

General Information

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Statement Gatherer: Charlotte Bacon

Support Person: Barbara Kates

Additional Individuals Present: Erika Bjorum

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Recording

CB: There we go, so it's starting to move. Today is April 23, 2015, and I'm here to gather the statement from Peter Walsh. The file number is 201503-00162. And I'm here with Peter. I'm here with Barbara Kates, and I'm here with Erika Bjorum. And Peter, I just need to inform you that I'm a mandated reporter, so that if we have any information, hear any information that comes up in the course of the statement, I would need —

PW: I would have already reported it.

CB: You would have reported it, but I have to say it on the recording that if there's any harm to a child or to an elder or to yourself that I feel needs to be reported, that I have to do so.

PW: Okay.

CB: So, just need to let you know and I'd just like to thank you for being here today to provide a statement to the Commission. Um, we did have a series of questions that we wanted to, uh, ask you.

PW: Right. I didn't get a chance to look at those, and if you don't mind, I'd like to just go ahead and, because I think my presentation or my statement will, uh, answer a lot of those questions.

CB: Terrific.

PW: If there is anything left out, we can kind of address that.

CB: Sure, sure and if I may, if I might pause to ask you some clarifying questions.

PW: Oh, absolutely, anybody (*inaudible*).

CB: There is one thing I will start you with though, is to ask you about the years that you worked in the office of, uh, Child and Family Services, the years you were with DHHS.

PW: Okay. That's part of my statement.

CB: Terrific. Because sometimes people don't do that and we're really left at sea about the dates.

PW: I put that in there, yeah.

CB: Ok. All right. Thank you very much, please. And I'm just keeping an eye on that.

PW: Thank you very much for having me here. This is a, an extremely important endeavor, work. I have done, have been a, a history buff for many years and I've read a tremendous amount about the nature of, you know, the relationship of the indigenous tribes of this country. It's, uh, it's uh, I mean the word 'genocide' is the right word, but I think that President Jackson said, kill all the Indians, and which ones weren't killed by the army going out to kill them when we shot all the buffalo that essentially ended their ability to live, you know, on, in the open by themselves. And they came in at that point, I know that there was a policy of taking kids and putting them into schools to educate them so that they would basically, you know, forget that they were Native Americans. And so, I'm familiar with that and, in fact, I had the pleasure — I brought a resume with me, because when I got out of college, I went to the Peace Corps. And I, I went to South America and I spent two years working the Mapuche Indians in Chile. And I lived with them, and half of the town that I lived in was Mapuche and the other half was, was Chilean, and it was a tremendous experience. I have many friends. I actually have some pictures. I've gone through some files, and that doesn't mean anything except that, you know, I, I very much have many friends who were Native American, Native, you know, Mapuches, and it kind of helps to frame, you know, my approach to life.

But, um, what I wanted to do, in fact, I did bring a copy of my resume because, in addition to that, I worked in Boston where I grew up when I came back from the Peace Corps. Well, first in New York with, ah, schools placing returned Peace Corps volunteers in racially troubled school



Districts. And then I moved to Boston, and I worked in the South End, working in Mayor White's Little City Hall, where I worked with blacks, Hispanics, whoever there was. I was working for the city, and I was working on many different projects with people. I set up a, a volunteer program for the city, in which we brought in, um, college students, high school students, you know, whoever wanted to volunteer. This is in the 1960's when the urban crisis was going on. And one of the things that we did that I learned in the Peace Corps is that, um, I didn't want just these kids. In fact, my wife and I were at Wellesley College the other day, and I remembered we had a group of Wellesley students in the public housing projects that would come in every Saturday. And they had their beautiful jeans on and they'd be in cleaning these buildings with cockroaches. And it was amazing.

But the important thing was that the groups that sponsored them, we had them give seminars on urban life. So it was a two-way street that was so important to us to have them doing work, but also learning about why the conditions were the way they were. So, um, when I came to Maine, I came-- I applied for a position. This is an organizational chart; I'm sorry I didn't bring other copies. This is actually 1979. I came to Maine in 1977, in September, and I came as the Director of this, it's over here on the right, it's called the Bureau of Resource Development. That, the bureaus in those days, and this thing will get changed over the years. The bureaus are the equivalent to a department in other, other states. So, for instance, in Massachusetts they have the Department of Children and Families, that's what this bureau was, the Bureau of Resource Development.

And I was the Director of that bureau. And that included Children and Family Services, adult licensing, contracted services which is a big thing and information systems -- at that time. In the department at this time there were, the, the total department, there were probably 2,500 employees. The directors of the bureau and the deputies were appointed officials, um, and that's a distinction. Everybody else in the department was basically civil servants who applied and went through the process of getting a, a job. I was hired by the Commissioner of the department, David Smith, in 1977. And, and I was in that job until 1990, I can't remember if it was '92 or '93. So, I was the Director of the, the Bureau of Resource Development which, we changed the name. I changed the name to the Bureau of Social Services, and then it became the Bureau of Child and Family Services. Now that, those bureaus were eliminated as I believe in 1977 when Angus King was the governor, and they were making major cuts in, in government services, or '79. And we set up offices rather than bureaus. So today, I believe that it's the Office of Child and Family Services. It has a much smaller jurisdiction than what we had at the time. As I understand it, I'm not-- I've been out for ten years, out of jail for ten years. This is why I want to be able to look at this. But, uh, uh, they have a jurisdiction as I understand it, of Child Welfare. They, they don't have purchase services, they don't have licensing, and they don't have [00:07:25] any of those other things. So. So that's the equivalent of what is here, which is called Child and Family Services.

So anyway, so I was the Director of that office. I was thinking as I was putting this together, first of all, that when you get into this, I wish I had had a couple of staff people to help me. There is a tremendous amount of written information about what was happening at that time in the 1980s and '90s. There are plans, reports, outside agencies that they would use, the Federal government. In the 1980s, five out of six years, the legislature did a review in the summer after they went home, of the Child Welfare program. The Federal government reviewed every one of our programs on a regular basis. Every time there was a new commissioner they asked for a review.

So, I'm sure you've seen all the various reports on the activities of the Bureau of Child and Family Services. And I believe that we tried our best to document every recommendation that was ever made, and then include those in our plans which we had to write for the Federal government, but which I considered something that was good for us to write whether the Feds asked for it or not. And lay out for the general public what it is, our mission was, what our objectives were, what we were trying to do. And then, each one of you see in the Child Welfare and State Child Welfare plan, those green documents, you see that there is a, that there'll be a recommendation and then there'll be information about what has been done to accomplish that recommendation, and then whether or not we were able to do it. So, for all the years I was in as the director of that bureau, we had a lot of paper.

CB: Erika has found a lot of that paper. Thank you very much for preserving it and creating it, because it's been very helpful to us. In particular though, I would love to steer you toward ICWA.

PW: I'm, I'm gonna get there. I'm going to get to it.

CB: Okay. All right, because you were really at —

PW: Believe me I'm gonna get there.

CB: Ok, at the--

PW: I have to first, you know, take the bigger picture before I can get to ICWA. So, if you don't mind, I will.

CB: No, that's fine. I'm just conscious of the fact that we have to be out by 12.

PW: No, we'll be out by 12. So I was thinking on the way in, too, you know, why should any-- why does anybody care about what happened 42 years ago? You know, I came in in 1977, left in 1992. That's a long time ago. You know, a lot of it's in the history books. But the decade, the second half of the 1970s into the 1980s was a, almost a revolution in children's services. It was the time when so many things happened at the Federal and State level. I compare it to the New Deal. That before the New Deal, people got treated a certain way. After the New Deal, there were different programs and services in place. I compare it to the Great Society, for children. Before the Great Society, there were not a lot of programs for poor people. After that, there were. And in the 1970's, starting I believe, in 1975, you began to have a series of Federal laws impacting child welfare. The first of which, a major impact on

Child Welfare services, was CAPTA, which is a child abuse and neglect, child abuse.. neglected treatment act —

EB: Child abuse prevention and treatment.

PW: Prevention and treatment, that's right. Sorry. And that, that was a major Act, that recognized, on a Federal level, the extent to which children were being abused throughout the country and established a framework for states who operate and begin to establish, um, child, child protective services systems. The second one, I think, in 1978, was, was ICWA, the Indian Child Welfare Act. I believe passed in 1978 and again, in the Federal government, again, recognizing that, uh, Indian children had been removed from homes, had been mistreated, possibly by the Child Welfare system. I do not like to get into blame. I wasn't around at that time. I don't know why, in Maine specifically, if kids were taken out of their homes at a greater rate than whites, I don't know why. I just, I don't have that information. So, ICWA was the next one.

The next major, um, Federal law was in 1980. It was called the Adoption Assistance and — I had all this nicely prepared and of course, it's not here. But anyway, the Adoption Assistance and Child Welfare Act of 1980. This, this was, of all of the ones that have happened so far, this is the most far-reaching Act in terms of how it related to foster children. Essentially, the Adoption Assistance and Child Welfare Act basically said, at the Federal level, that children-- too many children were in foster care. They had been drifting for too long. There was not enough effort taken to, um, to move them either into adoption or back home. And, uh, this was also extremely important, because it became the major funding, one of the major funding mechanisms, by which the State could draw down funds, not only for kids in foster care, but in both in, uh, Indian homes and, um, and uh, white homes. This was a major funding for various services in foster care.

CB: Peter, can I ask, are there penalties associated with it?

PW: Absolutely.

CB: So, if you don't comply. You get nailed.

PW: Absolutely. They, they came in every year, almost every year, after it was up and running. In fact, I remember, before we even started running it, the GAO was at my front door. Coming in very friendly. We want to do a, a study, how you're doing. We hadn't even implemented it yet. Every year, it was a case-by-case review of every single child. They didn't do the review of every child, but we had to have a case plan for every child. We had to meet the Federal objectives, and it took a tremendous amount of time of our staff. It, uh, it-- it was a major impact on the whole system. And I believe that we were one of the only states that

ever passed every one of the federal reviews. Not that there weren't, you know, issues and problems that they would identify. But I don't think we ever lost a penny, um, because of any one of our reviews. And, again, I'm talking up through '92. I was still with the department after '92, but I was in another bureau. And then I was the Deputy, and then I left as the Commissioner under John Baldacci. I was the Commissioner for a year and a half, acting. By then, I had wanted to leave and he asked me to stay, but when he got somebody else, finally I said to him, 'John, I'm getting out of here.' So. So anyway, that was in '92, uh, 2003.

The next thing before that was the Title 20 Social Services Act, okay? And the, and I don't have the exact date when that was passed. Again, a major funding mechanism for the State of Maine. Basically a block grant that gave us money to provide social services to people who qualified in Maine. And some of that money, most, all of that money, some of it went to fund staff of the department, but most of it went out to community services: daycare, mental health, transportation, housing services. And it went to the, to the Tribes. A portion of that went to the Tribes for transportation, daycare and other things that we could use it. So, it's, it's important for me, and, in addition to these things, what was going on was the, that bureau that I was pointing to, first of all they had no line authority over what was happening in regions. There are 26 regional offices; I don't know how many at that time. There are five regional offices, and then there are a number of, of smaller offices from those. In Child Welfare, you had protective services and then what they call substitute care, which is a foster care program. There was no line authority from the director of the bureau and the director of Child and Family Services, which was an office, to the regional offices. We had to go through the Deputy Commissioner. And that was what we said was that the new law, the Child Welfare and Adoption Assistance Act, mandated a single State agency. So Commissioner Petit and I set up the Division of Child and Family Services in the early '80s, and the Commissioner gave us line authority over the regional offices, which was extremely important.

CB: May I ask a question? You did that in order to comply with the Federal mandate?

PW: Well, no, we did it — That was one of the reasons. The other reason was that we needed to have control over, you know, direct administrative control over the two most important programs in DHS. All those other programs that I list here, they're very important, but there's nothing more important than than Child Welfare. You know, public health is important. Your Medicaid program is important. In fact, Medicaid became a cash cow for us, because we figured out how to get Medicaid money for Child Welfare services, and we funded every agency in the State, um, with Medicaid money. We were the first state in the nation to do that, um, for case management. All the case management money in the 1980s and '90s and 2000, until they started cutting it back, came because of the steps that we took to get Medicaid eligibility for kids who were eligible and for whom, whom they were getting Medicaid services. And we, Medicaid has — I'm off the topic a little bit — but it's important, because Medicaid had a service, has a service called case management, and we discovered that what our social workers did, because of our information system, 85% of what they did was case management.

CB: So you claimed it under the Medicaid — ?



PW: So we were able to claim under Medicaid. I said, ‘No wonder the country is going broke, going broke because Medicaid is’ — that’s a joke — ‘because Medicaid is going to pay for our social workers.’ Not only that, it, it paid for caseworkers in daycare centers, in mental health centers. It became the major funder for all agencies, and it’s been cut back. The Feds have cut it back, this administration has cut it back. They haven’t been willing to fight the Feds on making changes ... Okay, so.

EB: Can you also —

PW: Ah, yes.

EB: Go back, so just to go back to when, so when did it happen that the division of Child and Family Services was formed and that gave the bureau director authority over Child Welfare services?

PW: You know, I do not know specifically.

EB: Or just approximately?

PW: It was the early ’80s. Because when you look at the next organizational chart it’s — I don’t remember. Okay, but those dates, I tried —

EB: That’s, that’s good enough.

CB: Don’t worry.

PW: But it was the early ’80s.

EB: That’s good enough. That’s all I was...

PW: And there are people who know those things, you know, and I, I talked to some but anyway, some of the dates run together, you know. So —

CB: So, are you also implying — this is just an inference I’m making, and correct me if I’m wrong — that, in having direct administrative control over offices where you had not, that implied more continuity of service to people? And it required more consistent services to people across the board, or so that if the Augusta office was doing something one way, or the Lewiston office was doing something another way, that this direct control allowed you to sort of standardize the way that you were dealing with people.

PW: Yes.

CB: Did that mean also that training was standardized?

PW: Yes, yes.

CB: Okay.

PW: The training, in fact, I'm going to get to that. There was a lot of training. There's a lot of things that were going on. Oh, I was going to say the division, when I came to, to work, there were two people in the central office who worked on Child Welfare. Two. Okay? There was Freda Plumley, who was a genius and there was a, an A+ student. There was, a lot of the work that you read was Freda's. And Caroline Welch, was the director of, she was a consultant. They weren't directors; they were consultants. Their title was consultant and here you had — And I'm going to get into some of the numbers. The numbers, you know, were just starting to go up through the roof —

CB: For foster care?

PW: No, for, and I'm going to start at the beginning. Foster care was at the end of the line, okay? But anyway, so all right, so that, so we had to build up a central office. Uh, we had to build up training. We had to build up funding. We had to build up, really the whole program from, not from the beginning because it was there. People had been working, some of them, for many years. But, there was no, there was no one statute. Title 22, I believe it is. That all of Child Welfare was, was scattered all throughout different other statutes. We pulled it together into one statute, had that passed by the legislature. So it goes a, b, c, d, e. You know, a child is referred **[00:21:34]** (*inaudible*) We had no manual of operations. And I know you've seen the manual of operations. And I was going to bring it in, but I decided not to. Um, but I did go through it again. We started that manual of operations. It became a, you know, the bible. I had one in my desk. Every person was supposed to have one in their desk. It was the basis of training for everybody. It was, you know, going through it A to Z.

BK: So, Peter if you don't mind me-- I'm your support person, but I'm trying to follow. So, so for example, when ICWA was passed between then and when this change came over about, you know, organizing everything, it would be up to each regional office to figure out what to do with this Federal law and how to implement it?

PW: You know, I don't even, I can't answer that question. I don't want to say I know, okay? I don't know. I don't know.

EB: It's interesting.

PW: The regional-- but the regional managers would meet. They were called regional directors. I mean, they met. The Child Welfare people, I'm sure, met together. But I, I can't answer that question, okay? But, certainly having the administrative, you know, ability to hire and fire as much as you can within the state system, you know, having the regional managers for Child Welfare work directly for whoever it was that was running that office at the time. So. And I was the director. I was the bureau director, so I had, I had other programs and then

Child Welfare which was the main. That one and Title 20. When I first came to work, Title 20 was, occupied everybody's mind. That was the biggest thing. It was a new funding source. It funded hundreds of agencies around the State. There was an advisory committee for the bureau, called the, the Human Services Council. They focused almost exclusively on Title 20 social services, and it took us a while to basically turn it, turn it around. Because one person on that council said to me they, the bureau, was the tail and they were the dog. And, after a couple of years and I was here they weren't too happy with me because they were now the tail and we were the dog. But, anyway. So, we had to begin building up because of all these other things, including ICWA, the capacity to deal with it, what was coming in the front door into DHS.

CB: In terms of Federal oversight?

PW: No, in terms of the plans.

CB: And money, in terms of funds —

PW: No, in terms of people. I'm going to get into that next.

CB: Into what?

EB: Do you mean the referrals of?

PW: The referrals.

EB: The volume of the referrals for Child Welfare.

PW: The business that we were there for. I, I just want to mention, since you've asked about ICWA, okay? At the same time — ICWA was passed in 1978, and I am not an expert on the Indian Land Claims settlement, which was going on at the same time. But there's a relationship between ICWA and the Indian Land Claims settlement. I don't know if you've come across this in your...

EB: Yeah, some, but.

PW: What I understand is that the, the ah... the Indian Land Claims, now I'll give you this document here, said that until that the Tribes were not Federally, um —

CB: Recognized.

PW: — recognized until after the Indian Land Claims case was settled. So you know this. And, and until, it says that State jurisdiction remained with the State. And then it wasn't until

after, after there was a determination, assumptive determination of exclusive jurisdiction until the Passamaquoddy Tribe or Penobscot has assumed exclusive jurisdiction, the state of Maine shall have exclusive jurisdiction over Indian Child Welfare. So, let's say that the, this passes in 1980, because they wanted to have Jimmy Carter sign this, because they were afraid Reagan was going to get re-elected. So the, ICWA, we, as I understand it, what our position -- I'm sure was at the Attorney General, was running the case for the State against, you know, the Tribes. And then it was a settlement, and I, I don't remember the time but somebody was telling me that we were basically told that, that we couldn't do anything outside what the State's case was at the time, okay?

So, ICWA passes in 1978. The Land Claims case passes and gets signed in 1980. Then there's a process by which the Tribes have to go through a — There's a sentence in here. They had to get licensed, that's not the right word, but, um, I'll find it. They have to get certified by the Federal government that they are now Federally recognized Tribes, and so it's not until either '91 — '81 or '82 — that the Tribes become, take exclusive jurisdiction over Child Welfare matters. It's either '81 for Penobscots, I think, and '82 for the Pa-, or '82 and '83. Again I'm not, I don't remember exactly which ones.

In the meantime, while this stuff is going on, we already have relations with the Tribes. We already are working with them. They participate in our training programs. We fund them through various programs. It's not like there's no coordination. So, in the next big step here and I'll just, I was going to do this later, but before, I do want to get to some of the numbers. A major codification of what had been happening is in 1987, which is the interagency agreement that was written and signed by myself, um, the governor of the Penobscot Indian Nation, John Watefield, who was because the Commissioner was changing, and myself -- in '87. This is the first agreement between the State agency, which recognizes that the Federally recognized Tribes have exclusive jurisdiction over Child Welfare matters, um, on their Tribal reservations and have, um, powers for, some powers for Indians who do not live on the reservations. And they can, they can intervene in cases when a child is identified to be, um, qualified for the, the ah, the ICWA, that they can intervene with those children who are not on the reservation. So, up until that time the Tribes basically ran their child welfare systems, but DHS was the overseer. After that, the Tribes were running this child welfare system.

CB: After '87?

PW: After, no —

CB: Or after '78.

PW: No, after the —

CB: '81, '82 —

PW: When they became exclusive jurisdiction. They had exclusive. It was, it was codified, this was the beginning of '87. It probably took two years to write this. It's like a first document. How long did it take to write, you know the declar-- It's not the Declaration of Independence, but people are busy. I can remember when I'm staff — It's in the reports. If

you go through, you'll see that they're working on the, you know, every now and then it will mention that they're working on the agreement with the, with the Tribes. There is not one of these with the Pass-- Passamaquoddys.

EB: No, still not today.

CB: Still not today.

PW: And I don't remember why there isn't. The only thing I remember is that somebody said, 'It takes two to tango.' That's what somebody said to me at one point when I said, 'What's going on, you know, with the Passamaquoddy?' But they still, they had the jurisdiction. Our Machias office, you know, it was very close to the Passamaquoddy. Tom Wolverton was the caseworker. Helen Hatt was the supervisor, for many years. Tom became the regional director. He had been a State Trooper. He was well known for *[00:30:22]* for good or evil. *(Brief laugh.)* He was a fabulous person. He was known by everybody on the Passamaquoddy. And they, every time they told me, before they would ever go onto any one of those reservations, they would call the governor, and they would tell the governor they were coming. They would meet with the Child Welfare people. And that's, that's the way the relationship was.

So, in terms of, to read this, um, agreement, it really spells out, you know, what ICWA is all about. It talks about the Child Welfare referral, Child Protective services, the Indian child. It describes who the Indian child is. The intake study. The interstate compact, substitute care services. And then there are specific provisions, and I want to just get this into the Statement. Child Protective services for children residing in the Penobscot Indian Reservation. And then it details what DHS' role is, and what the Penobscot Indian Nation is.

Then it's Child Protective services for Indian children as defined by the Indian Child Welfare Act, who are domiciled or residing on the Penobscot reservation. So, in other words, what you have is different types of kids. Some of who live on the reservation, some of who don't. Some are non-Indians who live on the reservation. Child Protective Services for children who reside- or, or this is another, or are domiciled in an Indian home, but are not Indian children. So, how do you deal with those kids? So, each one of these things. There's a whole series of DHS and Penobscot Indian Nation. So-- and I won't go on and read the whole thing. But essentially, the Penobscot Nation and Passamaquoddy, and at that time I believe, also the Houlton Band —

CB: — of Maliseets. Were included.

PW: They ran the Child Welfare system. And the protections for kids.

CB: What do you mean by, ‘They ran the Child Welfare system?’

PW: They, they were in charge when a child was identified who was a member of the Tribe. They had exclusive jurisdiction over that child. When a child was referred, and I’m going to get to that. When a child was referred to them, they had the, the jurisdiction to place a child into a foster home, if they had one, okay? And a lot of times they did not have one. And we worked closely with them. We gave, we had grants with the Central Maine — We had various, uh, programs where we tried to increase — I’m not saying that everything was always, you know, perfectly run. There were Federal, um, laws that restricted the types of homes that kids could go in. So they were in ch-- if they got to the TPR, you know the TPR — termination of parental rights — Actually, the standard in the Indian court — and as an aside, I hate that word, ‘Indian’ — that was a *[00:33:17]* Christopher Columbus mistake, ok? The indigenous court, um, the standard was higher to take a kid away from their parents than it was in the State court. There was a higher, uh, definition.

So the children who were in the care and custody of the Tribal nations were the responsibility of the Tribes for, for uh, uh, placement, for, uh, working through whatever services should be provided, for, um, beginning the termination of parental rights process, and for adopting those kids. So, talk about a revolution, from six years ago or four years before that, when the department had the responsibility for doing that and the Tribes were, um, advisory, shall we say. After they got exclusive jurisdiction, the ballgame changed.

This is not unique to the way the office of Child and Family Services operated. We had other, um, related agencies where we had a relationship with the kids, but we were not the ones who were actually in charge of what was happening with those kids. I’ll give you an example. The Department of Corrections, the kids were labeled C-5, for the, that was the label. If a kid came into the custody of the Department of Corrections, and the judge had the authority to place the child, without our ever knowing the kid — which was usually not the way it works — in our custody, to access the money, the funds, the Title 20 that we had, that the Department of Corrections didn’t have. So our caseworkers, we had caseworkers who had a joint relationship with a DOC, a Department of Correction caseworker, and the, and their, their own. So, I just say -- our relationship with the Indian nations was different, but our relationship with other agencies was different as well. And that’s all covered in the manual in terms of the agreements. In fact, the last page has agreements with all of the, um, the other agencies, so. What I’d like to do is just, again, briefly, this is so important to me because people start with foster care and adoptions. That’s not where it begins. Where it begins, isn’t there a song where it begins, let it begin? Let me see. Let me, let me give you this. Erika, maybe you’d want to swing around here. I think I got two copies. *(Loud noise of papers shuffling.)*

(Pause, sound of people moving around and inaudible comments.)

PW: Oh, here’s the first one I wanted to do. Where’s the —? I’ll start with this one here. I do have another copy of this. This is extremely important. The way I look at it is you have a funnel coming into the Child Welfare system. You have all those reporters. And mandated reporters are new. We didn’t have mandated reporters back at this time. If we did, there was very few and far between. Over the years, in fact, I was just-- I just ran off a copy of all the people that were mandate-- Over the years, people got added as mandated reporters.



Something would happen to a kid in a school system and they'd say, 'Well, you need a report.' But we weren't mandated. Okay, well, now you are.

So the funnel starts with people -- if you suspect that somebody has been abused or neglected. You suspect, okay? You can call. The general public is not mandated. They are urged to call, okay? And they do call. In big numbers. And then you have mandated reporters. So you have, in the funnel, you have coming into — In those days, they went into the regional offices. You had people who specifically answered the phone until they established a central office, 24-hour system, which we established. So that 24 hours a day, there were people specifically trained to take the intake. It's the intake system, okay? That was a revolution, and I can't tell you when that got set up but it was, it was-- I think it was in the 80's as well.

So, you start off with these referrals coming in, where people suspect that a child has been abused or neglected. The intake worker takes down the information, and at that point makes a decision about whether they believe that there is any — according to the definition — whether there was any abuse or neglect that's in that referral. Abuse or neglect as defined in the statute. Okay, so they might say, somebody calls and says, I'm having a fight with my husband, blah, blah, blah, we're having a divorce and, you know, I can't tell you what's going on. Well, thank you very much, you know, somebody may get back to you. That would get screened out in those days, because there's no direct information about the fact that a child may be abused or neglected, okay? When I came into the office, I was — I'm not shocked very much in life, okay, but I was shocked to find out that they weren't keeping track of those calls. They would just eliminate them, okay? And I said, 'No, we're going to keep track of those because the public should know what kinds of calls are coming in here and maybe someday we can get a program going to help those people so they're not referred to DHS but they might get referred to another agency.' So, we started counting those calls.

So, 1982, there were 7,456 total referrals. Now, that's a referral usually about a family. It may be about a kid. There are 2.14 kids per referral, average. So, there are 15,000 kids involved in 7,000 referrals, okay? By 1984, that number was up to 10,000. So now you've got 20,000 kids being referred, and as you look at numbers further on, this next page here. (*Sound of pages turning.*) This is the same basic document; this is '91 through '99. In 1994, we had 18,000 referrals, 36,000 kids were being referred to us.

That was in five-- that was in 10 years but in-- you know, it, it was exploding. And what was happening is, during the early 1980's, the types of cases were changing. We started getting child sex abuse cases. By the thousands. Half of our cases, half in the late '80's, half of the prisoners in the Maine State prison were there because of child sex abuse. It changed our relationship with law enforcement. It changed our relationship with everybody out there, and it changed the category, the class of client that was getting referred to us. In the '60s and '70s and early '80s, you had a lot of poor mothers -- for neglect, obviously. They couldn't, you

know, they were having trouble, single mothers keeping track of their kid. That was the highest number of referrals we had. By the early '80s, '85, 50 percent were child sex abuse cases, and I don't want to get into what that stuff is. *(Clears throat, emotional.)* It's been a long time... that was just so... it's hard.

So, anyway. So, so what happens here is you can see that on this other chart, a certain number gets screened out at referral. So let's take this, this year, uh, 1984: 10,541 referrals, 20,000 kids. Five thousand of them get screened out, at intake, okay? So now the funnel is starting to decrease, okay? And so these numbers continue. Appropriate referrals not assigned. So we are still getting into assigned, and then the referrals investigated. That's this one here. So of the total number of cases that come in, there's a, a quarter of them, a third, that get investigated, that somebody actually goes out and does an investigation. Now what happens when they get out and they do investigations? Most of the, they open half of them. That number sticks in my head. Half of the cases would be opened as an official Child Protective case on the computer. It's now an official Child Protective case. I remember that for years, we used to have about 3,500 cases that were open Child Protective cases. What happens with those cases is you're referring them to agencies, they're going to mental health centers. You're trying to get daycare for the kids. You're trying to help them. The first goal is safety of the child and the second is to try to reunify, to make sure this kid can stay with the family. That's what our fir-- second goal is.

And so, you work and work and work with that family, and then usually, in 90 percent of the cases when this, you make a decision that the child can no longer stay with the family. The child has moved a level of abuse and neglect to jeopardy and in that case, the caseworker, the supervisor, make a decision that they're gonna go to court. And a lot of these cases are emergency petitions, they're called. And at that point they will go, they have to go to a judge and this is the same on the, the, uh, Tribal courts. It works basically the same. They, they go through a judge. Usually it's an emergency petition. Obviously if you had jeopardy going on for a long time, you're not having jeopardy. So, it's usually a petition. The judge, you go to the judge and the judge, in most cases, will grant the emergency petition. The department can hold the child — it used to be for six hours — but, in most cases the judge will grant the petition. At that point, the caseworker has a child, they have the child — it might be three or four kids, whatever it is — and they have to place the kid.

So, you have a network of emergency foster homes, usually. And the kid goes in for, kids go in for a, into an emergency foster home. If you can find one available. Okay, sometimes they'll go to AMHI, the mental health hospital; sometimes they stay in jail, until you can find an appropriate place. So, then a hearing is scheduled before the judge, okay? It could be different judge. At that point, the department has to present its case as to why they believe the child is in jeopardy and should be removed from the home. And at that, at that first hearing, the parents have an attorney assigned, if they don't have their own. The child has a guardian ad litem, is a, who works, who's exclusively works for the judge. The guardian ad litem doesn't work with — They're all volunteers, but they don't listen to any — They go out and they interview the child or the kids, and then they report back to the judge. They don't go through the department. They don't go through the family. The judge hears from them as an independent agent.



So you might have five, six, you could have, each child could have their own attorney. The child, the parents, the guardian ad litem, the department's attorneys. You could have ten attorneys in, you know, in the case. So then the judge makes the determination that okay, jeopardy, I, I find that there is jeopardy. The number of those cases, now we're down to fewer and fewer cases. The number of cases each year, um, that that they would, (*papers shuffling*) I don't know if I have that situation here. Um, the number of children removed from home. Here it is right here.

Okay, so of the 36,000 children in one year there, um, this chart shows the number of children who are removed from home in a particular year. So 1991, there were 549 kids who the judge said, 'This child is in jeopardy and is going to be removed from home,' okay? Two hundred fifty of those families were voluntary referrals and that kind of goes up and down. Some departmental staff do not believe in voluntary. Some do. This is back in these days.

I can't tell you what they're doing today. I don't know. So, but there was always a number of people who would voluntarily surrender their kids to the department. They had the authority to walk in at any time and take their child home. It was, once they made that voluntary — I mean, I had a Friday night once before a long weekend. I had a call from a woman. And, you know, our staff knew a lot of these people, obviously, and they said, 'If this person calls you, she wants, she wants DH-- she wants us to take care of her kids for the long weekend.' I mean that's, you know, so, she did call up and I was the only one there. I answered the phone and I had a long talk with her and, you know, she decided to keep the kids but ... So, there's all kinds of things that happen in the world up there.

So. Start with a big funnel, come down, and then now the child is, the kids are in custody, okay? And then the judge, when they're in custody now, one-- they get reviewed on a regular basis. There was a case review system set up — Barbara Sparks — case review system. Every, every-- federally mandated timeframes for review of every kid that's in custody. Native American kids or, you know, others. Timeframe has to **[00:47:55]** be met, penalties associated with it. Feds coming in to review. Um, the, the case review can have ten people involved with it. Okay, so you know the case review system. The judge sets a time limit for, um, when, you know, the, the department is supposed to make a decision about whether the kid is going to say in custody or whether they're going to try get the kid adopted.

All right so, at that point again, you're gonna be providing services to the parent. You're gonna be using Title 20. You're gonna be using IV-E, which is a Child Welfare and adoption assistance. You're going to be using 4B. You're gonna be using whatever; you're gonna be using Medicaid money. You're gonna be helping the parents get counseling. Whatever it is they need and want, helping them to get a job, helping them to get their teeth fixed, whatever it is, you're going to try to help those people, as much as you can.

At some point, the department will make a decision that they don't think this is gonna work. And the kid — and this is pressure that we got from the Adoption Systems Act, the kids have been drifting in foster care. Departments were not making decisions. The kids had been floating along for a long time. And for whatever reason, again, I don't blame anybody. I don't know what was going on at the time. They said that you have to make decisions within the timeframe of the child. You had to think in terms of the child, and if the child is drifting in foster care for a long period of time, what effect is that going to have? So, then the department will put together the TPR case, termination of parental rights, okay, which is also in the Tribal, the Indian Nation. They have to do the same thing. This is--

CB: But they're all opposed to it, Peter.

PW: They're all opposed to what?

CB: TPR.

PW: When you say they, the Tribal kids?

CB: All four, all the Maine Tribes, really have strong feelings about it.

PW: Again, I don't know what's happening today, okay? Again, um, one of the governors of the, of the Penobscot Indian Nation said to one of our people at one time, I want my kids treated exactly the same as any other kid. That's what he said to us. So, TPR, everybody –

CB: Pause.

EB: What do you think-- what do you think he meant by that, I'm...?

PW: He wanted to make sure that, that the kids in his jurisdiction had the same rights as any other kid, any services. And I would assume, you know, nobody likes TPR. There isn't any person that I ever met that wants to terminate parental rights, okay? That is not just in the Tribe that-- and I understand the Tribal relationship where there's somebody in the Tribe can take care of the kid, that's fine. So, in 1986, all right, again, there are other numbers. (*shuffles papers*) Okay, let's go back here. Let's see. There were 84 kids who were adopted through the State system that year. 84, okay?

CB: And that's-- that does not account for private adoptions?

PW: It does not. No, I got the, some figures on that, too. Eighty-four kids. So, we start with 33,000 and we come down — Eighty-four kids get adopted. And those are the kids who've had, some of these had — They weren't all contested TPRs. Some of them were — The people said, 'Yes, I just can't do it,' or the people were mentally ill, or I mean, you know, they, they just couldn't handle it. They were drug abusers, they were alcoholics, you know, which are diseases. But they just weren't capable of doing this. But by the time, my point is, by the time we get down to the number of, of adoptions, after you've gone through every review all the way along the way, most people would — when they look at these cases — would say, you wouldn't, you wouldn't argue with them too much.



When you, when you understand what kind of suffering and pain and killings and violence that the kids in this State, that the Child Welfare people see, it's unbelievable. The number of deaths, the types of deaths the kids have suffered. When I was in office and then when I was in the department, the violence that the kids suffered. So, the DHS people, I used to say that they're almost in a foxhole. They go out there, and they deal with kids and families that nobody else sees. They're below the radar. They're below the radar. It is painful. *(Becomes emotional.)* I just... I just I think, some of these, the more extreme, you always remember the extreme cases.

CB: Of course you do.

PW: Sorry. So, I used to go out and since I didn't have a background in social work, I would shadow caseworkers. So, I'd go out with them for the day, and I went out with, and I did with adult services. You know, I wanted to be when I went to the legislature. *(Takes deep breath)* Whoo.

CB: Please, take your time.

PW: This one isn't even that bad but... So, I went out with a caseworker. I met her at nine o'clock. It was in the Bangor area and so she had a full set of cases that we were gonna, cases that we were gonna go see. And we went into this first one and she said, 'We've had a long experience with this family.' And I think she said we had taken four of the kids before then, and there was one kid left. And we went in there. There was a, it was a dirt floor. *(Cries.)* Whoo. And there was a beautiful teenage girl. She was beautiful. And the parents were obviously just, you know, they were just not, you could tell they weren't able to take care of the kids.

So, I just tell you this case because it kind of walks through. So, the girl, we were talking to the girl and she said, you, you know, she looked at the caseworker and she said, 'I want to talk to you alone.' So I said, 'Okay.' I went to the car. So. So the caseworker came out and she said, 'Well, she's, she told me that she's being abused, sexually abused by the father.' So, so she said, 'I can't leave the kid there. I just can't.' Once you know it, and she's **[00:54:49]** saying, you can't leave the kid there. So, so then we start all the steps, okay? Seven-thirty at night, you know, the judge is coming in. She had to find the kid a placement, do all -- this paperwork that you had me do, it's nothing. *(Laughs a little.)* It's that paperwork, so she, she, uh, so it's 7:30 at night.

The judge comes in and she has an affidavit which she had to do and the judge she had everything. I didn't even look at it. And so the judge, again, in 99 percent of the cases, I'm sure we get burned once and they grant that temporary **[00:5:28]** *(inaudible)* So, I don't know what happened to that girl, but it's just an example of sometimes you would act immediately.

Sometimes the family would be, it would be, working with the family through the child welfare, the child protective system. And then at some point, there's a decision that has to be made.

So again, TPR is the last resort. Nobody wants it to happen. And I'm very pleased that it's-- the system has become more family-oriented and, you know, if kids can be taken care of in a different system than what we had at the time. But this was the best thing that we had at the time. I never met, we probably had thousands of caseworkers because there were 300 or whatever it was, between sub-care and protective. And, you know, one of my jobs was to make sure we had more people. I never met an uncaring caseworker or supervisor. The people in the system were there to try to help the kids and if they weren't, they didn't last very long. They self-selected. What did (inaudible) or someone say about, you know, dealing the immigration problem? Let people self-select up. The case where they self-select. They try their best to follow the laws and the policies, which are extremely complicated, with all the reviews that were going on and, you know, but we want to have the reviews. We never said no to a review. In fact, this is where I once met Barbara. The-- I wanted to have as many eyes on the systems as we possibly could. And the Foster Parent Association — I guess there were two of them at the time. Is there another one that was working in — ? They came in and they just wanted to have a staff person and my staff, you know, they were already bombarded. They didn't want to do it and I said no, I think it's good that they have a staff person. So we funded back— do you remember when that was?

BK: There was a, there was one person who worked for two years before me, so it would be 1984.

PW: Eighty-four. We funded the Foster Parent Association, so they would have the capacity to help out from the outside looking in. We also, I also made a ruling that all of the agencies, daycare agencies, and others, mental health, could take a portion of their budget and put it into statewide associations. So, so they were able to hire people for the daycare, for the mental health. They were able to hire statewide associations.

CB: Can I ask you a question? In your memory, Peter, how long on average did a caseworker serve in the department? Because the turnover these days is about 18 months.

PW: Eighteen months. I think it used to be worse than that. I think it used to be — The fact is that you have a lot of people come in the front door. Because you have a lot of —

CB: It's a funneling system in its own right.

PW: What's that?

EB: It's a funnel system, as well, where people come in and then people [00:58:41] find out--

PW: Oh, absolutely. And then they move to other jobs, okay? So um, so you have a big turnover. But then there a lot who stay their whole career, and they become supervisors and then they become managers. Or, some of them remain as caseworkers, you know. When I



look at the people today — I've looked at the picture of you know Martha Proulx, Marie Kelly Harding, is she involved? [00:59:05] I mean, I knew those people. I met them in training, you know. I've been around. When, when I came on, to become a caseworker, you did not need any college degree. You didn't need any social work. You could go in to the department and work in the bureau of income maintenance [00:59:29] — the welfare bureau — as a, as a eligibility specialist, where you sign people up for welfare? And then, if there was an opening in child welfare, you could become a child welfare worker. Mostly women, okay, mostly caseworkers are mostly women. Eligibility workers are mostly women, um, and the clients are mostly women. You know, it's funny except for child sex abuse which gets into a whole other thing.

So those people were terrific, but I felt that they should have a solid, you know, college background, at least. So I asked, you know, how-- when I came on board I didn't have child welfare experience. [1:00:09] We hired Harmon Harvey, who was a native Mainer and had been to social work school, been a caseworker and he's terrific. He was perfect at it. He knew everybody in the State, so he could open doors. But I said to [1:00:25] Harmon, 'What do we have to do to go through and change the classification so people have to have a college degree?' 'Oh my God,' he said, 'that's, that would be a revolution!'

CB: I do, I do want to ask you —

PW: So we just did it.

CB: You just did it. You just changed it.

PW: We changed it.

CB: But, so that's, so you got folks who were, um, who had had, um, more extensive education, and, and —

PW: They had to have a college degree.

CB: Had to have a college degree, so.

PW: In certain fields.

CB: Right.

PW: Okay, so, yeah.

CB: But in terms of, I'm conscious about that, we're at eleven twenty, and I really do want to see if we can focus the conversation on some questions we have specifically about your memories around ICWA and around training. It's incredibly helpful to have this broader context about where we all, what the department looked like, what the mood was, what the atmosphere was, what the pressures were, um, what the situation was administratively. It's really great to have that very, very useful, uh, data. Um, but for the purpose of the Commission, we really are orienting now toward trying to get down to answering some specifically ICWA-oriented questions and so, I'm going to, if you don't mind, ask you about your memories —

PW: Yeah, no, go ahead.

CB: And so the first, the second question is really about how did you first learn about Maine's policies related to Indian Child Welfare, and then probably a related question, because I'm sure they're connected for you, is how would you describe the DHS and OCFS response to the passage of ICWA, um, shifts in practice, departmental culture, administrative steps that were taken. And then I'll have some specific questions about training.

PW: I, I can't tell you when I first heard about ICWA. I can't at this point. But obviously it was one of the various Acts that I've already mentioned, Federal shifts in policy. And, um, I knew that we had a lot of coordination with the, the Tribes. We had, in those days, we had training that was run by the central training unit and we established training across the board for all new caseworkers. I know that there were people from the Tribes who attended those, those training. I can't tell you how many or when or where but I know that there were people who attended them.

CB: But were they training, were they attending the trainings to learn about DH-- DHS policies or were they attending to teach people about ICWA?

PW: It wasn't so much, it was, it was about the social work process. The child welfare process. What do you do as a child welfare worker? What skills do you need? I can't, I can't, I just-- I did see, and I thought I ran it off, a curriculum that was-- this was before we did, the, you had the HST, what do they call that? The training —

BK: *[1:03:18] (inaudible)*

PW: Child Welfare training we got started in the late — We used to run our own training program once we took over. That's why it's so important to know about the administrative change. There's a curriculum for all new caseworkers, mandatory, and there's a curriculum each year for upgrading. And it covers A to Z. I, I had a list of it all. Whether it specifically said, 'Now we're going to focus on ICWA,' I do not know. But the way I believe the people would look at that is that the, the social workers who worked for the Tribes had the same responsibilities, the same need for information as the people who didn't. So the goal was to try to help the, the social workers who worked in the Tribes to, for us to try to give them the same training our people had.



In terms of the-- I've already talked about ICWA in terms of the, um, there were a lot of things that were going on with the Tribes in terms of sharing of cases. If our people identified that the person might be, have some... Native, might be a Native, we would call the Tribes. We would try to identify who it was. I know Nancy Goddard spent a lot of time on individual cases. It wasn't very clear who was a member, who would be a member, and who wasn't, which is what that, that a, um... the uh, this interagency agreement covers a lot of that. And I think after ICWA it was more clear that if you are a member of a Tribe, you were covered under ICWA. If you were a member of a Federal Tribe, the three Federal Tribes, you were covered. And if you were, if you were identified off reservation, uh, the Tribal people could still — And you were determined, that you would call the Tribe. They would call the Tribe to have the Tribe determine whether the person was a, eligible for a census, part of the census. We also had contracts with the Central Maine Indian Association. I can remember a name, Fred [1:05:35] (*inaudible*). Do you remember Fred? I met with Fred a number of times. We, we had a contract with them to try to help, help them find homes, foster homes for Native kids. We had, we had a lot of relationships. It's 35 years ago, and I don't remember the specifics. I have talked to some people who have refreshed my memory a little bit, but we had specific contact with them. Always trying to uphold the statute and the law, which is what our job was. And, and so, I don't know if that answers that question.

CB: It does, it does. Erika, is there anything else you want to ask related to those questions?

EB: I'm just curious and this is fairly specific and if you don't remember it, there's not, no judgment because it's a lot of things to remember. But, um, I remember coming across something that seemed to reference that the Central Maine Indian Association was providing some kind of training related to ICWA to regional offices. Does that ring a bell to you?

PW: I saw that, and if so, I think we would've probably been the one that funded them to do that. I could try to find that out. Nancy would probably remember that. I know I talked to Nancy and she said that she went to a national conference of judges with Tribal judges and she went with three people from each one of the, you know, the different reservations. So, so this was CMIA?

EB: Yeah.

PW: Yes, I did see that someplace. They had a contract to recruit, is that what you're saying it was?

EB: No.

PW: Or for training?

EB: It was about training. It was about that they were doing training, um, I believe for, in regional offices related to Indian Child Welfare Act.

PW: I'll tell you what —

EB: I've seen very little other than that, and so I was just curious what your memory or what someone knew about that issue.

PW: I don't know. I'll have to check. But what I'll do is I'll add in to my, to this [1:07:54] if I find out that there was, and actually I can call you back.

EB: Yeah.

PW: I do believe that there was training and that the, that the — I thought the Tribes did some training, too. It wasn't just, I mean the relationship, the Tribes were in certain parts of the State, okay? The Penobscots were in Machias. And they had a very close relationship with the people in Machias.

CB: You mean the Passamaquoddy.

PW: The Passamaquoddy. You know, obviously DHS and the, they were coming in to protect the child so I'm sure that they, you know, they weren't always looked on as, as you know, friendly to the Tribe, to some people in the Tribes. Just as any time, I mean we had caseworkers who were shot at. We had caseworkers who were beaten up. We had-- I mean that's another whole side of this. We had, um, every quarter we used to keep track of the number of threats, 350 threats every quarter to caseworkers and to child support enforcement workers. They're the other ones that used to get threats. And so, I mean it, it's a dangerous business. Yeah, go ahead.

CB: Um. Two questions, one is more general. One is more specific. Um, I would love since you have such a, a wonderfully detailed memory for so many different pieces of this process, if you could capture for us what your sense of the general relationship between DHS and the Tribes was like, and if you could do that even vaguely chronologically. So, sort of from the time that you joined the department till the time you left. What were the changes? What improved? What didn't? What were the challenges in implementing ICWA in those circumstances? What went well? That would be very, very helpful. And then any specific memories you have about the discussion of Native culture with caseworkers. The way that caseworkers were informed about Native people, different strategies for child rearing, things like that.

PW: That particular one I don't have.

CB: You don't have that information?

PW: I don't have, on that particular one.

CB: But the general, the general relationship and what, what you remember hearing from the judicial people, what you remember hearing from the executive branch, sort of the, the nature of the relationship. You were in a position to watch different pieces of it and would probably have a very interesting experience of that.

PW: You know, the specifics-- I do not remember having bad relationships with the Tribes. If there were problems, I went up myself a couple times, and I met with, I think it was the Penobscot, but I went to the Passamaquoddys. We were able-- we, we were big people. We talked to each other. Um, if there were issues, we faced them. That's what we were there for. And we wanted to know if there were problems. So, um, and we wanted to make sure we were following all the federal and state statutes. And with, you know, in fact, all of our training and everything — And I didn't get into it today about, you know, the ethics of how we deal with other people. You know, they're people and we're people and we're gonna work things out. And I think if you look at, you know, the as, when the Tribes got jurisdiction, we started a process of putting together a memorandum of understanding. I was very strong about having memorandums of understanding. You got to have things in writing.

We had memorandums of understanding with DOC, with education; there's a whole long list of them. And there was a process. It's a process more than just writing down words. We had a team of people, I believe, that worked with Penobscots and, again, I don't, I just don't remember about the Passamaquoddys. But I do remember, you know, signing that agreement. And I remember reviewing it. I remember being involved with it. So, in terms of the administrative, executive part of this thing, you know, it was my job to make sure that the law was carried out and that we had agreements and they were in writing. And if people had a problem, they could call me up or call up somebody else and we would try to deal with it.

The, the one other thing I will say is, our focus throughout this whole thing, my focus was on looking at every in-- **[1:12:28]** case under its own individual merits. You can't, we can't say well, we're going to go and become family-oriented. Or we're gonna be ov-- we're going to have a new switch and we're going to do this. Because that throws you off. The job of the caseworker, of DHS, first is a safety of the child. There's no other agency in government or anyplace that has that as its prime goal. The prime goal is the safety of the child. Law enforcement is looking at whether somebody committed a crime. Education is educating a child. Corrections is-- DHS when you go into that door your goal is — Now, and it may have changed after I left, but your goal first is the safety of the child. If the safety of the child can be managed within the family, even better.

CB: What kind of, what kind of, um, ways do you think the department helped the caseworkers understand safety? Because that's something that's come up a lot in the statements is that we feel that certain people see safety one way, certain people see safety another. So the lens from which you view safety really does affect your judgment of what

happens inside a family. So, um, one example from a statement that I can share because it's, there's going to be public accessibility, a judge spoke about, um, a caseworker at one point coming in and seeing kids eating cold ravioli out of a can and that became an unsafe criterion for that, for that person. The judge said, 'My mom served me cold ravioli all the time, and I'm glad she did because she was a terrible cook.' So do, do you see what I'm saying?

PW: Oh, absolutely.

CB: That's a very quick example to, a way to share how different perspectives about the idea of safety can influence a judgment about safety. So that, sometimes Tribal people have a different experience of safety versus the, in general, white, middle class experience of safety. So, can you comment on that, your sensibilities around that, or your feelings about how that worked for your caseworkers?

PW: I'm not sure-- I'm not sure Tribal people have a different, I'm not sure of that. I mean I don't know that. From my experience working with Native Americans —

CB: *(speaking over)* Well, Tribal Child Welfare people to, almost to a person have said 'Of course, we care about safety. Safety is first for children no matter what,' but they might have different sort of markers for what determines safety or might react, respond to different things inside an environment.

PW: Obviously, the caseworkers well, obviously caseworkers come from their own background and own experience. Not everybody's cut out of a cookie cutter.

CB: No, of course.

PW: And they bring their own experiences, and that's why you have to have protections in the system. That's why you have to prove jeopardy to the judge. That's why the judge is there. I'm glad that judge was there if, in fact, I don't believe that, but because when you go back to that funnel, and you look at the ones that ultimately you end up going to court on a very small number, out of all the ones that you've ever worked with, I don't believe that a caseworker would have had to go to the supervisor that it was because of the family. I don't believe that. But I heard a lot of things from a lot of different people. But that's why we have all the protections in the system. I hope that if that is, in fact, the case, that the caseworker said that, the judge refused it, and that the caseworker would have been, you know, had some consultations about why, because that does not meet the standard of jeopardy that's in the law. The law specifies what jeopardy is. And you have to meet the standard of the law.

It's not an individual decision. It's a departmental decision made with a supervisor, and it goes to court, the judge makes the decision, witnesses are brought in at the full hearing and it determines — So that's why you have to have, maybe to counteract individual prejudices. That's why you have to make sure there is a system in place that tries to diminish and, and even-out the playing field for everybody. That's, and again, the cases that I saw that were jeopardy cases. You know, people used to say we needed to win two legislatures, they, they get calls too from everybody. And half of the calls said we went in too soon and the other half said we went in too late. And so you'd always be walking that fine line.



So, I'll just say that the system has to be in place to protect against caseworkers who have particular—I have seen kids harmed. I have seen children harmed because caseworkers were fooled, because they, they didn't take action soon enough, because they trusted a foster parent, and a child died. I have seen, the first case I looked into that I heard, when I first showed up there was a child who was killed in Bangor, cigarette burns. *(Cries.)* So I sent Caroline Welch up to do a review. Nobody had ever done a review before. And the caseworker — The fellow who murdered the child was the stepfather of, you know, he was in the home. I forget the details. He had been in jail. And the caseworker had worked in the corrections system and was, knew him when he was in jail. And when the caseworker showed up and, a new caseworker to do, there was a referral on the kid, when the caseworker showed up the guy said, 'Hey, you were my caseworker when I was in jail. You were my only friend.'

And the caseworker was taken in by that. And the child ended up dead. So it goes both ways, okay? It is a, it is a not... a nice system. It is not a nice system. And we always said to our people, if you follow the laws and policies, we will protect you. You, we want you to be erring on the side of the child, erring on the side of safety of the child. I would much rather stand before the legislature and before anybody else and say we, we were overly aggressive in this situation, than we were not aggressive enough. And, and so, but it's a fine line. *(Brief pause.)* That's another thing. There was another statement here about what else, what could we have changed.

CB: Yeah, and these two are, are pretty much connected as well, and then I'll ask Erika if she's got any other questions she would like to ask. Um, but in your memory are there, were there ways in which the department tried to strengthen or help caseworkers, otherwise improve their understanding of Native culture and Native families?

PW: Again, I'd have to go back. Yes, there were. Training, inviting the, the... the Natives. The social workers, to our training programs. I can't, I do not, I don't know every single thing that went on.

CB: Sure, sure.

PW: I don't know if Tom Wolverton — who's passed away now — if they would have regular meetings with the Tribe. I don't know that. I know that we had meetings with them. We had regular meetings with CMIA. I don't, I just, I just don't know how deeply they got into the Native culture on those things.

CB: Right.

PW: Um, I would just say that obviously, there's a lot more known today about how, how the Native, the Tribal culture is-- sees itself as a family. You know, differently than white

families. Except if you're in a big Italian family or something. But, that's a joke. *(Brief laugh.)* And, you know, whether we knew that at the time and, I don't know. You know, it's, I think that's much more probably evident than it was at that time. It just, it just seems to me that the numbers of children, you know, were, the children were known by the caseworkers in both sides. You know they-- it wasn't like there was a big surprise when some of the families would be referred. In fact, I had some numbers here *(sound of papers shuffling)*, I didn't get into it, of the, oh there's one sheet that shows six years — Did I give you this before? The numbers of kids who were in foster care by ethnic. Here it is. This is cases open: 1987. Did you see this one to 1990?

EB: Yes.

PW: Yeah, and it has the ethnicity. And so that in 1987 as of January 1st in foster care, there were 27 American Indians. It doesn't tell us anything more. Yeah, and maybe MACWIS gave you more information, but MACWIS wasn't around at this time.

EB: Yeah, the, the um, the interest-- you're right. When you look at those numbers there's no context for them. Aside from what you're looking at on the paper, which is 27 out of how many of the total?

PW: 1834, yeah.

EB: Yeah, yeah. And what, you know?

PW: It doesn't say how many were off-reservation, how many were on-reservation —

CB: *(talks over)* Also, we've discovered too, that it could be, it says American Indian, it could be Tribes who are connected to Maine or it could be Tribes who are connected to Canada or it could be western Tribes or southern Tribes.

PW: Right, but they were all eligible.

CB: Right, right.

PW: They were all eligible, so it could have been, oh, and then —

CB: *(talks over)* It would have, but that would have been referred out-of-state, so it doesn't affect the state numbers.

PW: No, if that child was in Maine it wouldn't have been referred out-of-state, would it?

CB: It can be, yes.

PW: It could be, oh.

CB: Goes all the way back to the Tribe.



EB: There's that as well as, as well as just... *[1:23:20] (paper shuffling)* gets into the minutiae of this. But it is a question of how, when someone got flagged as American Indian in that system, was that, what was that based on? You know, I think that the department has gotten tighter and tighter in terms of when you ask at intake about ICWA eligibility and that kind of thing and, and what that's something that's just very hard for us to actually know how that changed over time and how someone, you know, how a child would have gotten designated as American Indian at this time.

PW: It's my understanding that the child, if the child was a member of the Tribe, it was up to the Tribe to make that determination.

CB: Yes, but who asks —

PW: Our caseworkers asked, our supervisors asked. Nancy Goddard was running this whole, you know, aspect. She had specific cases she worked on. She could give you names of, you know, she said there was one girl who was, you know, everybody knew about. The Feds were looking into. She was calling Arizona to try because the mother said she was Sioux, if that, she was calling to try to verify, I mean, so. But it was DHS as I understood. The, the policy was that the Tribes made the decision, not DHS.

EB: Yes, and that's the, it's Federal law.

PW: That's the Federal law. So that's, if there was deviations from that, then there should have been, and it should have been corrected and maybe it was or not, I don't know. Here's the other thing that I did find the, uh, this was the number of adoptions. I don't know if you ever got this from Public Health. It was interesting that, you know, about a hundred adoptions later, in 2000, there were, adoptions spiked up, and there was a reason for that.

CB: ASFA.

PW: Is that what it was? Yeah. So it spiked but for many years about a hundred whereas this is the total adoptions here, which was about, between 800 and 1,500 here and anyway, there were a lot more than half of Maine adoptions take place independently of any adoption agency or DHS.

CB: Right.

PW: So, we don't even know. Maybe there were Native Americans who were, their kids were getting adopted independently, too. So I mean, I don't know that. Public health may — I don't know if you had the chance to contact them. They, they have these-- they stopped doing this.

EB: This is, yeah, there is actually very good data available online now that, that the State has to report because of the Adoption and Safe Families Act.

PW: Oh, okay.

EB: Yeah, about, about-- about public agency adoptions, not —

PW: Not these.

EB: But, um, but yeah.

CB: Erika, are there other questions that you would like to ask Peter that we haven't gotten to or to go back to questions that we did ask and we need some more information? In our 15 minutes.

EB: Because you have such, um, you know, I'm just really struck by your time with the department, really shaped what it is today. Like what the department and the practices and how things are done today. Obviously, things have changed. But as I'm listening to you it's just have, you really were with, you really were with that, um, in that role, in the beginning of like really making it the kind of the, you could say the modern, what we have today. And I just think that's really valuable. Like Charlotte was saying. Um, I, I still, actually almost back to the very beginning, one of the things that you brought up, um, that I wonder about, is that when this shift happened with the administrative change, kind of like the question you asked, I still, I'm wondering like, when that administrative change happened, where the regional or district offices — Would it be fair to say that they were kind of...like autonomous —

PW: Islands.

EB: Yeah, like islands at that, before that happened. Were they kind of autonomous entities that then, yeah, that might not be the right characterization but I'm just —

PW: No, I know what you mean. I know what you mean.

EB: Well, what was it like before, because that actually is a very crucial time period with the Indian Child Welfare Act. Before and then the immediate years after.

PW: Um, I don't know. It's hard for me to say that because, um, I mean, I just knew we had to make the change. It wasn't one of those things where-- I, I'll tell you this. I discovered that each, every office takes on the personality of the person running that office. I don't care what office it is, okay? And when you have a regional office, we had five regional offices and we had, you know, five regional directors. And each office had its own flavor. It didn't, the Lewiston office for instance, the (*inaudible*) the Lewiston office would — They were more family-oriented than they were kid-oriented. And I don't want to get into the problems that that created. But, and I'm talking about problems with kids. You know, they-- one case-- a supervisor said to me one time after a child had died, he said, 'The problem here is that the rest of the State is, ah, is child-centered and we're family-centered.' And kids died because of that,



okay? So, to change that culture and French culture, to change that was very difficult, very difficult. You know, so, even though we had line authority. You know. So, it was much better after we got line authority. We were able to-- people came to train. They, we got the manual. Everything fell into place after that. And without having, let me just put it in the negative, without having had that line authority, everything would have been a battle. We would have had to go through the deputy's office. And he was fine, there was no problem. They would have said, but it would have been another step that we would have had to take.

BK: It makes so much sense that, that the line authority would change, but the internal organization culture would take much longer to adapt to this line authority. I remember, and, you know, I was, like, triggering things for me. I can remember, in the '80s, being in Aroostook County and seeing how differently they were doing things and that's the same thing. How do you guys do it differently? And they said, 'Oh, they're never coming up here,' meaning Augusta. *(laughs)* I mean there was — So, when you said that, I was like ding, ding, ding. Oh, it really wasn't in their historical-- they hadn't had the experience. It was so new.

PW: The people who were running that program up there, it was so, *[1:30:27]* you know, they followed the statue of the law and the book. In fact, we hired Barbara *[1:30:32]* Churchill, she had been a director, to be the child and family director. Vut again, that's again why you need to have the protections. That's why you have the judge, the case review system. You need to have those, because people come and go, you know, and they have different flavors and —

CB: It has to be institutionalized.

PW: It has to be.

CB: The capacity to maintain that.

PW: But you have to make sure it doesn't become, you know, institutionalized so much that it's, it doesn't adapt, it doesn't change, you know, and then it starts blaming other people. And that was hard to, that was hard to do because we're, because we're under attack by everybody, all the time.

EB: Well, and that was a part of in that question that I was curious of like what if you remember, like what was the response from those original offices and obviously we're particularly interested in like, you know, the, the Aroostook, you know the Aroostook region, Machias, and..

PW: Yes, it's interesting that we, I started doing training for the whole staff and the bureau, the whole staff. We started with the central office managers, okay? And we had three-day

training. Talking about goals, objectives, how to we work together. Everybody. There's licensing people; it wasn't just Child Welfare. Then we had all the supervisors from the child welfare program. We did it up at Sugarloaf; we did it at a church up there. We had **[1:31:54]** (*inaudible*) and the wolf howl (*laughter*), and started off with everybody hating everybody else. Okay? And, you know, then you put it through flip charts and everybody gets all their angst and anguish up on the flip chart. And then after it's up there, it's like, whew, you know, it's not that bad. So then we would make changes. There's always plans after — Then, I said okay, because I met every single Monday, almost. I don't know if you've seen the minutes with my central office staff every Monday morning. You know, and there were minutes taken, plans for the week. I required a regional, the division director to meet every month with the regional managers. The first day was to focus on existing issues and the second day was future planning.

We went to Castine. I don't know if you heard about that. Took the whole bureau. They thought I was nuts. Secretaries, regional staff. The Feds paid for it. We did it like six or seven years in a row. The first year we did it, there was almost gonna be a revolution. People thought we were nuts. The central office managers. And I had Harmon-- Maine, with his Maine hat. **[1:33:10]** It was a beautiful day in June, three days, half of the staff, about 600, 500 people. 250 one day for three days and then 250 would come in. And we had lobster feeds, and it was a way to have them **[1:33:26]** (*inaudible*) But the suspicions were unbelievable about what was happening. We were requiring them to do that. An well, it wasn't; it was voluntarily.

So we got there on the first day and Harmon stands up there and he says I understand that some of you think that we've required you to be here. He said if anybody wants to leave, you can leave right now. (*laughs*) In his Maine way. You know Harmon, with his Maine accent. Guess what? Nobody left. And by the first day as I described it, the cork came out of the champagne bottle. And it was unbelievable how much that Castine experience meant to people. We brought in, I bet if you went through, I bet the Native Tribes were there doing teaching because there were three days' worth of teaching. I can't say that for sure but I would be surprised if they didn't have. It was planned by the staff. It was, so anyway, we did that about six or seven years in a row until finally, uh, they caught on that we were doing it. (*laughs*) But I had more people say to me — more caseworkers, supervisors — 'Every time that I think I'm gonna quit, I'm gonna miss Castine. So, I'm gonna stay on for another year.' So that did a lot, a tremendous amount of, to break down. There were sessions all day, training sessions that they picked out, we brought in consultants, you know, national speakers. And then in the evening was softball games--

CB: Okay, so I'm going to pinpoint you, I'm going to ask you one last question. If you just could describe, in about three words, the culture you inherited and then the culture you created by the time you finished. What was the big, what was the, what did you start with and where did it end? In three or four words that really capture it?

PW: Well, I think that, um, you know, we came together as a bureau, where before, there wasn't. There was-- people were in their individual cubicles. The training people didn't talk to these people. The licensing people didn't talk. This-- all those private agencies, Title 20, Child Welfare was a separate thing. They didn't talk together. We developed plans, programs, mission statements, that brought it all together as a unit. As much as can be. I think that may



be the main thing. So, you know, looking back, it probably sounds better than it was at the time, but you know, we weren't afraid to confront problems, and deal with them. Talk to people. And that's about as good you can have. We didn't even get into the legislature.
(sound of papers shuffling)

Listen, I've got a couple of pictures here, these are the Mapuche Indians. Just looking through my files. *(Another speaker in background, inaudible.)* We, we ended up, there was a Mapuche Indian farmers co-op that I was assigned to work with. And about halfway through this time, I was there for a couple of years, they wanted to build a new building, which I had no experience whatsoever. And I was lucky to find a couple of Peace Corps volunteers who were leaving. One was a carpenter and one was a, an architect from Carnegie Tech, six feet, nine inches tall. And we built this building and that was the celebratory **[1:37:02]** *(inaudible)*

BK: Celebration of the building?

CB: Peter, would you like me to stop the recording at this point?

PW: Oh, yeah, you can, sure.

CB: Okay, hold on, I will. I am officially stopping the recording.

PW: So here's the--

[END OF RECORDING]