

### General Information

**Private or Public Statement?** - Private

**Statement Provider:** John Hawkes

**Date:** December 15, 2014

**Location:** Machias, Maine

**Previous Statement?** No

**Statement Gatherer:** Rachel George

**Support Person:** N/A

**Additional Individuals Present:** N/A

**Recording Format:** Audio

**Length of Recording:** 55:17

### Recording

**RG:** Alright, it is December 15, 2014, we're here in Machias, Maine. My name is Rachel George, and I'm here today with?

**JH:** John Hawkes.

**RG:** Great. And the file number is ME-201412-00011. John, have you been informed, understood and signed the consent form?

**JH:** Yes.

**RG:** Great, and I have to let you know that if at any point during this recording, you indicate that there is a child or 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. Does that sound ok?

**JH:** I understand, certainly.

**RG:** Alright, is there anywhere in particular you wanted to start, or would you like me to just kind of go through the questions with you?

**JH:** Why don't we just go through them?

**RG:** Ok. Could you tell me about your, your work as a guardian ad litem?

**JH:** Yes, for the past eleven years, I've been serving as a guardian ad litem in Washington County courts, including the Maine district court of Machias and Calais and the Indian child welfare cases in Passamaquoddy tribal courts at Pleasant Point and Indian Township.

**RG:** Can you tell me a little bit about what that experience has been like for you?

**JH:** Well I have a caseload that is rather full, really, between those two caseloads. I also do a-- I'm a mandated guardian ad litem, a rostered guardian ad litem, who has some guardian ad litem responsibilities under Title 19 in the Divorce and Parental Rights and Responsibilities Area and a couple of my cases involving, involve Native American couples so I've probably at any time have at least half a dozen cases that impact in some respect on ICWA and that's been consistent over the last eleven years. And prior to that I worked for 18 years as an assistant attorney general in this area, and I probably always had one or two cases that were ICWA cases where I was representing the Maine Department of Human Services. That would have always been at district court.

**RG:** When did you first learn about Maine's policies related to Indian child welfare?

**JH:** As an assistant attorney general, when I began that job in 1984, I learned it from Leigh Saufley who is now is the supreme-- the chief justice of Maine's supreme court. She was our supervisor in the child welfare area of the Attorney General's department. *(Sound of phone ringing.)* This person isn't going to stop, is that ok, do you mind? Can we just have a break?

**RG:** Yeah, we can pause. *(Turns off recorder for phone conversation.)*

**RG:** So you were telling me about Justice Saufley.

**JH:** Yes, we were made acquainted with the responsibilities and requirements for ICWA from Leigh and I acquired about 1986, I guess, a very helpful manual from the American Bar Association-- family law section--and that's kind of been my bible. **[00:03:35.06]** I don't think it's been updated. The statute has been amended.

**RG:** Is that something that you sought out on your own or something that you received through your work?

**JH:** I sought it out on my own--but that's what lawyers do. We have to know where the answers are.

**RG:** Yeah, exactly. Did you receive any specific training related to the Indian Child Welfare Act?



**JH:** Oh yes, particularly as an AAG, we had annual trainings in the family law area and I think with probably--for the first ten years, maybe every third or fourth annual session, we had some representative from the Indian child welfare people there and then they started regularly attending by about 1990, I think, we always had Indian child welfare staff members participating with us in those training. So you'd meet them and there'd be two or three days of training usually in one of those resorts in western Maine and you know you got to participate all together. We kind of got to know each other--mutually. I mean, I'm talking now about the Passamaquoddy tribe. That's the only contact that I've had. But I mean, it's been enough really.

**RG:** Could you describe a situation or situations where you felt very positive about your work with a Wabanaki child and family.

**JH:** Yes, I was thinking of a couple of different situations. One from Township and one from Pleasant Point. Each of which, we had a very positive interaction. We had a case out of Township involving a-- Indian Township-- involving a father who lived on the reservation with his son and daughter and his wife who was non-Indian, but they lived on, in the Pleasant Point reservation-- *(sound of phone ringing)*

So they, they unfortunately went through a divorce and this started out as one of my title 19 cases but because of the controversy between these parents, the Indian father moved from the reservation to the Augusta area where he had a job in law enforcement and he declared to the district judge that he did not want to have his spouse have any contact with his son, and he basically wanted nothing more to do with his daughter.

And these youngsters were both tribal members-- and he also wanted mom and the daughter removed from the reservation. It was his land and he was able to enforce that, but it was so acrimonious that the local district judge decided to place --to exercise a jurisdiction you can do in Title 19 cases, in divorce cases, and place the son in custody of DHS who had -- but who by that time, dad had taken his son to Augusta.

So Augusta DHS had to pick up the case and of course, it's 100 miles or more, almost 200 miles to, back to the reservation and although the district judge had said they should consult with me as guardian ad litem as to the placement of the son who was then 14, or no he was then 12. And I would have wanted him placed in a tribal foster placement that I knew of in Pleasant Point. When I tried to persuade the Augusta DHS people, who hadn't had any particular ICWA training, I don't think. They thought it was too far away and they placed this youngster in a non-Indian foster placement in Augusta. Nice people but non-Indian totally, and placed him in a local school in Augusta rather than back at the Township school where he had been.

And with the assistance of the Indian child welfare people who intervened in the case, from Pleasant Point, we got that all sorted out and got that son, and he presently is, back in the Indian, licensed foster placement in, at Princeton. And although mom and the daughter had to leave the reservation, they assisted her to remove the family mobile home which she owned, and to place it and they assisted her financially, to the benefit of the daughter, to have it set up in Princeton and they're working to have a, you know, a very appropriate reconciliation of the son and the daughter.

They're doing a great job [00:09:18.07] and it's basically been because of very, very professional casework by Indian child welfare staff at Pleasant Point and Augusta DHS case workers frankly were kind of -- out of the loop. They really didn't even understand what was going on. One of them made the comment to me, "We're not going up there." And it was a lack of training, by Augusta staff so was very, that's been very positive.

**RG:** How long ago was that?

**JH:** Oh, it's still ongoing, but it started 2 years ago. Now another case that I wanted to mention that's very positive is taking place at Pleasant Point and it is a case involving a drug-impaired teenage girl now who I've been the guardian ad litem for since she was a toddler. She's with -- she is --in the result of pre-natal extreme drug use by her mother--a very neurologically challenged kid, and her behaviors involve, you know, hallucinations, acting out, and running away. And so she has really been stretching the resources of the Indian child welfare staff at Pleasant Point who have been seeking to maintain her with her aunt and uncle for years and years and we continually have crises and episodes and they never lose patience. And the aunt and uncle are kind of enablers because they will promise this youngster--no matter what you do, we'll always be there for you -- which to her little mind means, I can run away from whatever facility I'm at, so she has tested about all of the residential treatment facilities in Maine. She's now working on a Spurwink facility at Brunswick. She had gone all the way that way and --but they're --the aunt and uncle are all she has. That's her total family, and so, whereas I know, State of Maine child welfare would have, you know, taken them off of the mailing list. The Indian child welfare people work with them very sensitively and I really appreciate it because that's all this little girl has. When they get her stabilized, they put her back with aunt and uncle and it lasts about six months because she has these behaviors, but they never lose patience.

I think it has to do with the permanency of their staff. Their director up until recent months, Molly Newell, was the, was like there for like twenty years and you know, they just have permanent understanding and of course, they're all cousins, they tell me, so they all know each other and so it's just exactly what this little girl needs. Her Indian name is [name redacted]. She's not. She's totally dismayed. Ok. So those are two very positive things where I've been extremely impressed with the, you know, with the ability of the Indian child welfare people I work with.

**RG:** Could you describe a situation or situations where you felt less positive about your work with a Wabanaki child and family?



**JH:** [00:13:05.10] Yeah, I had a case involving a situation where they, they had two troubled youngsters whose dad was alcoholic and mother was suffering from Huntington's chorea and was hallucinating and they removed--and he was very violent with the mother because of his, you know, his alcoholism—and this is another one of the cases out of actually Pleasant Point's tribal court. It had previously, they had lived off the reservation previously and it had been a state case. I hadn't had that as guardian ad litem, but for years, that had gone on without any successful intervention to protect these two, three kids. Two little girls and a little boy. And so they were hopelessly in the midst of a war zone and they tr-- the effort was made to maintain the children with a relative, very well-meaning lady but a single parent herself, somewhat limited education, and she was unable to parent these youngsters as teenagers. They're now all grown and they're all had, kind of dysfunctional lives as a result of that. I really don't think that--they didn't want to hurt her feelings. She wanted-- she was a relative, she was an aunt, she wanted to make up for her drunken brother and she kind of saw herself as, kind of the rescuer of these kids, but she couldn't meet their needs.

And I think they just...the Pleasant Point child welfare people should have, should have found a more, you know, therapeutically trained placement. Maybe they didn't have one for the youngsters. But as a result, it wasn't successful and we're seeing it in the current generation now that these three are now adults. So that was ten years ago that that was, that that takes place—and that, I think that was from being too, maybe being too sensitive to the fact that everybody are cousins. So [00:15:38.18] that was kind of an unfortunate thing and I really feel kind of sorry for those kids because --and their mom is now--her Huntington's has really gone and she's in a psychiatric facility with the state and of course, they have, it's genetic so they might experience it too. That would have been another reason too. That would have been another reason to try and select a higher level of functioning.

**RG:** So the next one is a bit of a long one--I'm gonna asking you about your experiences or any challenges you've found in a number of areas within the Indian Child Welfare Act. And because this is on both sets of question, I'll ask you to take into consideration your time working as a guardian ad litem as well as an AAG. Sound ok?

**JH:** Right. I have these questions. I didn't ever find, I don't ever find in either capacity any challenge in initially identifying the child as Native American because the Passamaquoddies have a census. Unlike the other tribes that are kind of nebulous, children are either on it or not. There is--there is sometimes a concern about children who would be potentially eligible but for some reason, there's, there hasn't been the effort made to put them on the census. I've had a couple of those cases but usually there is no initial-- there's no challenge initially identifying the child as Native American which, from my perspective, you want to try to do if it's all possible. I do have one case where a grandmother has told me that there's --for some reason, she doesn't want to, I guess, her son is on the census but his boy isn't because she hasn't identified the right grandfather but she doesn't want to for reasons of privacy. And I think

that's unfortunate because the way she describes it, this little boy would be eligible for the census. But you know, that's a privacy issue and so that case is in Maine state court, although the youngster probably might—you know, he might benefit if he could be on the census.

**RG:** Is tribal child welfare involved at all in that case?

**JH:** No, because he's, you know, he's not claiming. They live off the reservation and granny doesn't want to --but she--it's unfortunate because she has told me that, you know, if, you know, the right blood tests were taken, her grandson would be on the census. But it's somebody she's not willing to do.

**RG:** And how about any challenges or experiences you've had surrounding the state notifying tribal child welfare when they become aware of a child that is Native American?

**JH:** Not, well. Not at all, as a matter of fact, the --you may be aware--the current system is sometimes to have these administrative, these cases opened up by DHHS administratively and they start with family team meetings and efforts, to use reasonable efforts so they don't have to have a court case. And I regularly see that when they find they are filed as court cases that they have invited the Indian child welfare people to participate from the outset. So they're actually participating with Maine DHS even before it becomes a court case. And that's part of the new system. I think prior to that, change in policy which is probably only 5/6 years old now, they wouldn't have been involved until it became a court case. And then actually, parents, the parents would have probably said, "Wait a minute, our child is an Indian child." But I think it is right now--tribal child welfare officials are notified even at the administrative level.

**RG:** Yeah. And how about in determining jurisdiction or residence of a Native American child?

**JH:** Well the, as you know, the question of--there's no question if they're residing on the reservation. That's totally ICWA. There's no dispute that that should be a-- (*phone rings*) So, I'd say, but if, about jurisdiction. If there is --if the parents are not residing on the reservation and one of the parents is non-Native, that's when it can come up as an iffy kind of question. Or if the child is over 12. I have a case right now in the Machias district court where the mom is non-Native, her twelve-year-old daughter is living with her in Machias, non-Native. Dad is a member of the tribe down in--and the 12 year old is on the census. Dad is a member of the tribe, lives down on Pleasant Point. He's a nice guy but he has never had anything to do with his 12-year old daughter. He only likes boys and she doesn't know him. She lives with mom and mom's domestic partner and thinks that gentleman is her father. [00:21:56.17]

And this dad has mentioned to me, I want my daughter. I want to transfer this to tribal court and it won't happen. It's been open for about a year and he's been notified. He has a court-appointed attorney, doesn't even show up at court. He's only been worried about paying child support and now he's decided, if I got my child, I wouldn't have to pay child support. But this 12-year old daughter doesn't know him and he's made no effort to have any relationship. I know this kid better than he does.





So it won't happen but that's unfortunate because she knows nothing about her Native American heritage. I talked to her about tribal activities that they have in the summer—they have a terrific time down on the, in the Pleasant Point area. And it's like talking to a stranger about something that happens in a foreign country. It's a shame. So he's slumbered on his rights but he's hurt his daughter. And it isn't realistic to think, he can say, well she's Native so let her come live with me and my girlfriend, will take care of her. This kid doesn't know that girl friend. And at age 12, the statute would say—or I guess it's BIA guidelines—would say she can have a choice. And she basically doesn't want to leave her family. She has two siblings that are—two younger children in that family. That's her family. [00:23:23.04] But other than that, I mean, that type of case where, where jurisdiction might come up as an issue. And I'm pretty sure that the Passamaquoddy child welfare people would back me up if he does want to take it—try to get it transferred.

**RG:** Yeah. How about with child custody hearings?

**JH:** Well they, at those hearings, the challenge really is to try to get agreement because you, you're really seeking to have, you know, people cooperate with reunification so that—you know, you can—I mean these are civil matters, but if the parents are in agreement, then, you know, you can, you can—and the, the risk to the child—one of the things that I find as a challenge is that in the state system, there is a very rigid time-limited requirement for drug-impaired parents to get help and to make themselves safe for their parents. But the, under the -- because—and the system, the statute requires it because after 15 months, they have to look at whether or not to consider other alternatives because the parents haven't attempted reun—haven't been successful at reunification. But we don't have that provision in the child welfare situation at, you know, under the Passamaquoddy child welfare act. So it's just kind of open ended. And I find that drug-impaired parents in that situation have no incentive to change and they don't. And so the kids languish with grandparents or something like that. I have a case involving a young woman that I know she's up in Calais—you know, drug impaired. She's kind of a street walker. And her kids love her but they're going to be living indefinitely with their grandparents. The children's father is dead, so and there's been no effort to make this girl clean up her act. And I have a couple of other cases where, that are kind of like that and it's just because they don't seem to have they don't seem to --they don't have the statutory requirement to make these parents, you know, get off drugs and --and make themselves available for their children. It isn't a requirement and I think that's kind of unfortunate. Um...

**RG:** In foster placement?

**JH:** Well I was looking, of course, with respect to ICWA that they be Native American foster parents. And the problem is that they have to be trained therapeutically sometimes because the kids are so disturbed. And I think there is a shortage of Native American foster parents in our area. As I say, there's one excellent family down in Princeton and there's possibly one at

Pleasant Point, but I got a feeling, they don't --they aren't not really trained. Therapeutic foster parents, you have to have a huge investment in training. You have to have case management and you have to work with them on a regular basis. And I just don't --I don't see the tribe as having those resources. So if children need a level of foster parent placement that's therapeutic, there has to be willingness to go out of the system and look for therapeutic foster parents. And we have them in non-Native families and I have one case [00:27:50.22] where the family, they live all the way up in the Bangor area, and they have a very special needs little boy and they make a huge effort to, you know, to bring him for, you know --cultural activities and so forth. The Wabanaki facility in Bangor helps them a lot and they also bring him to all kinds of events in the, because he's from Township, his family. But they are very exceptional. Most Maine therapeutic foster parents, it would be a total sideline to have a Native American child because they're loaded with State of Maine kids. And so they wouldn't have the time to, you know, really get into the culture and give the youngster the opportunities that he would deserve. I think the Passamaquoddies should get some therapeutic foster parents.

**RG:** Yeah, absolutely. And how about in family team meetings?

**JH:** Oh they're there. Well I have a problem sometimes with those family team meetings. They bring in too many people that are just-- aunties and uncles and people that are curious, and people that -- I've had team meetings where they've brought in people that wouldn't even recognize the child and they're full of opinions about--you know, Native American ladies who have nothing else to do. [00:29:21.18] They should be limited the people that could make a substantive contribution, rather than loading-- they think they have to load them up with supporters. And they don't. You know, because, I guess there are these young parents -- you get to invite whoever you want to those family team meetings and half the time, they'll say we don't want Hawes there, which is okay. But they bring in too many invitees who really aren't contributing anything except, you know, moral support and they don't need that really. I mean, they are given lawyers. The lawyers will come to represent, they don't need the supporters.

**RG:** How about with family visitation?

**JH:** Well, it's fine. Sometimes it needs to be supervised and then, as I say the people that are visiting, they have drug tests before they show up sometimes. But you know, as long as that's taken care of--that's the state system, it's fine. The ICWA cases that I work with, the family visitation is supervised by Indian child welfare people, and they don't necessarily document it as nauseam like your state services like Families United do, but they are---these are good visits for the, between the children and their parents. [00:31:00.08]

**RG:** And how about with kinship care?

**JH:** Well of course, that's what they strive to do. That's the--when you're trying to place kids in the state system or in the ICWA, Indian child welfare system, you try to look first for kinship. That's the latest approach, so it's --and complaints, or observations I would have as a guardian ad litem is applicable to both situations. I think both the state and the tribe sometimes select kinship --you know, grandparents or others that are really basically too old and really don't have any, you know, really current capacity to make this sort of commitment for troubled kids.



And it can end kind of badly when you place, you know, toddlers or, you know, four year olds with grannies that are in their 80s and expect them, you know, to make sure the kids go all to the developmental services and so forth but other than that, I mean they --it's just --we see the same thing in the state. The 80-year old grannies get in over their heads too. I've never had an experience where anybody tried to terminate parental rights with a Native American child and the only adoptions I've ever seen were by consent.

**RG:** How are tribal child welfare staff included in development of a family case plans involving a Native child?

**JH:** Well in most cases I've ever seen, if it's a mutual case--I had a team meeting where, we did one with Pleasant Point staff yesterday--Friday afternoon. The child welfare caseworkers--it's going to be a transition to a tribal case. They basically wrote it and the DHS caseworker was happy to sign off. I think it's totally cooperative at this point.

**RG:** Great. Has that changed over time?

**JH:** Well I think as I mentioned, they come to all these trainings and you kind of lose sight of the fact that they're working for a different agencies (*phone rings*) so, yeah, they are totally included at this point. (*phone rings*)

**RG:** To the best of your knowledge, if a tribe declines to intervene in a child custody proceeding covered by ICWA, what are the reasons for that decision? Or have you have any cases where the tribe has declined to intervene?

**JH:** Well the only times, they might, tried to decline I was thinking, if it was a matter of, you know, of distance and living off the reservation. And they might feel that -- I mean, if we had a Passamaquoddy family living, you know, in Vermont or something and they got involved with Vermont child welfare, that they might decline to intervene because of the distance. I think we had, years ago--we once had a Paulette Antil, that lady that-- she might be telling you about a couple of cases that came up maybe 10 or 15 years ago where western tribes -- a little girl that was coming through, with an over-the-road truck driver was Native American, from some Montana tribe or something, and they just declined to intervene because it was too far away. That youngster ended up in a foster home in Bucksport. That would be the only thing I could think of, our people would --when that case that I mentioned that the Augusta DHS people dropped the ball on--Indian child welfare people from Princeton came to Augusta to team meetings that the Augusta staff deliberately set at 9 am. **[00:35:40.12]** But they came up for them anyway. They were there because they were looking out for that family. So I would say, they would, they would never, never decline to intervene or to take a strong stand if they thought one of their children was in the state case inappropriately. Yeah, or needed their supervision.

**RG:** Yeah. To the best of your-- well first I should ask, to the best of your knowledge has the state ever declined to transfer a child welfare case covered by ICWA to tribal court?

**JH:** No.

**RG:** Have you had any experience working with an expert witness for Indian child welfare?

**JH:** Oh yes, the cultural experts that is required under the statute. And how do we select them? We have to ask the Indian child welfare people and they come up with the experts. At this point, there's--I think we have several excellent tribal members who can fill that responsibility that's qualified experts, expert witness.

**RG:** What do you consider "active efforts" to prevent the break up of a Native family before recommending an out-of-home placement for a Native child?

**JH:** Well the "active efforts" are--they are at least the -- you know, the reasonable efforts that are required under the state law before you could get a removal of children plus the active efforts standard that is added by ICWA. And basically, actually I made a note of where I look for and think it's pretty appropriate, page 57. *(Sound of flipping through pages.)* Oh yeah, that they've considered home counseling, maybe homemakers, the HCT process *(Sound of phone ringing)*, you know, possibly residential treatment. As I say, the only lack is sometimes requiring drug counseling and, for the parents, but other than that it's--

**RG:** Do you want me to pause this for a minute?

**JH:** This is— *(Sound of phone dialing.)*

**RG:** Oh, are you calling somebody in your pocket?

**JH:** No, oh no! Oh, I don't want to do that.

**RG:** In what ways do you see Indian Child Welfare Act and the Adoption and Safe Families Act working together and in what ways do you see the two acts not working together?

**JH:** Well, that's -- they work together hand in glove, really, except for the time limits and then, as I say in the --and then there is one other provision, there are no time limits on parents, particularly the drug impaired parents, making positive efforts to, you know, to improve their parenting. And the other thing that is not, you know, simultaneous is there are no permanency guardianships as there are under the state statutes in the Passamaquoddy child welfare law. I understand the Penobscots have adopted it, but for some reason, down at Township and Pleasant Point, the tribal government hasn't adopted those provisions and we actually had a meeting with the state DHS supervisor who coordinated that process who --if [00:40:07.06] tribal members who are considering guardianship, like that aunt and uncle I mentioned, could be permanency guardians--they would be eligible for all kinds of state services that are



available through, through the federal government. But the only guardianships that they can now get would be basically, other than MaineCare, would be just self-financed.

But if the Passamaquoddy tribal government would just adopt that, the attorneys that work these cases, family law cases for the tribe, we're begging them to do that--I don't know why the delay. But it would greatly benefit basically grandparents and relatives. They could then have these permanency guardianships they, that-- and then the other thing would be to put some time limits on parents that are just dragging their feet. You'd have to have--the statute would have to be more specific about the requirement that there be a, you know, administrative reunification plan filed with the court--that's not in the statute either—to set--to get the ball rolling but then they would be required to basically get off substances by a particular time. And of course, it's taken care of in the Maine statute. In fifteen months, they must file a termination proceeding. I mean, that's a threat but there's no such provision. We've got a toddler that's languishing in that situation. He's in Pleasant Point. And he's with the chief of police's family but he's, you know, he's probably two years old now and his mother has made no efforts to get off drugs--she'll do it next week. *[00:42:26.28]* And it's is too bad. So those are the differences I do see. Where it doesn't, they don't work together.

**RG:** Over the course of your work as a guardian ad litem as well as an assistant attorney general, what do you or did you see as barriers to the state's promoting ICWA compliance?

**JH:** Case--the real barrier has been the turnover of DHS caseworkers. They have turned over, they turnover so fast, they don't even have time to be trained in some of the basics, much less ICWA, which is kind of a sideline. And that's, that is a concern. That was basically the problem in that Augusta kids I told you--they assigned it to a brand new caseworker, right out of training. ICWA? An ICWA case? And this kid says to me--I don't want to go way down there. I mean, my god, that was culturally insensitive—I mean it was just out of the, off the... But I didn't fault her for it, nor did the DHS, nor did the Indian child welfare people because we observed that she's just a kid. And she did come down and visit the reservation and she thought it was wonderful and we had a great time and of course, they rolled out the carpet for her. But basically, I don't think she even figured it out. They were just absolutely gonna take that case away from her because it was over her head. Yeah, they had to get that kid back. His dad was totally off the rails.

**RG:** What strengths and weaknesses does state child welfare possess in ensuring ICWA compliance?

**JH:** *[00:44:16.10]* Well of course, they wanted to comply. That's the law. And that would be their strength. They have absolute good intention I'm sure. But in terms of weaknesses, I really think that --what did I say here? *(Long pause.)* Yeah, they're not coordinating this with --I say with the therapeutic foster parents, particularly if they're looking for a --to comply with ICWA

to try to find an Indian set of foster parents. What they'll end up with as I say, if-- I'm talking about a case where the state has the case in the district court because the family lives off of the reservation. So, but nevertheless, they should be looking for an Indian foster placement. And what will happen is, they aren't --they aren't actively seeking. They probably don't even know who are licensed by the tribe as Indian foster parents. And if they, if they, they might be looking for like the grandmother, type-of-thing that could meet the child's needs. But if it's a child that has therapeutic needs, they --there isn't even any, you know, possibility that they could probably find Indian foster parents that could, that had the training. And then they wouldn't give them any support because they have, their structure is to, you know, to support--I mean, they have a clerk that goes out and makes sure the electrical fixtures in the premises have cover on them--that's about it. They don't look for--because therapeutic foster parents are managed-- case managed by one of these agencies like Community Health and Counseling Services that takes care of all of their training needs and they just, they're just licensed at that certified level by the state, and, but they're managed through these agencies. And there's no equivalent if you are looking for the Indian foster parents that you should be looking for, for that kid under the ICWA...there's no coordination. It's kind, it's, it's kind of too bad because I think it would be quite possible to do it but they just have to incorporate those-- even as the Indian child welfare people are pretty much incorporated in the state training. Why don't they try to incorporate the Indian foster parents into foster parent training? Because I know they would do it, they would love to do it.

**RG:** Yeah. What strengths and weaknesses do you see Wabanaki tribes possessing in working with the state for ICWA compliance?

**JH:** Well they have a more stable staff. You know, I mean, those are pretty darn good reservation jobs. I mean, they're, they -- and the more you do it, the better you get. And that's why they have a great strength. Pleasant Point has caseworkers I've been working with for twenty years and they've seen everything. And the other thing of course that's a strength is that they know everybody. They live there, some of them live right on the reservation, so they have this, you know, acceptance. And they also, they also can identify, you know, strengths that maybe we outsiders wouldn't see. Because you know, they can identify maybe strengths in the, I would hope, in the dad that, I would think, ought to be more interested in his daughter. They may see why he isn't--probably mom was kind of difficult. But anyway that's a strength: it's permanency, a more stable staff. They have a more stable staff.

**RG:** And can you talk about the importance of guardians ad litem learning about and having a knowledge of Native American family structure and culture?

**JH:** Oh yeah, and the more time I spend with them, visiting in their homes and talking with them and talking about their experiences, and meeting family members, the more I appreciate that. You can't [00:49:25.17] you can't really learn too much about the family structure and culture. There's always more to learn. One of the things I find it being very --so positive--it's a totally child-oriented sort-of culture. And they have all kinds of summer activities and school activities and their children are in these really good families--are really everything for them. And that's really to my way of thinking--a strength. But, you know, there was a terrible impact of the Washington Country drug culture on our whole society here-- this younger generation

and it's also impacted the, you know, the tribal members and I often hear some of these young parents saying, "I've got to move away from the reservation for the safety of my kids." And I think that's, they're probably right in some respects and I think that's very sad. [00:50:45.25]

**RG:** Absolutely. Do you think the Indian Child Welfare Act does enough to protect the rights of Native kids and families and tribes?

**JH:** I think so if it's enforced, if it's understood. One of the reasons I don't believe there has been any need, at least up here in Maine, you know, where there hasn't been the, you know, adversarial experiences like Wounded Knee -- that the western tribes have experienced. I think it totally--it's --except for the things I was mentioning, the, maybe permanency guardianship opportunities, maybe a more strict time limit on reunification, I think it meets, you know, the needs. Of course the federal law would allow these changes. It allows tribes to create a tougher statute. And it just gives you the basic structure. So, yeah, I don't think Senator Collins needs to change it.

**RG:** How could the state child welfare act, uh, sorry, state child welfare system improve in terms of ICWA compliance?

**JH:** I guess if they- if they could just hang on to their staff long enough for them--be better to their caseworkers I guess, not send them in over their heads and give them more training. Yeah, make it more worth their while to stay. And, you know, it's not rocket science to figure out why you have high turnover, you have a rough working situation.

**RG:** Yeah, exactly. If you could change anything or make anything happen at the tribal, state, or federal level for children touched by ICWA, what would you do?

**JH:** Well I want the drug-impaired parents to be more responsible in putting their children's needs first. Yes. That's it.

**RG:** Is there anything else that you want to add, that you want the commission to know that I didn't ask about?

**JH:** No, I hope this is going to be a beneficial --the commissions' quest here. There. I hope that you're not going to be taking too, you know, kind of jaded historical approach to it. That was kind of then, this is now. And it really is, it really is now. There were terrible, terrible injustices. I was raised as a child, seventy years ago. I was raised in Ellsworth but I know how unfortunate the social situation was up here, then, but that was then and this is now and the kids I work with are going to be the tribal leaders when they grow up. So they really need a, you know, the best opportunity for education and childhood. I think that, I was reading that the school system in Pleasant Point is getting a huge grant to renovate. Twenty million dollars I

think, for their school, and they'll be able to take advantage of every cent of that. They're very, very -- I work with their school system before, of course, as a guardian ad litem, and they are **/00:54:45.05/** highly, you know, motivated people--excellent teachers. The health center needs more mental health, particularly drug counseling resources, that would really help.

**RG:** Thank you so much for your time. I really appreciate you taking a couple moments to sit with me and answer my questions.

**JH:** Ok. Ok.

**RG:** I hope you have a wonderful lunch.

**[END OF RECORDING]**