

### General Information

**Private or Public Statement?** - Private

**Statement Provider:** Anonymous

**Date:** October 14, 2014

**Location:** Houlton, Maine

**Previous Statement?** No

**Statement Gatherer:** Rachel George

**Support Person:** N/A

**Additional Individuals Present:** Gail Werrbach

**Recording Format:** Audio

**Length of Recording:** 56:06

**Transcriber Note:** This statement is anonymous at the request of the individual. Any redactions have been done with the approval of the statement provider in an effort to protect his/her confidentiality.

### Recording

**RG:** Okay, it is October 14, 2014. We're here in Houlton, Maine. My name is Rachel George and I'm here today with:

**A:** [REDACTED]

**RG:** Fantastic.

**GW:** Gail Werrbach.

**RG:** Great. The file number is ME-201410-00100. [REDACTED] have you been informed, understood and signed the consent form?

**A:** Yes.

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

**A:** Yes.

**RG:** Okay, fantastic. Do you have any questions or any area that you want to start off with before we jump into our questions?

**A:** Nope.

**GW:** The first question asks, um, could you please tell us about your current and/or past employment with state child welfare?

**A:** [00:00.57] I've worked in state child welfare for almost 20 years. The first few years, I was a permanency caseworker, I was working with children after they came into foster care, um, and then I was an adoption worker for about [REDACTED], and then I was a supervisor for a number of years and I supervised those same programs, [REDEACTED]

**GW:** How many cases, as you think back over your 20 years, can you give us any guesstimate of how many cases involved working with Wabanaki children and families?

**A:** I really, I've thought about this question, and I just really, I just really couldn't think of that. As a worker I would have directly worked with them and as a supervisor, you know, supervising five people — um, you know, 35 people. So, I really don't have a good number. We do, in Aroostook County, we do have two of Maine's four Tribes, um, so we have a higher percentage than a lot of the other districts.

**GW:** Because of not having a Tribal court?

**A:** Right, yep.

**GW:** When did you first learn about Maine's policies related to Indian Child Welfare?

**A:** Um, at some point, when I was a caseworker. I really don't remember much about that in the real early days, there was — as time went on — there were some trainings and it came up more and more but it wasn't at the beginning, for sure.

**GW:** So, if I can do the math, so you started in the early '90s, then, working for the department?

**A:** Yeah, '94 – '95.

**GW:** Okay. Do you remember at all how you were made aware of those policies?

**A:** One was my immediate supervisor and our AAG, and then we started having some trainings.

**GW:** That were led by the department, do you remember?

**A:** No, no, we — there was a push at one point to do training for child welfare staff, and it wasn't department-led. It was done by some of the Tribes.

**GW:** Okay. Um, could you describe a situation in which you or one of your staff felt very positive about your work with a Wabanaki child and family? Um. What were some of the positive outcomes in that work? What was your working relationship with the Tribe?

**A:** Um, I think it's any time that a time a group of people working with a family are in agreement, it certainly feels like a more positive experience. So, there have been times when we had some Native children and we also had, um, Native families and a lot of my work again being in adoption. You know, we had kids who couldn't go home with these parents, but they could stay in the Tribe with another family. Those were always positive for everybody all the way around. I still see this one family out the community. I see one dad with these three little boys tagging along behind him and that's positive to me. I know those kids are well taken care of and yet they have maintained those connections because of where they were.

**GW:** So their dad was also, the adoptive dad was also Native?

**A:** Yes. Yep.

**RG:** In those instances, are these families pushing towards adoption or is it permanency without that kind of label?

**A:** It really varies and a lot of that is really the age of the child. The younger the children are, the more people tend to be interested in an adoption versus some other permanency. And again, that practice changes from time to time, too. It depends on who the CPT teams are, or who the ICWA director is at that point. At different points, um, sometimes the Tribes won't even consider a TPR, other times, they will. It just varies kind of case-to-case and time-to-time, who's there at the time. If it's a family that they really know well, and not in a good way, they're more likely to, um, even propose adoption or to go along with it versus if it's a family member that's really involved with the Tribe but can't, um, get clean or something like that, they're less likely to consider termination.

**GW:** Okay. Could you talk about a situation in which you or your staff, um, felt less positive about your work, or the outcomes, or your working relationship with the Tribe?

**A:** There's a situation that happens again and again at times and I can think of a couple different ones with the same issue. We had family a few years ago — I think they had five children, and we currently have a family that has one child and they're even two different Tribes. But, when we work with the Tribe on placement, when the child comes into care. You know, if a home is approved then we go with that home. We really do.

**GW:** Meaning approved by the Tribe?

**A:** Yes, they can approve whoever they want. They, you know, do their own study, their own approval process. I just, I've seen children get placed in homes, not necessarily even relatives but other Tribal members' homes, and these are very — and these children have experienced a lot of trauma. They have a lot of behaviors related to that and the families are really not well-prepared to take care of them, and so then they get moved again. We get a call, the kids have to move, the Tribe identifies another family. We move them again and then again and then again. And so, we see these kids move multiple times, often having to change schools, start over with new providers, and these are kids that already have a lot of issues and they just keep bouncing around and I worry about that and there's several things that contribute to that. And, certainly, we do place about 35% of all kids in Aroostook County with a relative, so our relatives always need extra support when we do that. Um, but people who aren't directly related and know the children tend to have a little more tolerance for things. If it's another Tribal member who doesn't really know the child, they get these kids, they have a lot of behaviors, and they are just really ill-prepared. They haven't had any training. They hadn't really thought much about doing foster care. They get a call, and they take them and that's, that's not a very positive experience for me, for these kids. I mean, sometimes we've been at that point where we're looking at a fifth move. We've had to split these kids up multiple different ways, like, would they really be better off back home? Like, what's more damaging?

**GW:** Whether to place them back home, or?

**A:** Or keep moving them.

**GW:** And in those situations, they're moving from different Native homes or they're also moving in other, in outside the community homes?

**A:** Usually either Native homes or another family member who may not be Native.

**GW:** Yep. What do you think is — what kind of supports are needed, or what do you think is needed to help those families, so that there can be more success when kids are placed with them?

**A:** Um, this is — When we do our own kinship assessment studies on relatives, a lot of that assessment is really focused on: here's the process, here's what to expect, here's who you can call, here's what will happen, and I don't, I don't always know what other families, if we're not doing the assessment or study, I'm not sure what kind of information they are getting. A lot of times, there really isn't a study. It's like, 'Oh, yeah I know them; they'd be good.' But part of that study is really to prepare the family, not just to get information about them for the study. So that may be helpful. We've tried, you know, we've got a newer ICWA director in Houlton, and so, we've shared all our tools. Here's what we do, here's why — to try to, you know, to try to help them prepare their families.

**GW:** And how is that?

**A:** It's really not happening. *(short laugh)*

**GW:** It's not?

**A:** No.

**GW:** I mean, is it, is it something that you think the Tribe finds helpful? I mean, is that part of it, just the communication between the white DHS and the Tribal ICWA? I mean, is it something that you think they find helpful — like the offer of sharing how you go about doing a kinship assessment? How do you think that's perceived, that offer, with the ICWA — ?

**A:** It really, yeah, it really depends on who we're working with. Right now we have a new person and she's come to us and said, 'Hey what do you have? I'm looking ... ' So we've given her anything she's asked for because we know that she's interested in learning, so we've given her some other things. So it really depends on how open that individual is to what, to what they want, or would find helpful, and some of it is really, they don't have time. It's usually one person — they cover all over the state. It's too much I think.

**GW:** Yeah. Okay. This next question sort of goes through all the different pieces of the Indian Child Welfare Act, so some of these you may — You've been doing this a long time, so you're probably one of the folks who can probably speak to almost all of these, which is great. Just talk about your experiences and any challenges you've found in these areas. So the first part, initial identification of a child as Native American? Any experiences, challenges, thoughts about that piece of ICWA?

**A:** Historically in Aroostook County, we have staff that have been here a long time; our staff hasn't had that much turnover, so it's probably just about now that we're starting to catch up with the other districts but we haven't had as much turnover. So, that initial identification — it starts at intake. Intake can look, if there had been any previous reports, they will pull that information; they always ask it in the report. And sometimes one will come through that doesn't have it, or it will say, 'No,' and we know, we recognize the name. We know who the families are. It's a small community so sometimes, it may not be identified in that report, but we will know if we have any question, we know who to call to check that out.

**GW:** Okay. Um, so you know who to call to find out whether that person is — Okay. What about in terms of notification of children to the Tribal child welfare? Experiences, challenges with that?

**A:** No, again, we have — we're pretty clear on communication with the, again — it's mostly the Maliseets and Micmacs that we work with here, but we've got all of their phone numbers, their cell phones or after-hours. There's a protocol — and even with the Micmacs, if we can't reach, you know, the ICWA social worker, then we call his supervisor, their attorneys, like a third person. We can text. We've got all of that down. We will definitely notify them, unless

they're not answering their phones or checking email, we, night or day, doesn't matter, we'll call them.

**GW:** What about working with the Tribes around identifying Native children? I guess that's similar to the other — You have a way of doing that?

**A:** Just, you know, again, if we suspect, because we know a name or, that's related to this person, you know, we know who to call, you know, anywhere around the state, we call and try to get information and verify. We know what we need to have — here's the parents' names, here's the grandparents' names; we can work that out.

**GW:** What about determining jurisdiction or residence of Native kids?

**A:** We, I don't know that that's an issue here. We don't have the Tribal court, so we don't run into the jurisdiction. It would be occasionally, and I can't even think of one when we would have a member of another Tribe that would have that jurisdiction. We have done it a couple times, and they've immediately taken it over and we passed it on.

**GW:** Like a Passamaquoddy child living up here?

**A:** Right. Yeah, we call them, and they're, 'No we'll take the case,' and it's gone. And we do have ... residents, if we're talking about placement kind of thing, but it's hand-in-hand — What do you want us to do? Who is going to do what?

**GW:** Child custody hearings?

**A:** Again, I think our AGs are very well-versed. One of them is my go-to person with any legal questions. Our judges are also pretty informed about, you know, ICWA and the law because again, we have a higher percentage just because where we all live.

**GW:** Okay. Arranging foster care placement, how does that work?

**A:** That sometimes can be kind of sticky, and we've really tried this last year to open up some communication. We have had a situation in the last year or so where, you know, the ICWA director had directed us to a placement; we made the placement. We had some concerns about the family and who all was in the home and some other things that were going on. We discovered through that process — they invited me to meet with the CPT team, and kind of discovered through that process that, you know, their person is doing the home study. We do the background checks because the Tribes don't have any ability to do those, but we weren't sharing that information so we've got this information that we're really worried about. They've gone and done the home study, but didn't have this information that they would have needed to have followed up in the home study. And so, there was one case where we had really great concerns. And so, we met about that, and had some discussion about that, figured out, came up with a plan — We're going to share criminal information, you're going to share the kinship assessment, and to try to make that, to make sure that the placements that we are both making are safe for kids.

**GW:** Um, family team meetings?

**A:** I think our struggle with family team meetings is sometimes, we have caseworkers who are having a team meeting for a child in treatment foster care; they realize that the child plan is due; they get a bunch of people around the table, 'I'm going to call this a family team meeting,' but they hadn't invited the Guardian ad Litem; they hadn't really notified anybody; and they hadn't invited the Tribal worker, who would've come for a child plan but who isn't going to go to every weekly team meeting. So, sometimes those are problematic when we, and we really, you know, our message is for our social work staff, if you're having a family team meeting for a child, you know ... the Indian Child Welfare Act complies ... you *have to* coordinate the scheduling. Your first person is your ICWA director. When can they make the meeting? And the other piece is — our policies really talk about the ICWA staff being a co-facilitator like together and we actually wish that the directors would actually step up a bit more as facilitators. They often don't. So we have that responsibility to make sure that we coordinate with them and include them and it's really worked, but when we get in there, we're still the ones that are having to run the meetings and get put in that position of sometimes being the bad guy, even if there's been some agreement going in about what the bottom lines are.

**GW:** What do you attribute to your being in that role?

**RB:** Some of it is, I think, you know, depending on who has been the worker at the time, that's their community. They live there, so some of it puts them in a really bad spot depending on who the family is if they go in, and it's easier for them to live there and be there if, if some of that's put on the department.

**GW:** Kinship care.

**A:** Again, we do a lot of kinship care with all of our children and that's, we look for relative placement, so it's not particularly different for our ICWA cases. We're looking for relatives and again, if it's not a relative than it's another Tribal member, and so we have some families that we know, they always have families that they've been talking to and so, we place with family whenever we can, And the Tribes are really good, because sometimes if there is not a Native American family available but there's the other, the other side of the family that has availability, there's really no hesitation in that because kids need to be with family so, that works pretty well.

**GW:** What about termination of parental rights?

**A:** That's again, another really big sticky one. I've seen this change over time; some of it depends on who's there, who's not. Some of it really is political within the Tribes about who's really involved, and who their family is, and who's not. We currently have several kids in care in one of the Tribes, and we have two little kids that they agreed to terminating rights and



having the kids be adopted. The parents just haven't done anything — they left the state. And then we have another case in the same Tribe where we have these two little kids in care about ten years now. They're not doing well. But they won't, the Tribe won't consent to a termination because the mother is still very active in the area and involved, even though it's long-term substance abuse. She cannot get clean and stay clean. And these kids are in really bad shape now the older they've gotten. They haven't had that permanence.

**GW:** Are they in kinship care?

**A:** No. No. They had been, and were actually removed from that situation. So it just, you know, it kind of varies from child to child. Each one is individual, which it should be. We take a look at what's best for each child but it doesn't always — you know, what I think might be best for those children is not necessarily what the Tribe thinks. So.

**GW:** And following up on that, adoption?

**A:** Again that's really a case-by-case. There's been some, you know, way back when I was an adoption worker, we had two little babies in care and we didn't even, like the foster parents, we didn't even believe that there would ever be any talk of adoption with these parents. None of us were planning on it. And we had a meeting with the ICWA staff at the time and they were like, 'So when can you do this adoption with the foster parents?' And we were like, 'Oh! Is that okay?' And so, we did. And that's where those babies have been, and we're always very, usually, usually they won't kind of proceed with the TPR if there isn't an identified adoptive family. That's kind of more the practice now, and so, for those children that are not in an identified adoptive family, they are less likely to be, have rights terminated or be adopted.

**RG:** Have there been major shifts in policy and practices with references to any of these since your time beginning with the department?

**A:** Absolutely, since the beginning, I don't even remember hearing much about it and sort of over time in the later '90s, we started having more of those discussions and really understanding, *this* is what the law is, this is what it means, and sadly, it's only been these last couple years through the Truth and Reconciliation Commission that I really, like, I learned the history of how the Act came into place. There's that one PowerPoint presentation that somebody does that is *so* powerful and that would have been great to have known that way back, to be like, 'Okay, I finally *get* it.' Like, I knew that stuff on the surface; I could cite the story, but that was such a powerful presentation to me like, I *really* get this now on *this* level, why this is so important. So, that would be a recommendation, that they include with new staff is that whole presentation. And I don't even know what our new staff is getting. I know they have a day of ICWA training, but I don't know if it includes that or not so, that would be a recommendation.

**GW:** Okay. That's helpful. What do you consider active efforts to prevent the break-up of an American Indian family, and what do you, how do you describe how the state conducts active, remedial, or rehabilitative efforts to prevent the break-up of an American Indian family?





**A:** Um, what I really consider that is — we, we are not, currently in this district, in Aroostook County — for a while there was, again, a big swing statewide — everybody was doing these safety plans and kids would live over here with a safety plan, and they couldn't go home to their parents, the parents would have a plan, and this kind of went on and on and on. And right now, we're saying, 'That really isn't working,' because at the end of a year, that the kids have been out of the house, not in anybody else's custody, we still end up filing petition for custody; something happens. So, we decided, we're really not going to do those long-term safety plans — a safety plan needs to be really time-limited and then we need a really good plan. And so sometimes, that's too ... from that beginning ... if the kids can't go home to the parents — we need to file at least a jeopardy position if not an immediate risk ... But, with our Native American families, we really are looking at remedial or active efforts; they need a safety plan. We need a longer time to try to sort this out. We're not immediately filing for custody. We're having more family team meetings, trying to get everything really into place so we will do longer safety planning that again involves the Tribe and their families to try to prevent removal.

**GW:** So a longer time period than what's been mandated?

**A:** Yeah, a longer time period before we file, and again, we're setting up for services at that time, but it's more of an opportunity to engage in services and to make the changes before we, before we go to court and I think I see that — the active remedial efforts — what that means to me, is for a lot of our families, we would call them up and say, 'Hey you have an appointment — we have set up ARTS for you, they'll be there to pick you up and take you to your appointment on this date and time.' And with — for that — for remedial efforts — for like active efforts — what I talk to our staff about is, 'You need to let them know about their appointment. You can set up transportation but you might actually need to drive out there, meet with them, pick them up and drive them to their appointment.' Or, in some cases, we've had an ICWA expert go with them to meet the family, to — whatever we can do to make them more comfortable and to really truly reach out. We put a lot of responsibility on our other parents to say, you know — you need to call and make your appointment, you know, here's your plan — go take care of it. But we really are doing more — I don't know if hand-holding is a good word, but it really is, 'Hey, this is important. Here's why, and let me help you get there, let me pick you up, let me make the appointment for you.' Um, just to really get things going.

**GW:** Yeah. And is that different do you think from when you first started working?

**A:** Yeah, absolutely. Yeah.

**GW:** Okay. Do you think the active effort standard in cases involving Native children is different from the reasonable effort standard for non-Indian children?

**A:** I do, and it's just what I said, a reasonable effort is, 'Okay, I made a referral for you, you know, to AMHC for substance abuse treatment — call them and make an appointment,' and I think those active efforts really are, 'Hey, like together let's call and make this appointment,' or, 'Where do you want to go for treatment?' Of course, we ask that for everybody, if they have a preference. Actually, really more hands-on and more support to make an appointment, to get there, and services are just one of those pieces.

**GW:** I'm still learning the differences between the Tribes that have Tribal court and the ones that don't. How are Tribal Child Welfare staff included in the development of a family case plan involving an Indian child?

**A:** All of our plans, whether it's a child plan or a reunification plan, a rehab plan — they are all supposed to be created in a family team meeting. And so, the parents would be there, the ICWA liaisons would be there, whoever the director is, whoever that staff is, informal supports, formal supports. Those all should be done in a team.

**GW:** Okay. And to the best of your knowledge, if a Tribe declines to intervene in a child custody proceeding covered by Maine's Indian Child Welfare policies, what are the reasons for this decision?

**A:** I've never had that experience. I can't even think when that would be. I mean, we have to have an expert witness at any time that we're talking about a change in custody so whatever that particular Tribe is involved or not, we have to have an expert come and testify. I'm trying to think, we've had some cases that have sort of been conflicts of interest but, even then, they haven't — somebody has handled it from the Tribe, even if it wasn't the usual person.

**GW:** Okay. All right. Well, this follows up on your expert witness. Have you had experience in working with expert witnesses for Indian child welfare and in your experience, what criteria does the state use to establish a qualified expert witness in Indian child welfare?

**A:** This is one of things I've always heard about expert witness — really in just these past few years, I've really understood what that meant. Um, we and again, partly because most of the ICWA directors have served as the expert witness but now we have one Tribe that won't do that so we've had to hire an expert. So the criteria is really anybody who has that knowledge of — it can be anybody who has that knowledge, doesn't have to be a Tribal member. Anyone who knows about child welfare and the Tribes is sort of the two — . And the way I understand it, the Tribe doesn't even necessarily have to agree about their qualifications. I'm sure that would come up in court if they didn't. But.

**GW:** Do you have some thoughts about your experiences in working with expert witnesses?

**A:** *(laughs)* We have one expert witness that we use a lot, and she is someone who is well known in the child welfare community. This particular person is a person we have years of experience with and have learned how to work together and have again, developed that trusting relationship — that has made that go okay.

**GW:** What state child welfare policies or practices or events that have happened have influenced your work with Wabanaki children and families?

**A:** I'm trying to think. At some point, the whole thing was just really pulled together. Like I said, in the beginning, those first few years, I really don't remember much about what we talked about those first few years. I don't even know if all the Tribes had an ICWA director all along and certainly in my earlier role, I wasn't working much with the northern part, I was here in Houlton and so, it was mostly just one Tribe that I was dealing with. For me, just recently, these last couple of years, again looking at the big picture of things in my position now — just really taking a look at, you know, what does the law say, what exactly does that mean? We, actually one of our people who serves as the — our expert witness — her and I had sat down; she's having some trouble around the state with caseworkers in southern Maine who were not as familiar with ICWA. They may get one case a year. We have the law, we have the addendums, the agreements with each Tribe, but it wasn't really the nuts and bolts for a caseworker. You get a case that you believe is an ICWA case, what do you do? And so we developed this with our AG and the ICWA expert — step one, you get a case, what do you do? You do this, this, this and this. You file a petition. What do you do? You do this. We really wrote out the tasks and the nuts and bolts and through doing that, you know, we worked with our attorney, and with a couple of attorneys actually, and really got, like okay! Just some things I hadn't known, really kind of made sense of — you know, I knew we used an expert but it really clarified for me when we used one and why.

**GW:** So this is what you're using in Aroostook County or is it also generalized to other areas in the state?

**A:** Well, (*soft laugh*) the person who helped developed it would like it to go statewide. I have sent it out for other people to look at. We are using it here. I don't know if anybody is using it at this point. I don't have that authority to distribute that but that's the hope.

**GW:** Um, over the course of your work in state child welfare, what do you see or have you seen as barriers to the successful implementation of ICWA?

**A:** Um, in the beginning really, I think there was just a lot of ignorance, not being aware of the law, what does it actually mean? Here is this law, what does that mean in my day-to-day, what are the things I need to do. So I think that was some of the early barriers, and again this is making me think, gee, I really should find out exactly what our new staff is being trained on. I'm really not sure. We don't do the training, it goes through our training unit, so I'm thinking about that now and, you know, some of the barriers and I don't know if this is really around the policies or not, but I think, you know, some things that have happened, it really is, each and every time, each and every case, it feels like we have to start all over building that relationship, building the trust between our worker and their worker about — you know, are we all going to

be truthful? Are we all going to, you know, agree to these things? Are we all playing by the same ... ? So, it feels like each and every time, if there is the slightest thing that we disagree on, it's an automatic assumption that, you know, that we are violating the Act or that we didn't do this so it feels like that, when things are going great, it's going great, and when we're all in agreement, it's wonderful. But just one tiny little thing can happen and it really puts us a couple steps back so that's some of the frustrating part.

**GW:** And is that — how do you know when you've gone back that step? Do you know? Do your workers know?

**A:** I think so because it's very direct. 'Gee, I think you just violated the Act because you did this.' You know, 'I'm demanding that now you do this every time.' Okay, 'Let's talk about this. What happened? That's not accurate.' It really is some assumptions and, um, it takes us back, and we know it's taking us back because of the response that we get. But okay, hold on, 'Let's talk about this,' and then they're like, 'Oh, this isn't what I thought.' It just doesn't take much to set things back.

**GW:** Yeah, well, it's a long history of setbacks.

**A:** Yeah, absolutely. Yeah.

**GW:** Yep. What strengths does child welfare possess in ensuring compliance with Maine's Indian Child Welfare policies? What are some of the effective procedures or practice that the state has had for promoting that compliance, do you think?

**A:** Like I said, I do know there is a ton and ton of staff turnover around the state that is a part of their pre-service training; there are several different, lots of different trainings they take in the first several weeks and this is one of them — just that information about it and again, I think really the strengths are — if you're in an office where that is a frequent thing, you can turn to your coworker and say, 'Hey, what do I have to do here?' And they will know. The weakness is if you're in an area where you're the only one that has gotten an ICWA case this year, you don't have that person to turn to. I mean, our social workers learn a lot from their peers. I mean, it's always been that way. They're the people you sit with. You turn to your buddy in the next cubicle and they share information with you. So.

**GW:** Um, what weaknesses does the ... ? The reverse question. What are some of the weaknesses related to ensuring compliance with ICWA? Well, you sort of started to talk about it. One is how to deal with staff turnover — (*simultaneously*)

**A:** (*simultaneously*) I did. And I really do think it's that the day-to-day details. We have these big policies and those agreements, but it just doesn't tell you. You know, we've got 22-year-old social workers who are trying to figure out what to do anyway, and then you throw this into it. What does that mean for them? So, I'm hopeful that, like I said, I don't know what we called it, it's not really been a to-do list, but it's kind of a how-to, that would take somebody right through, so at least, they get the technical pieces down. And it explains when you need an ICWA expert and it explains, before you got an assessment, who you need to call. It has those

kinds of details. I think that's the piece that's missing right now, statewide. The actual, if you're a worker, what do you need to know?

**RG:** How long have you been using that for?

**A:** We just came up with that last year. And we've revised it, and revised it. Everybody took a look at it, we had a couple lawyers look at it for the law pieces, and like I said it's not — we're using it here; I've sent it out to staff, but it's nothing that's formal or that's in place, but, I think it could be helpful.

**GW:** And it's something that the ICWA coordinators or ICWA directors sort of see as helpful, too?

**A:** We, um, haven't got that far with it. Like I said, we had an expert who doesn't work, who just kind of works with a couple of the Tribes, and we actually had one of the Tribe's attorneys sit in and they thought it would be helpful but we haven't really expanded it that far.

**GW:** Yep. Anything else that you think is a weakness in terms of ensuring compliance across the state?

**A:** I think it is, again, it's the confusing pieces. The stuff that's not black-and-white, the stuff that's not written down, the stuff that doesn't have policies and protocols for, like again, with licensing or approving placements. The Tribes can approve their own placements. Okay, so what does that really mean? If you're a licensing worker and the Tribe has approved this placement, what do you need to do on your end? What does that mean if you're the caseworker, how do you pay them? They're not licensed, so do they get the ten dollars a day or do they get the \$16.50 because the Tribe approved them? It's really some of those detail things that's really where people kind of slip-up because they might have good intent or spirit in complying with the Act but it's the details really and those aren't clear and even, like, even the Tribes aren't clear either on their end what their responsibility is or what they need to do to approve a placement. 'Yeah, I approve them.' And so, we would ideally hope there is a kinship assessment or some sort of assessment that has gone along with that approval more than just, you know, 'I think they'd be good.' So, I think there are some things that really need to be made clearer on that detail. So, again we know who's doing what because if we're not clear on who's doing what, then you get to that point where there are some disagreements, or we thought we did what we needed to do, they thought — that can create some strain on the relationship.

**GW:** Um, what are some of the strengths that you see from the Wabanaki Tribes in terms of what they possess in working with the state on ICWA compliance — from the other side, from

the Tribe's side — what are they doing that is a strength in terms of ensuring ICWA compliance?

**A:** They certainly, they've had staff in place. Their staff is really — they know when they need to be involved. They're very — . We don't have anybody who is afraid to speak up and say, 'Hey, you should have called me on that,' or 'Hey, I'm over here.' Their staff know when they need to be involved, and we have those relationships that at different times are better than others.

**GW:** What about the reverse, in terms of any weaknesses. What would — ?

**A:** Again, sometimes I see some things that seem really political within the Tribe or it depends on who your family is related to within the ... who has kind of what position in the Tribe? And the other thing is really the reverse of what I said, just not having some of those detail things really written down. We have a very clear policy; if we are going to license a home, I've got all of these things that I know need to be done. And I don't think they've really worked all that out, so when they get a new worker, they don't really know either. And I think that contributes to a lot of those kids having to move multiple times because the family hasn't been assessed or studied. They haven't been able to share that information with the family that they need to know because they don't necessarily know it either. So, those are the things I worry about.

**GW:** Okay. Um, can you talk about the importance of caseworkers learning about and having knowledge of American Indian family structure and culture?

**A:** I think, um, I think that is one of those things that is *so* hard to explain or to define. We all have our own cultures and structures and things that we do and that varies from family to family and so I think, that's some of the resistance that you sort of get from staff, 'Well my family does this too, or, 'My family believes this.' So, it's really not understanding again, I think, that history piece of why that is so super important because everybody says, 'Yeah, my family believes in family too.' Just those kinds of things. So, it's really hard to understand why is that any different and I think it is hard to define.

**GW:** Yeah. Okay. Can you talk about the importance of an Indian child who's placed in out-of-home care to be placed in reasonable proximity to his or her birth family and/or community?

**A:** One is, some research has shown that one of the single most important reunification factors are family visitations and so, the further they are away, the less frequently visits can occur for anybody. And the other piece is, for our kids who lose their community, that really was their community, you know, we have a couple, we have the Maliseet reservation here, we have the Micmac housing, so it is a community. They know everybody on the street or around the circle and with their kids out playing on the playground in the middle of the reservation. You know, all those parents know who that kid is. If he's throwing rocks, it is really that community and so, our kids really do lose that when they are placed outside of that. And again, just to be a part of the functions that go on, and just, just to be surrounded by other people like you.



**GW:** Can you talk about the importance for an Indian child who is placed in out-of-home care to participate in traditional Tribal events, spiritual customs, activities? You talked a little bit about that.

**A:** Yeah, and I think, um, it's always about, like, for our kids who end up in foster care, these are big community events and a lot of people go and so we always look at, 'Well, what's the, if he goes here and he sees this person and this person, how's that going to be?' We have to think about all those big things, but it really is important for those kids. And we really talk to our foster parents. If we have a foster parent family who is non-Native, we talk to them before that placement like, 'This is something you are going to have to commit to do, you're going to have to take them to events and spend some time with them in their community and with the various things.' You know, we have a lot of our little kids that go to the Little Feathers Head Start and just things like that. This is, this is what you need to know before you accept this placement.

**GW:** Um, hum. Okay. In what ways do you see Maine's Indian Child Welfare policies and the Adoption and Safe Families Act working together and in what ways, not working together?

**A:** I can probably talk more about the *not* working together. The piece of that I see, again, particularly around adoption, is, you know, we have these time frames for all of our other families and again, if we have an ICWA case and the Tribe doesn't agree to a TPR or adoption, it doesn't happen. We rarely — we have one right now we're working out that we disagree on, but we will defer to the Tribe, which I don't think always meets the Adoption and Safe Families Act. We have kids who are in care for years and years and years who don't get permanency and I worry about those kids. The longer they are in care, the worse they do. They don't turn out well without a family, and so that's the struggle for me. Those kids who stay in care for a long time, and we know that doesn't work well for kids. A lot of these kids have to move around a lot.

**GW:** Are they moving both within their community and outside the community in terms of placements?

**A:** Yeah, and usually, the longer it goes, the less likely they will be able to stay in the community. The older they get, the more behaviors there are; they end up in a treatment foster home that is not a Native foster home and then, you know, we have a lot of kids who end up in hospitals and in residential because they, for whatever reason, but.

**GW:** Right. The behaviors that are coming up as they get older. Um, okay and the last, I guess, is just closing questions. If you could change anything or make anything happen at the Tribal, the state, or federal level to improve the lives of children touched by ICWA, what would you do?



**A:** Um, changes at the local level with the Tribes — I would really love to see, um, more development of foster homes, you know, Tribal Native foster homes that are trained, that, um, will know what to expect, that will be prepared to handle these children, that are open to services to help them support those children wherever those services might be. And then at the, um — I guess as we go up the kind of levels. I really do struggle with those kids being in care for a lot longer time than other children and not being able to be adopted and again, that's part of me as being an adoption worker. Kids need families one way or another. And I haven't seen any of those children who have turned out well. As they get older, they all end up in residential. You know, I have a kid now who was even placed out of state in residential, and that's horrible. He's far away from *everybody* and so some of those things, um — like the time frames just don't apply like they do with our other kids and some of that's good, because again, it's going to take a lot longer to get through some of that. It's going to take a lot longer to build that relationship with a caseworker, if you ever can. It's going to take a lot longer to change some of those issues because that's so generational. I can see taking some extra time, but there should be eventually, you know, with the other Act its in care 15 out of the last 22 months. Some guidelines around that would be helpful.

**GW:** What are the, I know this is probably a global question but what are the — the kids that are in the longer term foster care, what is their understanding of their life and, kind of, they must know something about adoption, they must know something about different ways for families to be creative, from your perspective, what's their understanding of how this is their life? And I know this it's obviously very individual for each kid.

**A:** Yeah, it is. And, I'm trying to think. Years ago when I was actually an adoption caseworker, I could answer that. I'm not sure now. I'm not the one having those conversations, so it's hard to tell what the details are. You know, I always talked to the kids that I worked with, especially as they got older, 'My job is an adoption worker, so I'll ask you about this every time we'll talk about this. Even if it's something you don't want, let's have this conversation.'

And we had a lot of our kids in care that just really, some of them would read anything, just to get out of foster care. They are *not* a foster child anymore; that they have parents; that they can go to school like everybody else and talk about my mom and dad, even though when they come home, they're never calling them mom and dad, they are calling them by their names. I mean, our kids are old enough. Um, most of our kids are old enough by the time they get to this point, that they know who their families are. They know which Tribe they belong to. Nobody is taking that piece away anymore and so, I'm not even sure where I was going with this question. *(laughs)*

**GW:** No, it's a hard one to answer. And I do, I'm thinking some of the interviews that we have done with the ICWA coordinators on the positive side and you've explained this too — there is some of those circumstances where there's a relative, maybe it's a grandparent, needs more time to be able to manage some of his or her own health issues to be able to care for a child so a child has been in foster care for 24 months instead of longer periods of time. But, um yeah, I don't know if there's an answer for it. I know the Penobscots have talked about doing customary adoption where they're not going through full termination of parental rights which as you've talked about, brings a huge historical — is re-traumatizing to the community to think

about losing their kids but at the same token as I understand, I'm just learning it too, it can give some of that permanency. What else — is there anything else that you think the state system can do to improve in terms of ICWA to improve? Any recommendations that you would give us?

**A:** I'm, like I said, two things that I've mentioned is really making sure that our staff is trained with that really powerful presentation about the history, about why we have this; and then, again, something so that they know — people want to do the right thing, but they don't always know exactly what that is so the details of what needs to happen and how that works out. And I also think about, you know, we had, Barbara and a couple came recently and did a presentation to our district staff. They didn't ask many questions, and I think people are so worried about wanting to make sure that they don't offend somebody or that they use the right terminology or that they say the right thing — they need to have an opportunity to have those kinds of discussions in a forum that they aren't really afraid to ask questions. They can all go back later to their supervisors and say, 'I wanted to know but I didn't dare,' and that really is, that's real. Our staff really want to do a good job but they are so afraid of offending someone or not knowing what to say, so we really need to open up that kind of communication so if someone comes and does that presentation, how safe is it then to ask any question that sounds like it's not in agreement with the Act. So they need an opportunity there to — be able to really and I thought, Barbara had done a really good job, and a couple others who came said, 'Look, don't worry about your words and your terminologies. Ask anything you want, don't worry about these things.' I thought they set a good stage for that, but people still didn't feel safe for that. So.

**GW:** And what about in terms of, and I'm thinking, pre-service and I don't know if it's still running this way, is the three weeks before they can even show up here and you're right, we're talking 23-, 22-, 24-year old new graduates. I'm also wondering, not just what do they get in pre-service but what's the follow-up? In pre-service, there's so much they have to take in, and I know we have some data from Esther and Pen, because they do some survey to just kind of get a sense but how much is that 23-year-old, new grad actually taking in during pre-service?

*(talking simultaneously)*

**A:** Until they have the cases. yeah.

**GW:** Because I'm thinking when you talk about learning that history, you know, I can feel your understanding based on your years that you worked in the department, and you're like filling in blanks and you're putting things together, and I wonder if they can do that at that point or if there is other ongoing, I guess I'm thinking out loud here, but in terms of ongoing follow-up and training for them because I do think it's reminders that you can't just sort of do one-stop, oh, okay, I got the horrific history lesson.

**A:** Right.

**GW:** Because then you go work with some other families and you have other things you have to process.

**A:** Yes.

**GW:** Anyway I didn't mean to go off on mine.

**A:** It's okay.

**GW:** Any other recommendations for us?

**A:** Um, no. I mean, those are the things I've thought about here today.

**GW:** Well, thanks so much. This has been really helpful, very informative, gave us some really good things to think about. Good recommendations. Thank you so much for coming in.

**A:** Okay. You're welcome.

**[END OF RECORDING]**