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7-10-2014

### Statement by Gail D'Agostino collected by Meredith Eaton on July 10, 2014

Gail D'Agostino

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## General Information

**Private or Public Statement?** Private

**Statement Provider:** Gail D'Agostino

**Date:** July 10, 2014

**Location:** Bangor, Maine

**Previous Statement?** N/A

**Statement Gatherer:** Meredith Eaton

**Support Person:** N/A

**Additional Individuals Present:** Commissioner gkisedtanamoogk (**GK**)

**Recording Format:** Audio

**Length of Recording:** 1:57:41

## Recording

**ME:** Okay, so my name is Meredith Eaton and I am a volunteer Statement Gatherer with the Wabanaki TRC. And could you state your name?

**GD:** Gail D'Agostino.

**ME:** Okay.

**GK:** Um, Commissioner gkisedtanamoogk.

**ME:** All right. So the file number is ME-201407-00066. This recording is being made in Bangor, Maine on, uh, July 7, two thousand —

**GD:** Tenth.

**ME:** Oh, July 10, 2014 (*laughing*) and um, Gail, have you been informed and understood and signed the consent form —

**GD:** Yes.

**ME:** — for giving your statement? Okay. And I do want to let you know that any information disclosed in this statement that indicates that a child or elder is in need of protection, or that there is imminent risk of death or serious bodily harm to an identifiable group or person, including yourself, may not be protected as confidential.

**GD:** Okay.

**ME:** Okay? Any questions? *(sirens in the background, ongoing)*

**GD:** No.

**ME:** Okay. *(pause)* We'll wait for most of the sirens to pass. So Gail, as I said, I'll ask you a number of questions, and if at any time you need to take a break, let me know, and again, if you are not able to answer a question, that's okay. So, could you please tell me about your current and/or past employment in state child welfare? What types of positions you had, the total number of years you worked in each position?

**GD:** Um, I began in 1977, and the majority of the time I've been a worker has been in Piscataquis County. Um, from 19 — well, I had a couple years break from the Department, but I began in 1977 and worked in the Piscataquis office until 2003. And my entire time there I was working as a child protective worker, which, back then, things were done really differently. So I would be what is now considered an assessment worker?

**ME:** Okay.

**GD:** Um, and then came to Bangor 2003, and my caseload has been pretty diverse since then. Um, I have some cases where children are in the custody of other states, and those states through our interstate compact asks us to conduct a home study of relatives, or um, people who are, who are known to the children, to approve or disprove possible placement of those children here. If they do come here, then I support to monitor and provide whatever services I can to the family and the children until permanence is achieved.

So that's one part of my caseload, and another part is, um, I work with the children, the older youth who have turned 18 while in our care, and are in our extended care program, to age 21, to offer them, it primarily began with offering academic supports to ensure that they are able to achieve what education they aspire to have, but it's kind of morphed into kind of also providing services to older youth who have mental health problems that may not go on academically but need supports to hopefully be able to gain some self-sufficiency into adulthood. So that's another section of my caseload.

And then, the third population that I work with are juveniles who have pending charges against them, and I do, at the request of juvenile probation and parole, home studies for the court, for the purpose of disposition planning and recommendations.

**ME:** Okay. And how many cases would you say involved working with Wabanaki children and families? If it's not a number, an estimate of a percentage, perhaps.



**GD:** [00:04:37.21] When I was in Piscataquis, I'm not sure I can remember any. If there were, perhaps one or two. Um, since coming down here, um, the only type of case that I've worked with the Nation on have been those with the juveniles with pending charges. And I have many more that are not Natives. So I don't want to in any way imply anything by that. Um, but that's been my, my, and so, out of that group, again, not many. I'm going to guess ... six to ten?

**ME:** Total?

**GD:** Right.

**ME:** Okay.

**GD:** Oh, and then, and then a young woman who was on our extended care programs, and she was Native, and I had a lot of involvement that way with her, so that's another one in that group. I don't think any among the children who are here from other states.

**ME:** Okay. When did you first learn about Maine's policies related to Indian Child Welfare? Do you remember how you were made aware of those Indian Child Welfare policies?

**GD:** I wanted to look that up before I came. I believe ICWA came into effect in 1977? Am I right?

**ME:** I think it was '78.

**GK:** Yeah, it was '78.

**GD:** Very early on, so I had only been in practice for maybe about a year, that, and so soon, as it became law, we were, I mean I've had several trainings. I think, I believe our first training back then was with our Attorney General's office. I don't remember any trainer back then that was Native. It was all our lawyers.

**ME:** Okay. And since then, um, can you talk a little bit about the types and amounts of training you've received over the years related to Indian Child Welfare policies?

**GD:** Oh, I think, well, it may not sound like many, but probably five trainings? And as, maybe more than that. Because I remember, probably 15 to 20 years ago, I can't remember his name. John ... he was a social worker on the Island, John someone.

**GK:** [00:07:12] [Suggests a name; unclear] Is that ... *(inaudible)* name?

**GD:** I think it was Silver-something.

**GK:** Oh.

**GD:** Silvernail! A long time ago. And he, so that was, I'm guessing again. I'm going to guess the late '80s? So maybe 20 years after it went into effect. It might have been the second training. So, I might be wrong, there might have been more in between. But anyway, that was the first one I remember where a Native was involved. And, other than learning the law, and our policy and practice, that was the one that really began to give us a sense of the, the real magnitude or the profound nature of the law.

And then, there's a woman from the Maliseets. I don't remember if she's still involved with them or not. Betsy Tannian? She did a training with us probably ten years ago? So we've had a number with Natives. And our um, staff management.

**ME:** Over the years.

**GD:** Mm, hmm.

**ME:** Okay. Could you describe a situation in which you or your staff felt very positive about your work with a Wabanaki child and family, and in this case if you can describe it in a general way so that the children and families can't be identified?

**GD:** Sure. Um, I've worked a lot with um, case management services from Wabanaki. In fact I am right now. I just had a meeting yesterday with one of the case managers and one of my older youth on my caseload, and um, as I have in the past, and have been impressed with their availability almost around the clock to, to respond to crises, and spend a fair amount of time with the youth while in crises to explore um, effective and pertinent services to those, to the needs of those youth.

And, I guess um, for these two older youth in particular that I'm thinking of, who have had profound mental health issues, trauma-related, um, one who grew up in foster care, one who grew up with her family — um, and a turning point for them seemed to have been when they engaged in a women's group at the center. And beading. It was obviously to me very therapeutic. And important to them for two youth who were not consistent in keeping appointments, that I often couldn't find, and were living, making risky choices. Um, they were consistent about getting to those beading groups. [00:10:32.27] So it was important to them.

One of whom, um, her, her Tribe is out West I believe. But, really hasn't been exposed too much to her culture? But, has been very interested in learning about it. And all again through this particular case manager. So that's been apparent to me. What that sort of exposure can do above and beyond years of therapy.

**ME:** Great. And so there were some positive outcomes, and those are more recent examples of your cases?

**GD:** Very recent. One is current, and I believe one continues to have close contact with the Tribe and is in college.

**ME:** Great. And can you talk a little bit about in that situation, your working relationship with the Tribe, and whether you feel, and if so how, the relationship contributed to the positive outcomes of your work?

**GD:** Um, when you say ‘the Tribe’ is that general? Or are you talking about one in particular? Like I'm thinking, that I've worked a lot with the Penobscots —

**ME:** (*talking over*) I guess in this situation — The, if, if one of the young women you mentioned was probably from out West, you probably don't have.

**GD:** Neither of them is Penobscot.

**ME:** Oh, okay.

**GD:** In fact one is from, was a Canadian Tribe, and one was a US Tribe out West. So neither one were Wabanaki, but brought into the fold.

**ME:** Okay. Okay. And so even though they were not Wabanaki, they participated, and that was an opportunity for them to —

**GD:** Yes. Right. They've gone to Pow Wows. One is involved in the Truth and Reconciliation Commission. Which has been a lifeline for her.

**ME:** Great. Okay. Um, so could you now talk about a situation in which you or your staff felt less positive about your work with a Wabanaki child and family, and again, you know, describing in a general way so that we're not able to identify the specific child and family. Um, talk about maybe what contributed to this being a less positive experience.

**GD:** Well, I have to think that resources are a huge barrier for the Tribe in how able they are to provide services, get training, um, the, the population I was talking about, I in no way want to have any conclusions drawn, but the youth, older youth with pending charges, um. I would get those referrals from the Tribe because, and in one particular case, the Tribe said we don't have the resources. These, unfortunately, these older youth who have grown up, and again, white, Native, whatever the culture, that have grown up in chaos, neglect, trauma. Um, by the time they're 15, 16, 17, have very complex and profound behavioral and emotional issues, often, that are costly to, to, uh, address.

Some of whom need substance abuse treatment, possibly placement in a substance abuse rehabilitation center. Or, a residential treatment, which our State is really pulling back from because of the belief that residential care doesn't offer long-term connections for youth. But, unfortunately, some of these more troubled and impacted older youth require complex services

that're costly.

And, and the Tribe, I mean we all have limited resources, right? I think the Tribe certainly does. And I think that's why I get those referrals. Not so much the child protective referrals with younger kids. Well, I wouldn't get those anyway, because that's not my job. But I don't think as a department we get many of those referrals from the Tribe.

**ME:** Okay.

**GD:** [00:14:52.02] Do you know what I mean? Um, so is that your question? What are some of the barriers to —

**ME:** Well I mean, I guess it was kind of in terms of whether there was a specific situation that you could think of, if you could think of what you wish had been different, about, what are kind of, a description of your working relationship with the Tribe in that case. And how you thought that that impacted the outcomes of the situation. And again, you may not have a specific example, but if you can —

**GD:** Well, I think just in general what comes to mind, um, is in our practice —. There's a huge turnover of social workers there. And I, like we, we have to, when we first start, participate in a very specific curriculum of training — legal, you know, motivational interviewing, forensic interviewing, um, like strengths-based. It's a pretty direct and, um, structured curriculum that we go through. And then we have trainings all the time, and it's a touch practice. And, in many, in all ways. Legally, every way.

I'm not sure, at least here, with the Tribe I work with the most, they have anywhere near that level of training, from my experience or observation. Um, I have to say, the various workers I've worked with have been helpful. They've opened up their, one particular case with a long history opened up their volumes of, of, um, files and let me sit for however long I needed to. Certainly I can't take those files out, nor can they take our files out. But I was able to sit in their office for however long it took to take notes and to just review those files. And to, and to collaborate with those workers. Um.

Only once did I work with a juvenile probation officer on the island who clearly didn't want to work with me. Um, and to a great extent, you know, I don't know the reason for that. But I certainly understand, someone like me coming on to the island and um, you know, working in an office or an area that that person, that is part of the Tribe, and with someone who really understands the culture, understands everybody on the island, the families, even though they're off. And so I, you know, and I certainly respect that. Um, I come from a family of immigrants, and know growing up what it's like to, to, uh, not being able to learn my language because in the '50s, you didn't, you were to be American. So I have deep respect for that.

But that was just one occasion. Um, so.

**ME:** And in that situation, do you feel like the —I don't want to put words in your mouth — but kind of the, maybe unwillingness isn't the right word, but the —

**GK:** Reluctance.

**ME:** Reluctance to work together. Do you feel like that contributed negatively —

**GD:** On my work?

**ME:** — positively, or not at all, to the end result, or the outcome of that case? (*simultaneously*)

**GD:** (*simultaneously*) To the child? Yes. Yep.

**ME:** You do? Okay. Can you think of how specifically?

**GD:** I wasn't, I wasn't, it was a probation case, and, and the Tribe had asked me to do a home study for the um, you know, our district court. I can't remember now why it wasn't a matter in the Tribal court, maybe because the offense occurred off the island. Probably. Um, and so I was asked, because that, that probation officer and the social worker on the island could have done home study. And this was quite a while ago. And as I recall, the child protective social worker had never done a juvenile home study before, so *she* asked me would you come and walk me through this, and can we work on this case together? And I said sure. And she was very collaborative.

But in my contact with the probation officer, to get information, or her, or even such things that I need like past juvenile involvement by the youth, um, he just wouldn't give it to me. So there were gaps in what I was able to gather. Um, and I, you know, I didn't push it, or insist, because I didn't want to create further barriers. I just said I really need the information. I think the court expects it and um, did what I could without it. [00:20:22.19]

**ME:** So, in the end you were never able to access certain things.

**GD:** Right.

**ME:** Okay.

**GD:** I don't think that it, that the outcome for the youth was overall impacted by that.

**ME:** Okay. Okay. Thank you. Um, could you describe your experiences in working with Maine's Indian Child Welfare policies, and so there's many, there's many facets to working within the Indian Child Welfare policies. Some may be familiar to you, or you've had experience — others may not be as familiar, or were not part of your work and training. So I'm just going to ask about these different areas. If you have experience um, if you could talk about what your experiences were, and if you had any challenges, what they were. Um, and if you



don't have experience, or if you're not familiar, then we'll just skip over them.

**GD:** Mm, hmm.

**ME:** Okay? So um, the first area your experiences and challenges that you had, if any, with initial identification of a child as Native American.

**GD:** Yes, because we're certainly mandated as soon as we, you know, that's one of our first questions is to ask if there's any Native affiliation of the child. And, I would say the majority of the responses from parents has been, and again, remember I haven't been a protective worker since 2003, so it may not be the case now, but my experience was, 'I know that my grandmother was a member of a Tribe, but I don't know which.' And so I would ask, 'Well, was it in Maine, or what part of the country was it?' And more often than not it was in Maine. And so, we, that was fairly easy to trace down by calling the different Tribes and there's a number that we have for Canada.

But if they didn't know exactly where in the country, you know, we still — there is a national Indian Child Welfare number, that I remember having and calling, but you know, I would ask the parent. 'What, what member of the family do you think it was?' And if they thought it was the grandfather, well, 'Do you remember his name?' Sometimes they wouldn't know the name.

Um, so getting the details needed to then call that national number, very often, I wasn't able to identify the Tribe. Thinking, they might even have family in that Tribe. You know?

**ME:** Um, any experiences and/or challenges with notification of children to Tribal Child Welfare?

**GD:** Any problem with my notifying the Tribe?

**ME:** A) do you have experiences or, and b) were there any challenges that you experienced?

**GD:** No.

**ME:** And who would you usually call within Tribal Child Welfare? Did you have a specific point of contact?

**GD:** Whoever, I would try to find out who, either the director of social services was, or a child protective worker for the Tribe. I would call that person.

**ME:** Okay. And was there any, ever any difficulty identifying that person or making contact?

**GD:** Uh, not identifying the person. Sometimes um, sometimes I almost thought that some of the people in those positions weren't working a full, like, 40 hours a week. So there might be some time lag in just connecting. But, other than that, no.

**ME:** Okay. Your experiences and challenges if you had any in working with the Tribes to identify native children?

**GD:** No, not that I can recall.

**ME:** Okay. Um. Determining jurisdiction or residence of Native American children?

**GD:** Um, well, they still don't fully understand it. I had one child whose father was Passamaquoddy, mother was Penobscot. And I don't believe, he, I believe this was the way it went, that he, that the child had to be declared a member of one or the other, I think. Um, but in the end, everybody was in agreement that if there wasn't a resource in that Tribe, a familial resource, then there was no objection to searching or exploring for one in the other. I don't think there was any limitation as to what benefits he might have been able to have gotten. But it was just, it was, it took a while for me to understand which Tribe really had jurisdiction.  
*[00:25:19.28]*

**ME:** Okay. Um, any experiences or, um, challenges with child custody hearings?

**GD:** No, I actually had one, not in our court. I remember one that took place, it was a case of mine. And it must have been a juvenile case again, which is why it was mine. But, uh, through the law or the statute that provides for children coming into our custody through the juvenile codes have been different than the child protective code, the standard is not danger or jeopardy or being unsafe. It's contrary to the welfare. And that, so the juvenile hearing in this matter was in the Tribal Court, which I found fascinating. You've probably, have you been in the Tribal Court? On the island?

**ME:** I have not personally.

**GD:** It's beau-, have you?

**GK:** Mm, hmm.

**GD:** I mean, I had a hard time paying attention to the hearing, *(laughs)* because there was so much to take in. And the, the judge, in fact, I've never encountered a judge on the island who's Native, which I've always thought is unfortunate. And I don't think I've ever encountered the Tribal attorney being Native. Right now she's not Native, and I don't know that they ever really have been. So I've always thought that was unfortunate. In fact, the Guardian ad Litem, which is the child's attorney, for this case, was not Native. So, I always kind of thought that was really lacking. So, that might be something to talk about. To somehow explore. And again, I'm sure there's a lot of different reasons for that.

But in that same case, the physician, the doctor on the island, I don't know if he's still there or not, was Native. And he was wonderful. Um, because I, I think it makes a huge difference in terms of the family's response to someone. Or willingness to accept or engage in conversation

about planning, um, or what's best for their children, then hearing it from a white person, perhaps? So, in my experience, and I'm trying to think, I could be wrong, I don't remember any of the people involved, any of the, the, in the legal field on the island being Native. The police chief is. So, I think that's unfortunate.

**ME:** Okay, um, experiences or challenges in arranging foster care placement?

**GD:** With Natives?

**ME:** Mm, hmm.

**GD:** Yes. In fact I can't remember a time that I have, not because of any reluctance on my part, but for lack of availability.

**ME:** So, a child who was identified as Native American not able to find —

**GD:** Was placed with a white family.

**ME:** Okay. So in all the cases you recall, they always ended up in placement with a white family?

**GD:** I can't think of one, um.

**ME:** And do you have any thoughts as to what contributed to that being such a challenge, placing a child with a Native American family?

**GD:** I really don't know. I mean, we, we have certainly a limited availability of our foster homes, and so I'm sure that they do as well. They have a smaller population. Um, it's like, you know, my guess is lack of numbers.

**ME:** Um, hmm. What about, I guess its somewhat related, but kinship care? For a Native American child?

**GD:** I, the availability of it, you mean?

**ME:** Any experiences that you've had —

**GD:** Yeah, with a young man that, with some of the legal problems that he had, um, had an aunt, well, he had many, many family members and I contacted them all. That I had been given names of. And one aunt that really, um, had a lot of affection for this boy and he had a connection with her, and, you know, we were willing to, because we would have had to have licensed her, but licensing a relative is not necessarily as stringent or as difficult as a non-relative. Um, and is usually pretty doable, unless the home just is not safe. Um, and after several conversations, and her having given it a lot of thought, she, she was not available to him.

But I mean, yes, that's expected of us. In fact, we need to, we need to present to the court what

we've done for exploring relative resources —

**ME:** Before looking at a family who —

**GD:** Absolutely. In fact our law, our law has a prioritized list as to placement options. And the bottom of the list is foster care.

**ME:** Okay. Um, any experiences and challenges if any, with um, family team meetings?

**GD:** *[00:30:53.01]* Probably not more so than any family team meeting. Um, for example, the absent parent either not being available, or unwilling to come. But I don't think challenges any more than what there normally are for challenges. Because we have to have family team meetings with all of our families and cases, and I don't remember not being able to have one with a Native family.

**ME:** Okay. Um, experiences with arranging family visitation?

**GD:** Transportation. Which is often a challenge. Um, and um, yeah, I'm not sure anymore so than what are some other challenges. Um, unfortunately now, in the job I have, those children that I bring into care through the juvenile court, um, unfortunately might go to the correctional center facility, and many parents find that very difficult to visit with their children there. So I don't know that that's any more difficult for a Native family than a white family. Perhaps so. I don't know. I couldn't draw a conclusion about that. I would think it would be difficult for anyone.

Um, one thing that might, I think that many, at least when I say Natives, I'm mostly referring to people on the island. Um, that's such a closed culture, and with many, most of the clients I've had there have had huge supports, so going back to family team meetings, maybe they were even a little bit more beneficial because we often had a larger group come to those than in the white community— is my guess, my experience. Many more people. Um, so in terms of visitation there are often, there's apt to be more availability of people to watch younger children or other children in the home to free up parents to visit. Um, so I don't think visits are any more challenging, that I know of. They may very well be. You might get a different answer from, you know, people on the island.

**ME:** Okay. Um, what about your experiences with termination of parental rights?

**GD:** I don't have any experience with that. If only, because of the nature of my job, when I was doing protective, I didn't keep the case through to that phase. And the nature of the cases I have now don't go there. Um, I've only had one termination of parental rights case in my career, and that was a white family.

**ME:** Okay, and finally um, adoption.

**GD:** I don't have any experience with that either. Um, I think, I did mention, I know of some children with foster parents that I've worked with who are Native, but I don't know what their particular case is. I wasn't involved in them.

**ME:** Okay. Great. Um, how are you doing?

**GD:** Fine. *(simultaneously)*

**ME:** I just want to pause. *(simultaneously)*

**GD:** I'm fine, thank you.

**ME:** Doing all right? Okay. Um, so my next question. What do you consider active efforts to prevent the break-up of an American Indian family? And, if you could please describe how the State conducts active remedial and rehabilitative efforts to prevent the break-up of an American Indian family, before ordering an out-of-home placement of an Indian child?

**GD:** [00:34:52.21] Well, again, unfortunately, my experience, what I do, I have some, probably much, much more limited experience than other of my colleagues. I'm not sure that our efforts to prevent that from happening *are* any different with a Native family. Because in terms of our mandate, we have the same mandate. Um, we have to convince the court that reasonable efforts were made to prevent the removal of children, which can be a myriad of things. Which is why the family team meetings are so valuable, because we must have, um, what's called a facilitated family team meeting, which is a bit different from the regular. Prior to removing a child with as many family members and support services or people, um, at that meeting as possible, in an effort to develop a safety plan for the child, to avoid taking court action.

Um, and again, our cases aren't brought before the Tribal Court. So, I can't really speak to their law. I should know it. But I don't. But, but our mandate, and our practice I don't believe is any different.

**ME:** Do you think that that's, that the current mandate and practice, do you think that that's changed since you started in 1977?

**GD:** Oh, yes.

**ME:** Or do you think it's been —

**GD:** Oh, yeah.

**ME:** Okay, so could you —

**GD:** It was a whole different world back then.

**ME:** So could you speak a little bit to, you know —

**GD:** The difference?

**ME:** Yeah, the difference in practice.

**GD:** Back then, I clearly remember, and again with a white family, removing a child from her mother and having several meetings with the grandmother and placing the child with the grandmother, and being formally reprimanded by my superiors for that, because there was such a strong objection to placing with relatives at all, because the apple doesn't fall far from the tree.

**ME:** And so that was your experience across the board, not just with Wabanaki or Native Americans?

**GD:** Absolutely. Relatives ... even back then, um, we were supposed to make a diligent search for fathers. There wasn't a huge effort for that. Um, oh yeah. In many ways, we didn't know what we were doing. And in many ways we still don't. Child Welfare really is a, child *abuse* is not a new phenomenon, but child *welfare* is a rather new, I mean I, the very first case in America was I believe in the '30s with a little girl in New York being chained to a bed, and found by, I think, the police. And the only agency at all that came close to providing some protection for her was the humane society. The ASPCA. Because there was no child welfare in existence.

So we are an ever-evolving practice. And, and science. I mean, you know it's never going to be perfect. We're never going to, because we're working with humans. We're interacting with humans, and every family is different. Every person's experience is different. So our practice is never going to be perfect. But it, it's light years different than it was when I started. For the better. We have a long ways to go. And the laws have changed and improved.

**ME:** Well, thanks. Thanks for sharing that. Um, is the active efforts standard use in cases involving Indian children different than the reasonable efforts standard applied in cases not involving Indian children?

**GD:** Not to my knowledge or experience. I would hope not. If that was, I think it would be abominable, and would need to be addressed immediately. But I don't know that to be the case.

**ME:** Okay. How are Tribal Child Welfare staff included in the development of a family case plan involving an Indian child?

**GD:** The Tribal Child Welfare staff?

**ME:** Mm, hmm.

**GD:** With any case I've worked with, the Tribe is totally involved. I defer to them, I look to them, I rely upon them. I don't know if it's a good way to put it, but in a way, they're my translator for understanding the family, understanding the children's needs, understanding the children's experience. My experience, they've been a key part.

**ME:** [00:40:04.05] Okay. Um, to the best of your knowledge, if a Tribe declines to interview, I'm sorry, declines to intervene in a child custody proceeding covered by Maine's Indian Child Welfare policies, what are the reasons for this decision?

**GD:** Well, I think what I previously said, with those older youth? It's, it's, I mean they've said to me, the tribal attorney has said, 'We don't have the resources to provide this child with what he needs.' So with the juveniles, I think it's been because of lack of resources. Unfortunately. But, on the flip side of that, I worked with a youth with a serious substance abuse problem, and the Tribe — I don't think that boy came into our custody. I was involved again with the home study for the Court, um, the Tribe was very quick to offer — In North Carolina, there's a substance abuse program called, *(pause)* it's not Crossroads — I can't, I'm not going to be able to come up with it.

And it was pricey. I don't know how — they flew this boy down there, I believe, with a family member. And maybe his MaineCare, his Medicare covered it; I'm not sure about the funding. But because we have all, have gotten to the point that we really, um, limit as much as possible sending kids out of State, um, and I don't know that in the end, this was the best for him. But at the time it seemed pretty appropriate. And needed. The Tribe was quick to offer that. I can't remember the name of that, and I've heard of other Native youth going to that program. So, in that situation, they had the resources and the ability to provide him with what he needed.

**ME:** Okay. Um, to the best of your knowledge, when the State declines to transfer a child custody proceeding covered by Maine's Indian Child Welfare policies to Tribal Court, what are the reasons for this decision?

**GD:** I don't know. I haven't encountered that.

**ME:** Okay. Have you had experience in working with expert witnesses for Indian Child Welfare?

**GD:** There's a, there's a specific legal term called expert witness?

**ME:** Yes.

**GD:** Only once did that come into the conversation with a case, and I didn't know what that was. And, um, spoke to a Native woman who was, who had been given us training apparently about that, and for whatever reason I didn't get the training. Um, she was pretty frustrated with my call, and my ask-, my request for some explanation and guidance about that. And told me that I should talk to one of my supervisors who's had the training, that she was tired of

providing that information.

Um, so I, so I think, I don't know how I found that law. Is that part of our law? Probably is. But then, it must be part of the ICWA law. Somehow I found the legal definition and an explanation of how to use. It turned out in that case I didn't, it didn't get to that point. But that was a frustrating experience. Because I knew that that was key if we went to court. So we must not have ended up going to court, I guess. Um, if we had, I wouldn't have, I would not have known what I was doing.

**ME:** So, in your experience, what criteria does the state use to establish a qualified expert witness in Indian Child Welfare?

**GD:** I don't have that experience.

**ME:** Okay. I didn't know if in that situation it had gotten to that point.

**GD:** *(shaking head)*

**ME:** Okay. Um, what State Child Welfare policies, practices and events influenced your work with Wabanaki children and families?

**GD:** Ask — Can you repeat the variables?

**ME:** Sure. State child welfare policies, practices and events.

**GD:** State, meaning ours?

**ME:** Yes.

**GD:** Um, I think that there's been increasing efforts to really collaborate and communicate with the Tribes to bring us together, um. Because of my age, I have a lot of colleagues who are quite young. And because of the turnover, quite new to the practice. *[00:45:02.28]* Um, I think we, the State Child Welfare system, still has a lot of work to be done for us to fully, um, not just recognize or embrace, but to really understand the huge cultural impact and history that the Natives have had.

Um, you know I've heard comments like, 'Well the Jews have been through things like that.' And, 'Look at what's happening in Africa,' and so forth. It's certainly all horrific and, genocide is genocide. But we're talking about our neighbors, and the people we live with, so I don't think we should even be comparing or saying what's worse and so forth. I think we have a long way to go to really get what this reconciliation group is trying to accomplish. I do think —



And, unfortunately because of what's happened to the Natives, the reservations are small. They're crowded. They're underserved. Um, there are lots of societal problems. Not unlike many of ours, but maybe more concentrated because of the size of, where, at least those here, where they live. And the condition of the housing that's provided, and so forth. Um, I think there needs, better, continued effort at least, to gain an understanding of why all that is. And what maybe we as a society could and should be doing.

**ME:** *(pause)* We touched on this a little bit, um, but if you have anything else to add, how did State Child Welfare policies and practices change during your employment, and how did this impact your work with Wabanaki children and families?

**GD:** Well, it's certainly changed for the better. Um, I don't know, back in the '70s and '80s, even though the law was in effect, it might have been a bit of — as much as we can get away with without dealing with that, we will. Um, certainly that's not possible now, which is for the good.

You know, I think we, as the bigger agency, could do a lot more in maybe, one of the things that I would think is identified is the lack of foster homes. Or kinship homes. Or Tribal homes. Um, I would expect for the Tribe, they're thinking any home would be family, you know? *(inaudible)* [00:48:07] So, you know, we might have something to offer in terms of training, how to, how to, um, procure interested people. Whether they're on the reservation or not. To find perhaps various natives. I don't know if that would not be favorable, but to look outside their own Tribe maybe. I would think that would be more favorable than white foster homes. But, I shouldn't say, probably.

But, in licensing. In how to, I mean, we have active recruitment, and um, advertising and you know. Again because of limited resources, perhaps we could help do that. I don't know that we actively recruit. I don't think we actively recruit, I mean, if a native family came to us we certainly wouldn't turn them away. But I don't know how much we recruit those people. So, I would think that would be one thing that we, I mean there's a lot we could be doing to enhance the whole, because the more the Tribes are able to place within themselves? You know, the less we'll have to. You know what I mean? Not saying, I won't say it's a game for us, but it's a game for everybody.

**ME:** Um, over the course of your work in State Child Welfare, what do you see as barriers to the successful implementation of Maine's Indian Child Welfare policies? We talked about some of them, but if you have anything to add.

**GD:** [00:49:58.08] Well, again, I really don't know —and it's shameful that I don't— if there is a separate set of legal mandates that the Tribes follow when they're intervening a case and take a case to the Tribal Court. I have no idea what standards they go by, anything. So, that might be helpful. I guess, just to better understand each other.

**ME:** So, it would be maybe lack of training or understanding would be a barrier?

**GD:** Right.

**ME:** Okay. Um. Anything else?

**GD:** *(pause)* Oh, I'm sure there's lots of other things. I'm kind of drawing a blank. Um.

**ME:** It's okay. We can also add them in along the way.

**GD:** And you're talking specifically about the, the ICWA mandate? What barriers we might have to, to um, abide by that?

**ME:** Yeah.

**GD:** Well, more training on how to locate, how to identify the specific Tribe if the families aren't really able to, or don't know. My father-in-law knows he's a member of a Canadian Tribe, he doesn't know which Tribe he is, um, or who might be in his family ancestry that was, you know, if they were registered. So, maybe some training on, you know, how people get into genealogy, and that's a lot of work and a lot of experience and training. I would think this would be very close to that in some ways. Um, so maybe improve that system to be able to navigate, how do we identify the ancestry of some of these families? That, I think, is a huge barrier.

**ME:** So, going back to when we talked about before, the initial identification of a child.

**GD:** Mm, hmm.

**ME:** And what resources, because it impacts what resources they might qualify for.

**GD:** Mm, hmm. Mm, hmm. And I, well, you know, something I haven't understood, and I find frustrating for the sake of the Tribe is, and correct me if I'm wrong. If, even if I absolutely know um, that, like I'm working with a boy right now who's part of the, a branch of the Pueblo Tribe, I think they're called Laguna, in New Mexico, and I think that's a branch of the, I think of the Pueblos.

Um, and I've really been working with him. He's older. He's seventeen and he's got an uncle out in South, I mean in New Mexico that's very interested in having him move there, that I'd be more than glad to facilitate. The boy is determined he's not going to go. But, um, members of that family don't know if somebody is registered or not. And I don't know why that makes, why that should make a difference. You know, if they're, if they, if that's in their blood, if that's their heritage, what does it matter if they're registered? Do you know?

**GK:** I think it used to be, uh, had something to do with the availability of services, and you know, obligation to the Department of Administration.

**GD:** But does that matter in terms of the law? I think it does also. What are, what we're expected to do is just find out through ICWA, or because of ICWA, if there is a registered member of a Tribe. I kind of think that's unfair.

**GK:** Well, it gets to be really complex and complicated and sometimes in an unnecessary way. With jurisdictional matters, kind of thing [00:54:11] (*inaudible*). So it's um, if um, if a member of the community is not registered, then there's a question of obligations to that person.

**GD:** Right, and what I'm saying, is —

**GK:** And why is that?

**GD:** — we should still be obligated.

**GK:** I would think so.

**GD:** And I think we try. I don't think we, I hope. I can't speak for anybody else. But to say, 'Well no, he's registered so I'm not going to bother to explore that any further.' Because we're still expected to explore family. And natural supports, which those would still be there, hopefully.

**ME:** Well, and there might be a difference between, you know, if someone's not registered, they may be eligible to be registered. Right?

**GK:** Right.

**ME:** So that —

**GD:** Well that would be something for us to, because I don't know how you go about that.

**ME:** Right, if they were eligible, then even if they weren't registered, maybe they could then register to be, to then access those services.

**GK:** [00:55:10.20] Absolutely. In some communities, if they're eligible, then programs could be given to them. You know.

**GD:** Right, right.

**GK:** And our way of determining that is working with the Tribe administration. Um.

**GD:** Which is often hard to do. Often hard to locate that particular person in other parts of the country. Not so much here.

**ME:** It's different if you're working with somebody from Penobscot, on Indian Island, and you know that person from relationship, versus if somebody is in Canada, or something, or New Mexico —

**GD:** Absolutely.

**GK:** And I think in most communities, they do have, um, officers on membership, Tribal membership. They do have —

**GD:** Would that be the title? Officer of Membership?

**GK:** Probably. You know, it could be an administration or a committee. But I think in most communities, they have some personnel that is in charge of Tribal enrollment.

**GD:** Mm, hmm.

**GK:** Enrollment would probably be a key word. And I know that, and I'm not sure whether this is something that's working with the Bureau of Indian Affairs, but I know that the Department of Indian Affairs in Canada, if you're eligible, not necessarily registered, they will serve you. Yeah.

**GD:** If you want to be registered, would they help facilitate that as well?

**GK:** Yep, yep. So the, the —

**GD:** And what's the name of the one in Canada?

**GK:** It's the Department of Indian — actually it's the Ministry of Indian Affairs.

**GD:** Do you know where it's located?

**GK:** In Ottawa. Um, Indian and Northern Affairs, I think, is the title.

**ME:** It gets complicated. There's not just the United States and Canada. There's many, many nations that, you know —

**GD:** Yeah, yeah, the sovereign nations — *(simultaneously)*

**ME:** *(simultaneously)* — that across the board, you know, may have similarities, but in terms of how they, make policies and how they proceed.

**GD:** It is complicated. So I would think we would at least benefit from, it probably wouldn't even need to be a full day, a half a day of information giving us all these connections. The names of different, this one in Canada, and —

**ME:** There's not a 1-800 number you can call.

**GD:** Well, actually there is. The national Bureau of Indian Affairs, I think, I have one number that at least is a starting place.

**ME:** Okay.

**GD:** For me to say, this is what I'm looking for, can you help direct me?

**GK:** One of the matters that tend to complicate these kinds of scenarios, is um, the Bureau of Indian Affairs only services Federal status Tribes. Tribes who are Federally recognized. As opposed to State-recognized Tribes. And there are two different, uh, for lack of a better term —

**GD:** Levels of jurisdiction.

**GK:** — Yeah, two different jurisdictions, you know? And there's absolutely, if the, you know, in my mind, and I've been kind of a critic of that, you know, deliberate, um, definitions. Uh, but if a State recognizes a Tribe to be a Tribe, then they should obviously qualify for services as an Indian Tribe. There's a little politics going on Federal recognition, that's —

**GD:** Continues the resistance. Yep.

**GK:** Right. And so, if there is uh, a person, a child who is State recognized but not Federally recognized, then ICWA probably wouldn't cover that child. Because of that status —

**GD:** Oh. Oh.

**ME:** But the overall picture is what you're saying. There's all these intricacies and ins and outs that you think, you know, your Department could benefit from having some continuing education on some of those things that are more salient, or more likely that you'll encounter.

**GD:** Oh, absolutely. Mm, hmm. To just help us navigate, better than we are, I think.

**ME:** Right. Um, what strengths does State Child Welfare possess in ensuring compliance in Maine's Indian Child Welfare Policies? Or what, in what effective procedures or practice does the State have in place for promoting compliance?

**GD:** *[00:59:59.08]* Well, I think we've discussed a lot of them. I mean I think, I do think that we, uh, place a lot of importance in, and are finding that it's the reality of the success of placements, that as much as possible that we can place children with familiar people. Whether it is family, or the neighbor they've known for years, or their best friend's parents, or a teacher. Um, the more we're able to accomplish that, the more likely that placement is not only going to succeed, but is more likely to offer a lifelong support for that child. Which I think goes right along with um, the intent of ICWA — to, to not place children in a foreign land, whether it's white children in a white foreign land, different economic status, isn't always advantageous. So I think that whole, that whole attitude and understanding just goes right along with what ICWA is trying to accomplish.

**ME:** And as you mentioned that's an attitude that's changed, shifting or changing over the course of *(simultaneously)*

**GD:** Hugely. Hugely. *(simultaneously)*

**ME:** Okay. Um what about weaknesses, um, that State Child Welfare possesses in ensuring compliance, um, with Maine's Indian Child Welfare policies, and what could the State do to promote compliance?

**ME:** You know, maybe something like, I mean other than what we've already talked about for the training program, understanding, better ways to navigate. Perhaps to have, I mean, we all have enough meetings to go to that takes us away from what we're supposed to be doing, but if maybe, like, we have a retreat. Sometimes according to how much money we have. But this year we're going to go on a retreat somewhere in September. Maybe to invite the, the Child Welfare staff of you know, not just Penobscot, but the Passamaquoddys, the Maliseets, try to have it, and when I say we, I mean just District 6, not the State Child Welfare staff. Um, so we're, there's a place we could find that's sort of equidistant for all of us. Um, to do those kinds of things together. Just to informally engage with one another.

**ME:** So shared trainings, and shared —

**GD:** Perhaps trainings. I mean, or, we do, I mean the child, I think they attend, there's an annual child welfare conference in April. Um, or maybe it was in June, I'm not, somewhere in the spring. And I think there, they come to those. But I mean just informal retreats. Just to sit down and have a picnic with each other. Maybe not, just, certainly as much as possible to train with each other.

**ME:** But things that foster relationships.

**GD:** Yes.

**ME:** Okay.

**GD:** Um, yeah. I mean, I don't know that there's a mistrust. But there's a bit of a divide and whatever can be done to break that down, I think we need to do. Other than just working together. You know that whole business about silos. We need to try to —

**ME:** And do you, what do you attribute the divide to? I mean, is it because you just simply don't know each other? And —

**GD:** To a great extent. And you know, the inevitable is, we're always going to have a huge

turnover; they're always going to have a huge turnover. So we're not going to make lasting relationships and friendships, but just um, getting to know whoever is on staff now, and vice versa, and to continue to do that, you know, if nothing else will help us like and trust each other better. I'm not saying that doesn't exist, but more so. And they are, they and we are working in our own silos to a great extent. We don't co-mingle a lot. And that's okay. But whatever can be fostered so that when we do, we're familiar with one another.

**ME:** And it seems like what I'm hearing, and correct me if I'm wrong, the interactions, and the relationships and strong working relationships that are built are more done on an individual to individual basis than something that the Departments have decided, you know, it's going to be, you know, things like shared trainings and things like that. So when there's relationships built, it happens because of two individuals rather than something the, the Department's, you know, in terms of policy or practice, or anything like that?

**GD:** [01:05:41.28] I g-, yeah. I mean any time one group can just recreate with another group, it doesn't have to be individuals necessarily. Or, or, have leisure time, any un-work related time, I guess, with one another, I think the easier it is to, if there are any guards that are up, or walls that are up, the more, I think those would be lowered.

**ME:** So when you see each other and it's in, you know, a situation that's very stressful, you know, at a family team meeting — *(simultaneously)*

**GD:** *(simultaneously)* Or when I have to get done what I have to get done, and if they —

**ME:** — and it's a crisis. It's different than seeing each other and being able to talk to each other for a non-specific agenda, and a less stressful, and immediate environment.

**GD:** Yeah. Sure.

**ME:** Okay. Um, what strengths do Wabanaki Tribes possess in working with the state for ICWA compliance, and what procedures or practices does the Tribe have in place that helps facilitate state ICWA compliance?

**GD:** Um, well again, I think that this Wabanaki agency that serves any Native of whatever affiliation here, um, maybe this has a little bit more of what I was just saying. They are, they are off-reservation. Their building, their headquarters are in Bangor. Um, so we see them a lot more, and they interact with all sorts of service providers in the combined communities. So maybe that's, so there's much more familiarity with them? And I always turn to them, when I have anybody of any Native affiliation. Um, for guidance, for collaboration, for services, for meetings. If I'm working with a native family or youth, I think it's much more comfortable for meetings to be held there. So, it's, it's more familiarity with them. And that's what I'm saying about, what I think we should be striving for with the staff on the reservations. I don't think we have a lot of familiarity with them.

**ME:** Okay. Um, what about weaknesses that Wabanaki Tribes possess in working with the state for ICWA compliance? What more could they do to ensure ICWA is followed in every case?



**GD:** Well, I think, probably they're more driving, I wouldn't say they're more the driving force than we are. I don't know that, other than, again, back to resources. I think their desire, their intent, their motivation to have us follow ICWA is there. Um, weakness again is you don't have a lot of communication with each other. Not their fault. Probably more our fault than theirs.

**ME:** Can you speak a little bit to the importance of caseworkers learning about and having knowledge of American Indian family structure and culture?

**GD:** Yeah, I spoke about that I think. I don't want to just say our younger people, but. In general, it's amazing to me how un-newsworthy in general, uh, some of our younger people are. I read about a lot of civic issues. Like, there was an election day in June. Some of them think the only time that you go to the polls is in November. History. Um, so I think the more exposure, the more knowledge of history, you know, how you hear people, 'Why do we need to know our history, it's happened.' So, more appreciation for everyone's culture. Um, what's happened in hopes that things won't recur. What was your question? *(smiles)*

**ME:** Um, about the importance of caseworkers having knowledge of American Indian family structure and culture.

**GD:** It's paramount.

**ME:** And they, I guess in terms of training that's received —

**GD:** And just little nuances. And it's hard for me, I'm not really good with silences. If people fall quiet, it, it's a fault of mine, I need to fill in that silence. And, especially when I'm working with Natives because I understand that there are many pauses, many more, more thoughtful process prior to responses. More taking in information before responses, and I need to really work hard not to fill in that silence. So, knowing even those kinds of things. If we're going to effectively communicate and connect with people, those things are very important to know. And we have all been told that. Um, I can't say, I can't recall anything else I've been told about something I should probably know about effectively communicating with Natives. That's the only thing I know. So if there's more, I need to know it.

**ME:** Okay. *[01:11:35.22]* So, again it would go back to training or ongoing education.

**GD:** But back, back to what your question was, about culture. How important is it for us to know culture? It's extremely important. Just like I would need to, to really understand you, you know we don't all need to totally reveal our stories, but the more you understand someone's story, the more you know them or understand, or at least understand them. So it's really the case with anyone. But, you know, culture and history is extremely important for us to all know.



**ME:** Okay. Um, can you talk about the importance for an Indian child who is placed in out-of-home care to be placed within reasonable proximity to his or her birth family and community? And we've touched on this, but if you have anything to add?

**GD:** It's very important. I mean, going back to talking about our, um, evolution in our practice. When I started, if a child visited its mother, and went back to the foster home and the foster home talked about how upset and how unmanageable the children were, and difficult, we would quite likely make the decision not to have, to reduce the amount of visitation because it was harmful to the child. And we've just come light years from that.

Knowing we need to provide for as many visits as possible during the week, as difficult as that might be, and as difficult as the children might behave when they return. Um, so I think it's that knowledge speaks to your question. Going to the same school where all their friends are, is, I remember in high school, my parents talking about changing me to a different high school and being horrified. How could I possibly go to school when I've lived in a town that I've lived in all my life. That doesn't happen as much anymore, but, you know, just understanding our own fears of being put in a different world, in a different place, where you know nobody.

**[1:13:46]** Um, I think common sense says, keeping that child in the school, in its neighborhood, with friends, people they're most familiar with is, you know, even if we think that the parents' knowledge of where they are could be dangerous for the child, then we need to take measures to provide as much precaution and safety as possible and still keep that. That's why we really depend on schools often, um, if we just cannot find a foster home within the school district. But can find a foster home somewhere near the proximity of that school district, to really implore of the two schools to allow that child to continue staying in the original school. So, you know, being near family and community and neighborhood is important.

**ME:** And a related question. Um, if you have, can speak to the importance for the Indian child who is placed in out-of-home care to participate in his or her traditional Tribal events, spiritual customs and social activities?

**GD:** **[01:14:56.16]** How important is that? It's critical.

**ME:** Um, have you had experience... *(simultaneously)*

**GD:** *(simultaneously)* I mean, just like those two girls who really had no life experience with the Penobscots, but just having this deep-seated curiosity about their own family of origin. So connecting, going, one of them, I think the other one doesn't but the other one, one of them goes to Pow Wows, goes to drumming, goes to different parts of the state to participate in Pow Wows. I think she's even gone out of state. And did not grow up in her culture, but it's been, um, it's kind of opened up a whole new self for her. In community. That she feels more comfortable in, than the community where she's had more experience.

**ME:** So it's been very beneficial?

**GD:** Absolutely.

**ME:** It's good to hear that.

**GD:** Mmm.

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

**GD:** Working together, I think we've talked about. Um, Are they not interacting well with one another or working together well? Um. *(pause)* Even though, even though the Safe Families Act, you know has all these strict guidelines, after 15 months of being in care, we need to come up with a good reason to present to the court why, if we're not going for termination of parental rights, why are we doing that? There's a real, um, we look at it as a last resort, to have a permanent goal of APLA. What's that, the Alternative Placement something or other, something or other. Living Arrangements —

**ME:** Something having to do with permanency?

**GD:** Well it is a permanency goal. It's an acceptable one. But it's like the last on the list of priorities. If, like, for example, a 16-year-old who does not want to be adopted and is saying, 'No way do I want to be adopted, I'd rather stay in this foster home until I'm 18 than be adopted,' um, that would be APLA. The last is Living Arrangement. Permanent Living Arrangement. I can't remember what the first AP stands for, but — Alternative something — Permanent Placement Living Arrangement maybe. Um, so that part of the, the fact that there is a real thrust, and a real, um, emphasis on adoption clearly, federally, um, might impede our ability to prevent a child from being adopted by a white family. Because of timelines, and, uh, the real emphasis and push to getting kids adopted, and if we're not able to, in a timely manner, find a Native family, um, you know, even the Tribe might say, 'Well it's more important for the child to be adopted so we don't want to hold that up.'

**ME:** And so the timeline is something that, with the two of them — *(simultaneously)*

**GD:** *(simultaneously)* Well, the timeline, and it's just a real push for adoption.

**ME:** Okay.

**GD:** That's nationwide. Um, we really need to get these kids, we need to streamline our adoption process. Let's not hold these kids up in foster care. Which I don't necessarily disagree with, but it always frightens me to move swiftly toward adoption because I work with older youth. Unfortunately, I work with a lot of kids who have had failed adoptions. You know, none of us have a crystal ball. None of us can foresee a perfect ending. But, adoption is scary stuff. It

needs to be treated carefully. And at the same time, being expected to do it swiftly.

**ME:** Um, hmm. There seems like there's a lot of complexities in all of these. But that's one, probably one of the more, because of the fact, the permanent, um, okay. So, I just have some closing questions for you. Um, if you could change, these are kind of more broad questions, loose guide — if you could change anything or make anything happen at the Tribal, State or Federal level to improve the lives of children touched by ICWA, what would you do?

**GD:** *[01:20:09.22]* Miraculously come up with more Native homes. Safe and, um, appropriate Native homes.

**ME:** Anything else? That's a good number one.

**GD:** That's the number one. Um, and then the rest, I guess, just a real... an improved appreciation for one another.

**ME:** How could the State Child Welfare system improve in terms of Indian Child Welfare policies and practice?

**GD:** Well, I think it's important when all of these personal stories are told by the adult or children, the Native adults and children who have been unsuccessfully placed in white homes, and stripped of their culture. When that's, this is going to end up in some way a documentary? And we've heard lots of individual stories, but I just think it's mandatory at least once a year, for us to sit down and listen. Um, you know, and even, we're all kind of defensive of ourselves. And you know, say, well, I'm not a part of that. I do all I can to avoid that. And then to, so to put it aside, I'm feeling good about myself. But it can't be put aside.

It's just like our white people who have lived horrors. When I'm working with a parent of any color who tells me they grew up in foster care, I shudder. Because I fully expect the next ten minutes I'm going to be hearing horrific stories. Not always the case, but too often. Um, so, you know, we all have a shortage of really committed foster parents. We place our kids in homes that we wouldn't want to see our own kids in. And that's, that's one of the biggest tragedies of our work. So I guess a blue sky is to just have lots of really skilled, trained, compassionate, not just loving, that was the myth. So, you do need to be loving, I don't mean that. The myth was, people are kind enough and good-hearted enough to take children in their home and love them, then these children are going to love them back.

So, to have foster parents, and for us to provide the ability to have those foster parents, not that they just need to do it among, all by themselves, but for us to really educate and drill into people's heads as much as possible, these kids aren't going to love you. No matter how nice you are. Um, so, let's all work together and be skilled at how we can do our best for these children, whether we're white, black, red, yellow. Um, I don't know that we'll ever, I don't know that I'll ever see that. I hope someday that's the case. Because unfortunately, I think kids are always going to need out-of-home placements.

**ME:** Okay. Um, is there anything else you want the Maine Wabanaki TRC to know about your experiences working with DHHS and Child Welfare cases with Native American children?



And I would expand that to say anything that we haven't talked about that you want to share, and you know, we've talked about, I think, very much kind of in a professional context of your work. If you would like to talk about how this is personally affected you. I know you mentioned a little bit, um, having some empathy and compassion in terms of coming from a family of immigrants, and being able to relate. So, if you would like to expand on that, please feel free. If you don't feel comfortable, that's okay, too. But basically the last question is what haven't we asked you, that you would like to say?

**GD:** Well, I think, I think in general, [01:25:00.26] just having gone through this conversation with the two of you, it's deepened my appreciation for the need of this work to continue. Because we don't think about it every day. And so, just like learning history and learning people's culture, conversations are as important. And we need to keep having these conversations. So, perhaps you know, again when I was talking about mingling or interacting with the Native Nations, whenever we can, with one another, maybe other than talking about the work per se, or the law per se, but having conversations with one another about whatever is important to us. Um, that's how people really respect and appreciate one another. Rather than building these, becoming isolated. We just really seem to be a culture of isolating, and serving our own needs, and we have, we live in a very demanding world. And a very busy world, with demanding tasks, and if you get through the day, you're doing well, and you just want to forget everything else. So we need to stop and continue these conversations. So I appreciate being invited.

**ME:** Well, thank you, I know this has been, you know, a kind of a process that's caused you to have to really think and, [**GD:** Yeah!] and so you know, we appreciate — (*simultaneously*)

**GD:** (*simultaneously*) Which I probably wouldn't do.

**ME:** — we really appreciate everybody that's contributing to the work of the TRC in that way. gkisedtanamoogk, did you have anything you wanted to add? Follow-up questions or comments?

**GK:** Um, certainly I want to, um, echo what you just said. We really appreciate you taking the time to come in and share your perspectives. And, um, mostly reflections. Um, I think that, um, I'm kind of curious about, you had mentioned at some point that there has been a shift in the State's, um, uh, I guess, the policy of how they work with Wabanaki children. Now, I was kind of curious about your opinion on what was behind the shift. I mean, not just with having Federal law that they —

**GD:** I was going to say probably ICWA.

**GK:** Probably, yeah. Uh, so I was kind of curious about that. And that, and these are just

reflections, I do believe the collaboration is important. And it's not the first time that we've heard from DHS workers on the matter of the turnover and sort of, the loss of those kinds of contacts, those human contacts. And, um, maybe a comment from you that, that in an ongoing development or training, that a component of that training is to build on those contacts so there wouldn't be loss. So that somebody coming in who is new to the system or is new to the policy and procedures could pick up where it was left. So that whatever you manage to do in your tenure doesn't get lost by incoming personalities who have no experience whatever. Um, is that, is that possible, to have that kind of — ?

**GD:** It's very challenging because of the pace that we all have. Um, although I must say, what's new, relatively new for us, and I don't know if it's just individual supervisors but um, sometimes when we would go out, have new cases assigned to us that sounded like there were some real safety issues, and would ask, 'I really would like to have another worker come with me.' More often than not, we were told, 'We don't have the manpower for that. You should go by yourself.' And in the last two years, I've noticed workers more and more going out in pairs. *[01:30:08.26]*

And I don't, I don't, we do have a lot of students. I think we have six students a year. But it's not just students going out with workers, it's workers going out with workers. I think, I think probably the majority of our cases are drug-related. Serious gang stuff. And that might be some of it. And, a lot of it, sometimes, I heard one worker say, 'I've got six kids to interview, would you be willing to go out with me?' and not even ask supervisor's permission.

Um, so back to your question is, we don't, even amongst our own staff, I don't, I always say I don't bother to learn anybody's name until they've been here for six months. *(laughter)* For as long as I, I have a hard time remembering names, but, I mean that. So, it is hard to develop relationships with our own staff, just because we've got our own huge caseload, and we've got to get it done, and we isolate, and all those things that I said are barriers to any of us getting to know one another. So, it's probably, we could give more attention to that. I don't know that we'll ever be totally successful, but it's something to be aware of. And to talk about.

**GK:** Um, hmm. You know, particularly as we're trying to develop a collaborative relationship.

**GD:** Absolutely. Absolutely. The one social worker that I know of who stayed on the island the longest in my experience, I really enjoyed working with her. She knew a lot of people. *(knock on the door)* I just don't know any of the families, or very few. And —

*(Someone interrupts at the door. 'Sorry. I just need to grab this other pile.')*

**GD:** Um, so I think that's an example of the more often we work with a particular person, the more comfortable you are with that person. As opposed to, I've got a case on the island now, I'm going over there, and meeting someone new. And the only time I'll work with that person might be just on this case, 'cause the next time it will be someone else,

as I'm sure is their experience with us. It's clearly the case with us. So that's a huge, that inhibits.



**GK:** So, maybe there might be, um, 'cause I can certainly recognize the barriers and that, the challenges too. Um, so maybe there might be a component of learnings. You know, that we can, you know, identifiable learnings and how we have built these relationships, and maybe that could be something that could be interwoven into that. But it clearly, it's important that we are collaborative partnerships. Um, another area of reflection that, uh, and I absolutely believe this, you mentioned the nuances. And sometimes these could be —

**GD:** I know next to none.

**GK:** These could be barriers. And you talked about silences, and all that, you know, and, um, that in the training component I think it's absolutely valuable that we learn the nuances of the cultures that we're working with, you know?

**GD:** Absolutely.

**GK:** Even the language. How Wabanaki communities, and life experiences, particularly across the border, when persons use the language, they don't use it in the same context as we widely understand it and express it. They're using it particularly in a very narrow, specific, cultural context. You know, so for instance, the word 'bother.' You know, is the way that Wabanaki personalities would say molestation. They don't come out and say certain person molested me. They would say they were bothered.

**GD:** Meaning a sexual offense?

**GK:** Yeah.

**GD:** Oh. Wow.

**GK:** Just as a real small example.

**GD:** And that would go right over my head.

**GK:** Yea, and most people would not, you know, and sometimes if they were in the court, and they're being questioned by a lawyer, um, they wouldn't, seldom would they, um, be very direct in the response. They would be very quiet. It would be almost um, a non-verbal response.

**GD:** That could be interpreted as being evasive.

**GK:** *[01:35:07.23]* Being evasive, or not, um, not being specific enough, uh, for the lawyer and for the judge and for the court to say that this actually happened. Because they're kind of cushioning. Because most of the times they're not very direct. You know? And the court is

looking for directness, kind of thing, you know.

**GD:** Sure. The details.

**GK:** So those real nuances of that, I think would be really important. That, uh, that somehow be part of the training, the ongoing training.

**GD:** I was just two weeks ago interviewing a grandmother of some children whose mother died, and, um, she was *very* halting. You know, she, and her heritage is a Tribe in New York. Um, and so I was really making an effort to fully understand why that was. And she's close to my age, I think. Fifties anyway. And, um, so it was challenging because I needed to, you know, elicit as much information as I could about her history and the children's history and so forth. And it was very, very halting. And I was respecting that as her heritage, and um, giving her time. I was really proud of myself, (*laughs*) in giving her time, because I do, I just chatter. I think because it makes me nervous, those pregnant pauses, make me uncomfortable. (*simultaneously*)

**ME:** (*simultaneously*) Um, hmm, the silences.

Um, but then she told me, so we, I started to ask her about her culture, and she didn't, she said, she didn't know she had any native heritage till 1981 when her father died, which would have made her like in her 30s. Maybe a bit younger, but no more than late 20s. So that kind of floored me. And began to wonder, 'Well then, is there something else that's going on, with this hesitation and these halting kind of responses?' And then, you know, thought, 'Well, that may have been the way her father communicated with her.' And she, for whatever reason, just didn't know that he, so um, I really enjoyed that conversation 'cause it made me really be forced to not have preconceived notions of her just being reluctant to engage in a conversation. Um.

**GK:** Um, hmm. Absolutely.

**GD:** But you're right. The more we can appreciate that, and understand that. And that's the only piece that I've ever heard about what I need to know. And like you just told me about the word 'bother.' We could be years learning those things. And probably should have at least one training a year learning just that.

**GK:** Mmm. Yeah. I think there's a couple of times that, and I think I've been, I don't want to keep you too much, but, um, I, you mentioned, um, in um, both in the training, but I think also a reflection on the appearance of reluctance, you know, that, because nuance carries a lot of energy. You know? It's powerful energy.

**GD:** Yes.

**GK:** We all feel that. And I wanted to kind of share a little bit of, ah, insight about the apparent reluctance on the part of community members and community. And I think this also has something to do with, with that kind of distance. And maybe I'll qualify this by, that by and large North American societies have a certain value systems that they work off, and particularly in this framework, or as a Welfare worker, a Child Welfare worker. One of those,



uh, values is to be aggressive. To go get the job done. You know, be efficient, and so forth. Um, and that's a real barrier for Indian country, you know, if you come off too aggressive, you know, that you want to get this thing done, you're looking at time, you know, time element kind of thing, and that has an historic impact. *[01:40:03.24]*

When you, as a representative, as a reflection of the agency, um. And it could be any agency as well, um, the historic relationship of the State with Wabanaki Tribes has not been very positive. And there's that question about really understanding who the Wabanaki are. And how they look at the world, the Wabanaki world view. And not to belabor this, but there's a question about treaties. You know? Um, Maine has a homeland because of virtue of the treaties. And treaties are, by and large, that part of the Constitutional law, that's, you know, habitually neglected or put aside to the detriment of Wabanaki and other Indian countries.

And then there's the question of the modality of genocide. Um, the United States has, um, as an Indian policy has been guilty of genocide. We're not talking about history, we're talking about an ongoing practice which I believe is the forerunner of why ICWA came into being. You know? Kind of thing. Um, and I would think that, and I suspect that that's never been, that, um, a real brief overview of treaties and genocide — not really being part of the training.

**GD:** No.

**GK:** But it's those particular aspects of history that creates the distance and the distrust. You know? Because we're still having ongoing —

**GD:** And do you think that point is being communicated well through this effort?

**GK:** Through the, through the —

**GD:** Truth and Reconciliation.

**GK:** Truth and Reconciliation?

**GD:** Do you think that our agency is hearing that?

**GK:** Um, no.

**GD:** Is it being told that?

**GK:** Um, well we're, what we're hearing from the communities confirms what I'm just saying. You know? One, that the relationship, and part of the relationship with the State has uh, effectuated the State's resistance to treaties and jurisdiction and, you know. So when we're



talking about something that's really important, like the, um, like the Safe Families Act, for instance. Uh, habitually um, State laws and Federal laws are applied to the Indian communities without their consent. It's just simply applied because, right, they're located, and so forth. Kind of thing. And so, you know, there's this kind of really delicate interweave of collaboration that needs, that there's a formal base of collaboration by way of treaty relations. It's worth talking about treaties, we're talking about nations. You know?

And that's, I don't think that's necessarily lost on the State. It's certainly not lost on the AG's office. Because they're always dealing with jurisdictional interests, and those jurisdictional interests are based on those treaties. So they're well aware of that. I'm not sure that DHS is aware of that. Or other, or other. So I'm kind of suggesting that as an insight, that kind of a training might be necessary, too. You know? And that history. How did we get to this point? Why there is reluctance and distrust and divide, you know. But on a personal basis, you know, what you do to create an atmosphere of, um, collaboration or friendship. You know, I think goes a long way to creating those individual relationships, that we can collaborate on this particular matter. But, on the much larger matter? You need to have another discussion.

**GD:** Right, right.

**GK:** And, I think that would be helpful with the relationship. The overall relationship. You know, frankly? I never thought I would ever see this TRC process happening in Maine. You know? Based on my out-of-State, out-of-the-culture relationship with the Wabanaki, and witnessing over the past 40 years how the Wabanaki have struggled with Maine. With the State officially, for the state to embrace this? And it really is to the credit of members of the agency, working collaboratively with Wabanaki members that created this truth. And that's a ten-year process. And it's through that kind of effort and that kind of necessity, and you know, struggle to get there. To get to where we are. That, um, and the TRC process is a process towards that. And when the mandate ends next year, um, a lot of this work, is really a preparatory um, um, momentum, for the TRC and REACH, for the REACH project of it. REACH is where this collaboration, partnership of DHS workers and academicians and Wabanaki people will carry on the —

**GD:** This is kind of laying the foundation.

**GK:** Yeah, so I would hope that you would be willing to be part of that process, too. As I am once my commission is done with, I want to work very closely with REACH. And this work, it is a reflection of this collaborative work relationship.

**GD:** [01:46:16.04] So does REACH, does that entity, um, is it made up of various states?

**GK:** This is um, a one-of-a-kind experience in the United States. The first of its kind. We're indigenous community, so working with the State. It's the first. And just the presence and the establishment of the TRC process has inspired other states to think about doing the same thing.

**GD:** And do you think its happening here for the first time because relations have been so strained?



**GK:** Um, I think the relationship, that the strain has very little to do with it. The establishment of the Commission I think has been very particularly focused on ICWA and what was happening with Wabanaki children. That had to be immediately, a process that had to be stopped and corrected. Because what we're happening here, historically, um, is a long procession of deprivation to Indian countries, you know? So we start off with treaties, treaties have some connection to the land, how we're going to live here in the same space, kind of thing. When those were violated, right, uh, reservation systems were created as a subterfuge to the treaties, right?

So when the reservations were created, sometimes many, whole Nations were relocated from the traditional territories to these reservations. It's the whole reason for the state of Oklahoma. You know? Highest population of Indian people because they were all relocated there, you know? And while they're on the reservations, and the next sinister policy was to remove all the children. Bus them away to residential schools. And what went on in those residential schools you can't begin to imagine. You know? Um, the level of abuse. And that kind of energy, if we say nuance, was carried over with taking children out of their homes, putting them into white homes. For the same purpose. To de-culturalize them, de-Indianize them.

**GD:** Cleanse them.

**GK:** Yeah. Ethnic cleansing. You know? Um, and it's amazing. Even those children who have been in adoptive, basically white homes, that homes were very loving and so forth, still had trauma. Because of their disconnection. You know? Um, and even that, that maybe there's a mandate. Something in the possibility of a developing mandate of the State to ensure that, it if by agreement, collaboration with Wabanaki communities that a Wabanaki child is placed in an adoptive home, that it is the mandate of that home to ensure the cultural identity of that child. That kind of thing. Um, I'm not sure we're quite there yet. But you know, as a reflection, as a possibility.

**GD:** Have you ever read Barbara Kingsolver?

**GK:** No.

**GD:** Um, she, she's a biologist, I think, by training, but she writes a lot about Native cultures, particularly Native American cultures. And one of her books, *Pigs in Heaven*, is all about a child from, I believe, a South American community, not really sure, it's been a long time since I've read it. And just about that. And ICWA and, um, and the final result. She had been adopted by a white single woman for many, many years. Um, until somehow, the Tribe located her as a lost bird.

**GK:** Yeah. [01:50:35.22]

**GD:** And the effort and the, um, long process of, and the woman wasn't necessarily opposed to it, but just frightened that she was going to lose her. But the, eventual resolve was just that the adoptive mother took her, I forget how often to the nearest community and, um, they both became engrossed in the culture, and learning the language and celebrating traditions even back in their home. And so, it was well done, I thought. But, as a child welfare worker, you know I, it was difficult to read because the white Child Welfare system was definitely the um, the antagonist.

**GK:** Yeah. The culprit. Yeah.

**GD:** Yes. Yes.

**GK:** You know, this experiences with the TRC, as hard as it can be, is such an inspiring road to travel. You know?

**GD:** I'll bet.

**GK:** If anything, because we get to have conversation with one another, and maybe begin a process of looking more deeply. Not necessarily that we have been inattentive, but looking really at the nuance of what it is to be a human being.

**GD:** And I guess that's what I was trying to, I think that's like, not *the* value of this, but one of the top values of this whole process is the conversations so that it really gets internalized and felt and understood. Not understood, because that's a long way to come probably, but the beginning of understanding.

**ME:** Well, and your individual statement is just such an important piece of, um, you know, in and of itself, and then, you know, but also in the way in which it contributes in all the number of statements given from people in DHHS, from people in the legal system, from people who were foster parents, from people who were birth parents of, you know, children. I mean it tells, your individual statement is so valuable on its own, but then a whole other level of how it, you know, begins to tell the whole story.

**GD:** So, will the participants eventually be able to, is this going to be like a documentary, a film of a compilation of —

**GK:** Actually there is an independent film group that's working with the TRC and REACH. Um, to uh, to share the story. But they're really independent of the process. And they're quite sensitive to what's going on here. So, it's a collaborative effort. So there's that. There's the, uh, the report and the recommendations that the TRC is going to —

**GD:** Will there be some final product that we'll be able to see?

**GK:** Yeah. Yeah.

**GD:** Oh, good.

**GK:** That's the report.

**ME:** So the TRC will have a report —

**GK:** And recommendations from that.

**ME:** And recommendations. There will hopefully be separately a documentary. And then the idea is once the TRC finishes its work and is decommissioned, I don't know if that's the right word? But, Wabanaki REACH will still exist and work on continuing to implement some of the recommendations, or collaborate, um.

**GK:** To keep working at this. You know, monitor, or.

**GD:** So that's fine with me. You can pass my contribution on to wherever the archive is. *(lifts a paper from the table)* Do you need that?

**ME:** Oh, okay. So, you want to change your — Okay.

**GD:** That's fine, yeah. I don't know why I was, I just wondered where it was going.

**ME:** Well, until you really kind of understand, you know, the whole implications of it, and again, you know you can change again, if you decide to go back the other way.

**GK:** It's been really inspiring, um, just how many people are watching this process here in the State. And it's, um, Canada right now is undergoing a national Truth and Reconciliation, based on residential schools in terms of describing it as a forerunner of adoption.

**GD:** Right, right.

**GK:** Even, um, even the, uh, Truth and Reconciliation process in South Africa has been really helpful. The um, oh, I can't think of it right now. They're affiliated with the United Nations. They're an international body.

**ME:** But, as it relates to apartheid?

**GK:** As it relates to truth commissions. And, um, restorative justice, or areas that are very much supportive and often supply us with a lot of ideas and materials. You know.

**GD:** *[01:55:46.01]* What about in Australia with the aboriginals?

**GK:** Um, I think they're just kind of on the verge of applying that. I think the same with New

Zealand. In many cases, New Zealand is way ahead because there, half the population there, national population are Maori, and they're indigenous. And so they're, the Maori have become part of the natural governance of New Zealand. Um, New Zealand has adopted Maori language as the second, or the two official languages of New Zealand. Um, they do have a treaty with the Maori that they're implementing. So, in many ways that relationship is actually modeling what can become here and elsewhere. You know? But even that system has a ways to go, too. But, you know, there's just, you know, the world is starting to catch up, and we're miles, we're light years from where we used to be. Particularly in the days of the doctrine of discovery kind of thing.

**GD:** Right. Yes.

**GK:** You know, so, but there are, it's really inspiring to be part of this work and to meet people like yourself, to work with Meredith, and it's unbelievable how many people are supportive of this TRC. How many there is. Like, hundreds of people that are working as volunteers in this process.

**GD:** In this State.

**GK:** In this State. In this work with the TRC. Yeah.

**GD:** Wonderful. Hopeful.

**GK:** Yeah.

**GD:** Well, good. Thank you very much. (*shaking hands*)

**GK:** Pleasure to meet you.

**GD:** Very, very valuable meeting with you and talking with you.

**ME:** Thank you, Gail.

**GK:** Thank you for coming.

**GD:** I'm going to switch this off. I invite us to continue to talk as we walk out. We'll have you stop in the —

**END OF RECORDING**