

SB: –And then he was place with me. Yep.

MM: But, how many people are there like you two, who are willing to take children, knowing that they could be taken away–

SB: *(sigh)* Uhh, it's—

MM: —or, if the relationship becomes strong—

A: *(overlapping)* Right.

CW: *(overlapping)* Yeah, that's the point you were making.

SB: *(overlapping)* Yep.

MM: *(overlapping)* —they— You never get the chance to take the next step.

A: *(overlapping)* That that's why we have a shortage of foster parents.

MM: Yeah, so it's that vicious cycle we can't get them ... Anyway.

SB: Mm-hm.

CW: What— What are— What's your husband's, um, feelings about all of this? Is he as frustrated and unhappy as you?

A: *(overlapping)* —He's very frustrated, 'cause he wants to adopt. He wants to make it final. He's very scared that mom'll come back later. Yeah.

SB: Yep. He's in love, too.

CW: Mm-hm. *(soft laughs)*

A: Yeah.

SB: Yep.

CW: Easy child to fall in love with. *(laughs)*

(laughing)

SB: Yes, she is! Yep.

CW: She's very special. Yeah.

A: She is.

MM: And does she ever see her ... twin siblings?

A: Actually, yes, it's really cool. Um, my husband's cousin ... adopted the twins.



CW: Ohhh! So, just like with your older boy, the kin family is here—

A: *(overlapping)* Yes.

CW: *(overlapping)* —and you can foster them.

A: *(overlapping)* —and we make the effort to get them together.

MM: *(overlapping)* So they're here?

A: They live in Perry, but—

MM: Uh-huh.

A: —not far from here. And we do get them together quite a bit.

CW: That's great.

A: They're little. They don't know. And the twins have been with their foster family— well, they're adoptive family, from birth. So, I mean, they're all too little right now to understand what's going on, but they know each other, and they get together. And I do tell her, like, "We're going to go visit your sisters," and ...

MM: Oh.

A: Mm-hm. So ...

CW: Are there older siblings as well?

A: There's one little boy. He lives in Eastport.

CW: Is he adopted?

A: He lives with his biological dad — he has a different dad — and the dad's girlfriend is really good. We get all four of them together, at the twin's house, like once a month.

SB: That's so good.

A: And the little boy comes here to visit sometimes, too, because him— they were together for the first year of her life—

CW: (*overlapping*) So they have some imprinting?

A: –and he was very close to her.

CW: Yeah. They have some imprinting.

A: So, he's been here, too.

MM: Well. Well, it sounds like, in so many ways–

CW: (*overlapping*) –It sounds like she could have another child, too and maybe that will shift things, if she has another child.

A: I would not be surprised at all.

CW: [indiscernible] another child.

SB: Mmm.

A: Yep.

MM: I was going to say though, in some many ways, this is an amazingly, um, conscious, loving, evolved situation here, where you have all these children; they're all gonna be in relationships with each other, because what we're hearing are these stories of these siblings who get taken away – they never know each other; they never see each other. It leaves this horrible–

A: Right.

MM: –sense of loss–and, um, in their lives. And, so, what you're doing is, is ... preventing all of that from happening.

A: Right.

MM: And, um, and the way to really ensure that, that keeps happening is to be able to adopt them because, otherwise–

A: (*overlapping*) Right

MM: –they could just be taken away into some other unknown situation. So ... I'm so sorry–

A: Thank you.

CW: (*soft laughs*)

MM: –that you–



A: Thank you. (*soft laughs*)

MM: –can't do what you are clearly good at and–

A: (*overlapping*) And I don't–

MM: (*overlapping*) –really, really want to do.

A: (*overlapping*) –and I don't mean it like I want to just, you know, not to be mean to her mom. But her mom's had a long time. And her mom has had, you know, they've made arrangements, and they've set up counseling, and they've– She makes no effort. I've even worked with her. I've tried. I've taken her to appointments. I've, I've tried. There's just no effort. And, at some point, I feel like the Tribe needs to say, "OK, this is not in her best interest anymore."

SB: Yeah.

MM: Yeah, and how many children does someone have to have– (*laughs*)

A: Right!

MM: –and not take care of them–

A: Right!

MM: –before you kind of reach the limit–

SB: Yep, that's right.

MM: –and say, "Enough!"

A: Well, and my other point in court was, at this point, she cannot have the other three back.

CW: Right.

A: The father has been given the oldest one. The twins, she's agreed to let them be adopted. And she's fighting for this one. If she's not fit to parent the other three, she's not fit to parent the one.

MM: Exactly. Right.

A: But the Tribe's not gonna say that ... and that's my issue.

SB: Yeah.

MM: Yeah. (*exhale*) Mmm. That's ... that's awful.

CW: Well, I really appreciate your statement and your point-of-view. Um, I think it's important for us to hold as we consider our findings and—not sure what we can do, in terms of the—

A: Right.

CW: —Federal aspect of this, but I think it's data, and I think it's important data to ... have.

A: And that's why I wanted to say, you know, just from a foster point— foster parent's standpoint that ... it needs some help.

CW: Right. Yeah. Yeah.

SB: Yep.

MM: And from the child's standpoint.

CW: And from advocates'.

A: Yes.

MM: And you're really speaking from the child's point-of-view as well.

A: Yes.

MM: And, um, it's really important to have that piec— that piece—

A: Right.

MM: —of the whole picture.

SB: Yeah.

MM: And, so thank you for—

A: Thank you for listening.

MM: —for coming forward to share that.

SB: Yeah.

MM: Yeah, and if there's other people who have a similar kind of situation, I think they would be— their, their stories would be very welcome.

SB: Yep.

CW: And you've given a statement for this—

SB: *(overlapping)* Yep, I'm given a statement. And, and then, I'm, I'm, realize— I was like, I know, when I saw her— *(laughs)*

A: *(laughs)* Yeah.

SB: I was like, I know she's in the same boat.

CW: Mm-hm.

A: Right.

CW: Yeah, it, it helps us to have more than one statement—

A: Yep.

CW: —corroborating, you know, backing it up, so ...

A: Yep.

MM: Mm-hm.

CW: It's good.

MM: OK, so I'm going to turn it off?

A: Yep.

[END OF RECORDING]