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Statement by Martha Proulx collected by Rachel George on September 17, 2014

Martha Proulx

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General Information

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Statement Gatherer: Rachel George

Support Person: N/A

Additional Individuals Present: Matt Dunlap

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Recording

RG: All right, it is September 17, 2014. We're here in Augusta, Maine. My name is Rachel George and I'm here today with:

MK: Martha Proulx.

MD: And Matt Dunlap, Commissioner.

RG: Excellent. The file number is ME-201409-00094. Martha, have you been informed, understood and signed the consent form?

MP: Yes I have.

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

MP: That's fine.

RG: Is there anywhere you want to start in particular?

MP: No.

RG: Okay, can you tell me the evolution of how you got in to this role?

MP: Sure, [00:00:56.05] I work for the office of Child and Family Services and when I went to central office in 1999 one of the things that was going on there at that time is that we'd just had a pilot Federal review and we had not done well in the area of complying with the ICWA statute. Sandi Hodge, who worked there at the time was convening a meeting with the Tribe and developing some training, so obviously I attended the training because it was mandated for all — at that time we were the Bureau of Child and Family Services — for all the staff. I was kind of on the periphery watching it unfold and was really kind of fascinated with it. Went to the training and was really kind of surprised that, growing up in Maine, only an hour from the Penobscot nation and having Maine history in 8th grade like everyone else, really knowing nothing about our State's history in regards to our Indian population, what had gone on. So, when Sandi retired in 2004 I asked to take on the role as the ICWA liaison and that was assigned to me. So, from that time forward, I have worked pretty closely with the Tribes. We've done a lot of different things. We've really solidified how we'll work together, you know, it's certainly not always perfect but we've moved forward in our relationships and can now certainly now solve the problems much easier. We've developed policy, we've developed training and the TRC kind of developed from that ICWA work group.

RG: Can you tell me more about the ICWA work group?

MP: [00:02:56.17] Sure. It met monthly and we haven't been meeting as much lately because the TRC has kind of taken over that role and if Tribes have issues, they still call but we aren't meeting formally anymore at this point — just because everybody doesn't have enough meeting time. But at first we would really kind of discuss the cases and the areas that were problematic and then we really wanted to solve things on a larger scale and that's when we moved to developing the policy, to really developing a solid training for pre-service for our State Child Welfare staff. That was co-trained by myself and a representative from the Tribes, currently it is Esther Attean that does it with me. We had held two summits at different points, the first one included the senior management from Child Welfare as well as some folks from the Attorneys General office and representatives from the administration of Children and Families which is part of the federal DHHS. And then we had another one that involved judges and youth and really talked about some of the barriers to the implementation of ICWA and some of the areas that we could make some progress in and different things that we could do.

RG: What were some of the [00:04:38.17] barriers that had come up?

MP: Off the top of my head — and I can look this up if you need stuff — but off the top of my head some of the things I remember were just making sure that case workers were making sure that ICWA was identified and asked about and then kind of not waiting but contacting the Tribe directly and quickly to involve them in the process. Some of the barriers were really kind of fear of the unknown, lack of education, not really understanding the importance even though they have training. You know, for workers in the southern part of the State they have so few ICWA cases that when one comes up at this point I'm really happy if they just remember that it's an ICWA case and something different needs to happen and then explore what that is. As opposed to having to remember all the steps because it's not something that they do everyday. I think there were barriers in, you know, how Tribes were trusting in us and wanting to work with us, which is certainly understandable given the history. I think resources were a barrier to



try to keep Native children that were entering custody — either placed in a Tribal home or really connected to their communities.

RG: *[00:06:13.22]* There's two questions I have and I'm not sure which one to ask first. So, in terms of these key places where you've identified the barriers, what shift has been made since that summit?

MP: I think we've done a lot more work on the education and really making sure staff knew what they could and couldn't do. For example, in regard to placement, there had been a law passed in, I think, 1999 regarding foster homes. That the State could accept foster homes that the Tribes had done the home studies on and we could license them just based on the work the Tribes had done. I think in the districts a lot of people didn't really know that or understand that and thought that if a home was put forth they still had to do the whole licensing process and the home study process again, which was not the case. The only thing that we have to assure happens, that can't be different between non-Native licensed homes and approved homes and Tribal homes is the finger printing, because that is part of a Federal law, the Adam Walsh Law, so everybody has to abide by that. I think a lot of our practices changed in general which is kind of the way the country was moving in regards to child welfare — that Tribal Child Welfare had done for a really long time and that's placement with relatives. Once we started doing that with all our families I think our ICWA cases became easier because that is such a natural process for Native families, that a lot of state Child Welfare agencies, including Maine's, didn't really buy in to. So, I think there was less resistance to helping with placements when we were willing to place with family and acknowledge that relationship.

You know, and some of it is just the continued training. A lot of the training *[00:08:21.21]* used to be really kind of around the law and sort of the spirit of the law ... but once the TRC has started and we've done a lot more research and kind of got better in our presentations about why ICWA was needed and some of the things that really hit home with people that we never talked about — in just the ICWA training before ... like, the fact that Native Americans couldn't vote in Maine until the 1960s. You know, when you say that in a training now, people are really shocked and appalled. I think it's those kind of facts that — I mean, it's sad that those are the fact that hit home for people — but I think those are the things that hit home for people. Because I think it's more tangible for people. So I think the way we do the training now is very different.

RG: Can you tell me a bit about what policy was like before you came into this position?

MP: Yeah, in regard to *[00:09:25.02]* policy around the ICWA law, there were several things. I don't think that we were paying as much attention to it because we'd only been focused on it for about five years or so before I became the Tribal liaison, as one of my job responsibilities. But, I also think that those pieces of policy that did exist were scattered in among, like when

you were first doing a child protective assessment, that piece of the ICWA policy was there. When you were doing placement, it was there. So, if a worker that didn't work in an area where a reservation was located and so perhaps didn't have as much familiarity with ICWA cases and didn't know where to look as easily, it was very hard to find in our policy where things were. I think that was a huge barrier for people following policies. So we created a stand-alone policy that really encompassed all those pieces that people needed to know. As well as adding the updated pieces to it. It is much easier for people to access now.

RG: *[00:10:44.12]* When did you first learn about Maine's policies related to Indian Child Welfare?

MP: I think, you know, probably as a caseworker in some training I had heard that it existed. I certainly hadn't heard that it existed in any meaningful way — that I had remembered. I never had an ICWA case, I did casework in the 80s and 90s. So, I think the first time I really thought about it a lot was right around 2000 when everyone in the State got trained. I think — I don't think, I know — I was very ignorant up until that point, and at that point was probably still very ignorant at that ... but at least I knew it existed. That was a step.

RG: And for that training, what was the major push behind it? Was it the Federal review? The shift, I guess, is what I'm asking about ... ?

MP: I think ... yeah. I think it was several different things. I think that was a piece of it, I think a piece of it was the knowledge that the Feds were now reviewing states in a different way. Before they used to do these things, they called them the *[00:12:10]* 4-27, I'm assuming that was the law it was under. It was just a paper review and they'd come in, look at records and they'd never talk to anybody. They never talked to stakeholders and this review process was going to talk to stakeholders and the Tribes in those states that had federally recognized Tribes. The Tribes were one of the stakeholders that were going to be interviewed. But I think more importantly that year was sort of like the perfect storm that everybody, I'm sure, has talked about that you've ... that was around at that time. But, there was also some activity that was happening with the Micmac — excuse me, with the Maliseets — and a really high percentage of their children were in the State Child Welfare system. And, Chief Commander really took a stand that you're not going to take any more of our kids and you're not taking any more of our kids that we believe are safe and went to the legislature ... so there was also a lot of exposure and attention to something that probably should have happened, you know, 20 years prior when ICWA was passed.

[00:13:17.25] Or before that and so ICWA wouldn't have been needed. But, you know, it happened in conjunction with the Federal piece and probably in conjunction with some changes in administrations and things began to be looked at. And looked at in a much more honest way.

RG: Could you describe a situation or situations in which you and/or your staff felt very positively about your work with Wabanaki children and family?



MP: I think it's probably different for me than it is for my staff because for my staff that have had an ICWA case and have worked with the Tribes, I think that has gone well. But, my work with the Tribes really hasn't been with the children and the families because most of my work, until I came back to the district, was at central office so it was at more of an administrative level. So, it was more working with the Tribes' Child Welfare agencies and you know, it was a rocky road at first. And starting out, I was the new person in this group that had been established for five years and in a group that had really gone through some painful changes in those five years, in trying to change some of the things in State Child Welfare, so I think there was a lot of skepticism about, you know, what I was going to do, who I was, what I was going to be like, how I was going to interact. And, you know, it took some time for everybody to get comfortable working with each other. It's a very different professional group than a lot of the other professional groups because it is much more relational-based, which makes it — I think — a much healthier (*laughs*) working group than some of the others that I work with! But, you know, trust is extremely important and follow-through is extremely important and those don't just happen because you tell somebody what you'll do. They happen because you show that you can show up and do what you say you're going to do. I think we've built a lot of trust through the years and I think people trust that when they call me now with problems, with cases, that I really will look in to it and get back to people. We've worked through a lot of issues that I think have made things better.

RG: Can you describe a situation in which you felt less positive about your work with the Wabanaki Tribes?

MP: [00:15:58.15] Yeah, I think that it's frustrating that things can't move quicker than you want them to move. I think that when you look at it intellectually and think, 'Okay, this is 2014 we shouldn't have these issues anymore,' and then you really look at this country and what's going on and, I mean, I think that I'm a lot more aware of things that make me sad. Like, some of the overt racism that happens in this country, like with the Washington Redskins or with just different Native Americans that I'm talking to and they'll say, 'Oh, I went into this restaurant and they ignored me and didn't wait on me...' You know? And being a female Caucasian and a Maine native, those things have never happened to me and it ... I think those pieces are really hard.

RG: I'm going to ask about a number of different aspects to ICWA and I'm going to ask you to tell me what your experiences working with those aspects and any challenges you found. And if you don't have any experiences, just let me know.

MP: Okay.

RG: What were your experiences in, or challenges you found in initial identification of if a child was Native American?

MP: I think some of the biggest challenges come from some of the families themselves, because there are so many families in Maine that believe that they have some form of Native heritage. But, they have no clue who in their family or what Tribe — so it's very hard to research. So, there may be some people legitimately that might fall under ICWA that might be falling through the cracks. And, there might be other people that might — we ask Tribes if they know of them and they've never heard of them or ... I think for some families — I had one situation where I got a call from a private agency where a Native mom had just given birth and was giving her child up for adoption, and the private agency didn't know what to do because they knew there was an ICWA law, so they called and it came up in this case but it's also come up in a lot of State Tribal Child Welfare cases as well — families are really embarrassed when the Child Welfare system gets involved with their family and they don't want their friends and family knowing. Many of them don't want the Tribes to know. And in talking to the Tribes, it can be for many reasons — one, it can be that they're embarrassed. They don't want their family to know or it can be that, you know, that they're really worried that the Tribe knows more about them and their family situation that would make their child unsafe and they would be sharing it with us. So they're scared about that as well. Because, you know, the bottom line, Tribal Child Welfare and State Child Welfare just want the kids to be safe and families to be together. So I think that initial identification is a huge barrier and then I also think that our staff sometimes forget that we have a lot of staff and Tribal Child Welfare don't, so if they don't get back to us right away, or if they can't make the certain meeting at the certain time, people get frustrated and think that they don't want to be involved, when it's really one or two people that need to be involved with every case. And we need to be a lot more understanding about time constraints. I think we've done a lot of work trying to get State Child Welfare workers to really view Tribal Child Welfare staff not as a service provider but as a peer Child Welfare agency. I think that was a huge shift and we still have a ways to go, but I think that was a huge shift when we started talking about it in regards to government-to-government kind of talk. That, I think, kind of put it in to perspective for people.

RG: *[00:20:23.02]* How often do issues of blood quantum come up? In that initial identification?

MP: Well, it doesn't really come up for us that much because in the training. And, with staff when ICWA cases come up we talk about how it is not up to us to determine if a person is a Tribal member or eligible for membership — that it's up to the Tribe to determine. You call Tribal Child Welfare and they figure it out with their census people and they let us know. So, it's not something that we really deal with or that my staff really knows either. Yes, they're a member or eligible for membership or no, they're not. And then, they I don't think they really know how the Tribes determine all that and do Tribes determine it differently? So.

RG: Are you aware of any cases where a child didn't qualify for a membership but the Tribe still wanted to maintain jurisdiction over that case?

MP: Well, they can't maintain jurisdiction if they are not a Tribal member or eligible for membership. There have been situations where *[00:21:28.13]* they haven't been eligible for membership and the Tribe still wanted to stay involved in the case but they couldn't take jurisdiction. And that's happened a lot. Either with kids that don't meet the criteria for

membership or often more times in cases where the child has no Native heritage, but now the mom is with somebody that's a Tribal member and the other children may be Tribal members. Like if it's a child from the first marriage, so a child may have grown up on the reservation, within the culture even though legally they couldn't take custody. I think that happens more.

RG: And what happens in those kinds of cases?

MP: I would like to think — and what our policy is — is that we still work with the Tribes because a child's culture is their culture, they don't know any differently. They don't understand membership or blood quantum, but in reality I'm honestly not sure.

RG: That's okay. And how about experiences and challenges in notification of children to Tribal Child Welfare?

MP: I think that probably — although it shouldn't — I think that probably happens. Especially if it's a child that we've been working with a Tribe on and they've been involved in the case all along. I think people forget that if you've been involved all along, doesn't mean that you don't need the legal notification and I think people get comfortable with each other and forget that piece. Certainly, it's usually caught by the attorney general's office but I think that's an easy one to forget. I think that people get caught up in notifying the parents and often forget to notify the Tribes.

RG: [00:23:23.22] Next question is not relevant to you ... Actually, it could be. Who would you usually call within Tribal Child Welfare? If you were doing, like, administrative —

MP: It depends on the Tribe. I mean, always for Passamaquoddy, I always call Molly, but now she's left. I've talked to the person who has taken her place, on the phone. But I haven't had the opportunity to meet her yet. For Penobscot Nation, Debi Francis and I talk a lot. Lori Jewell is now at Maliseets and Tania Morie and I from the Micmacs actually talk quite a bit when there is a case that needs our conversations. But they're people that, you know, they know how to get a hold of me and I know how to get a hold of them, even if they're out of the office. So, you know, it's gone pretty smoothly.

RG: And how about in working with the Tribes to identify Native children?

MP: The same people. The Tribes really want us going through Tribal Child Welfare as opposed to having all our staff inundate their census folks and not having the right information and you know, Tribal Child Welfare can kind of give us the clues on what we need and then they can go to census (*laughs*) and it's much smoother.

RG: And your experiences and/or challenges you've found in determining jurisdiction or residence for Native American kids?

MP: The thing that's been hard about jurisdiction I think, is when the piece of the law that parents can object to it going back to Tribal jurisdiction, if it's already been filed in the State and that makes it tough because I think a lot of times families can really get served better in a smaller court that has more time to take with them than the State court system does. I mean, so many of our hearings now are carried over and you can't get in and the courts are really busy and not that Tribal courts may not be as busy, but they certainly don't have the size of the population to serve that the State courts have. So, I think that it could be an advantage sometimes for going in Tribal court. I think the other thing that is hard is that financially, if the kids have a lot of needs, sometimes the Tribes can't financially meet some of those needs so have let the kids come in through the State Child Welfare system and I just think that that's really too bad. I think they would get served better within the Tribe. *[00:26:09.20]* The State doesn't make a good parent.

RG: *(soft laugh)* Yeah. And how about in child custody hearings? Experiences and challenges?

MP: I've never had an experience in an ICWA child custody hearing, myself.

RG: And in arranging foster care placement?

MP: I think that has gotten somewhat easier now that we have the whole kinship policy. That we have not just, in regard to Tribes, but for all our kids in care. And that we can — you know, when I was a caseworker — back, last century — you know, we really couldn't place kids in unlicensed homes. That really took family out of the mix because it takes a while to get licensed and that really suited the way child welfare agencies in the country looked at family at that time. They really looked at kind of, 'the apple doesn't fall far from the tree,' and you know, with research and education people have really realized how wrong that is and how much better kids do when they're raised with family and with people that they have a connection with and that don't give up on them as easily. I think that that policy change and being able to place right away has made it much easier. We have to do some type of kinship study, I mean obviously we have to do a background check and we have to go out and see the home and make sure it is physically safe for a child and make sure the person, the family member really understands what's been going on and can protect the child. But, with that quick walk-through and meeting, then we can place the child there and they can become licensed or approved through the Tribe. I think that has really helped in the placement area, but I think it's still really hard for those high-needs children. The ones that need therapeutic foster care or residential — you know, where it's not just ... we're lacking for those placements as a resource period. For any child. Right now.

RG: *[00:28:19.20]* And how about in family team meetings?

MP: I think that's still a struggle. Although policy says that you're supposed to co-case manage and plan the meetings with the Tribe, I don't think that that happens all the time and I think that some people, because it says that it's a family team meeting that some people then believe that



only people that the family wants invited can be there. So, if they don't want Tribal representation there that they don't have to ... whereas it's really, a family team meeting is really about the family. You bring the family in but we still have a role in our statute to protect the child and we need to bring to the table those people that are going to ensure that safety is around. I think there is kind of that rub with some staff not really getting that the Tribe is like the third parent and that they just need to be there.

RG: And how about in arranging family visitation?

MP: *[00:29:23.08]* I haven't heard a lot of problems in that area. If there are, they're working them out before they reach my level. I think it's probably... my guess is that it's probably the same issues that we have, especially if it has to be supervised. Like, who is going to supervise it? And transportation is such an issue in this State. But actually having the visits I don't think has really been an issue that I've been made aware of.

RG: The next question is about kinship care, but I've ... is there anything else you'd want to add? We've talked about it a bit.

MP: I think the only thing that is really different is that people need to understand that, you know, like, when the Tribes talk about kin placements and cultural — and I'm not purporting to be an expert, but just what they've said to me — is that it's not unusual is for a child to be, if the parents can't raise them — to be at grandma's three nights a week and Aunt Sue's four nights a week, and that works. I think our staff would look at a child's needs to be our version of stable and in one home. So, I think it's more a cultural piece around that than it is a kinship care piece.

RG: *[00:30:40.28]* And how about in termination of parental rights?

MP: That has been very interesting over the years because some of the Tribes, culturally, don't believe in the termination of parental rights or adoption. They certainly believe that kids shouldn't go home and they've had customary adoptions but they don't necessarily sever the ties that we sever in our State court system. So, that's been problematic at times. Especially when we've had such a push that the foster care system is not a good place for children to grow up. And, we really should get kids to permanency and out of the system. That was a huge problem for a while. Since that time they've developed a permanency guardianship, which doesn't terminate parental rights, but custody can go to another party and still receive the financial support like you would with post-adoption services. I think that that has helped in some of these situations and actually the Tribes were a big push in helping to write that policy and law. I think it's been pretty successful. I think, you know, for a lot of kids that is the way to be. You know, a lot of grandparents don't want to be mom and dad and they don't want to

change the status of their child's parent to their child's sibling legally and you know ... there is nothing wrong with that, if it works for a family system, it works.

RG: [00:32:14.00] How about in the adoption? Kind of branching off of TPR?

MP: There certainly are situations where we're still doing adoption and sometimes the Tribe is very supportive in that, depending on what's going on ... but I think it's hard. I think it's really hard for kids to lose their culture. I don't know what would make that better. I think the other thing that's been hard in some of the other cases have been some of the families that we know need the connection with the Tribe for cultural issues but they're actually registered as, like, Canadian Micmacs and the Federal law doesn't apply to Canadian Tribes. That has been very difficult for some of those families.

RG: In those cases, how does the State meet the needs of the ...

MP: We try to meet the needs culturally but legally, the Tribe is not involved. Certainly, like in the one case I'm thinking of right now, from this office, the family and I have been in touch with the Maine Micmac Tribe to try to figure out, can they qualify for membership here? But they're not American citizens and ... it gets really complicated. And it's hard because culturally, I understand it. But I also understand that being shifted from foster home to foster home isn't the best upbringing for a child. So, it's a difficult route.

RG: What do you consider your active efforts to prevent the break-up of Native American families. Please describe how the State conducts active, remedial and rehabilitative efforts to prevent the break-up before ordering an out of home placement?

MP: In all our cases, we have to do an assessment of the situation. We offer services to the family. We try to — if a child can't remain home before removal we try to plan that child to safely be with another friend or relative so we don't have to take custody so we can work on whatever issues are going on in the family. I'm not sure how much staff understands the difference in what you need to meet for the court requirements to remove a Native child from their home as opposed to a non-Native child from their home because there is a different legal standard. But, our attorneys certainly understand it and we try to prevent removal of any child from their home if they can safely be placed somewhere else or if services can be wrapped around the family. We really get that it is not good for kids to be separated from their families but it is also not good to be left in an abusive situation. So, it's a hard balance I think.

RG: Is the active efforts [00:35:29.21] standard different than the reasonable efforts standard?

MP: I don't know. Because I've never really talked about it. We've always talked about reasonable efforts. I mean, 'active efforts' isn't a term we use.

RG: Okay. So how would you say that the courts' and your attorneys' understanding of the difference between what needs to be met to remove a Native child from their home as opposed to a non-Native child?



MP: Well, I think the courts and the attorneys understand it because it is a legal term so instead of a preponderance of the evidence which is like more likely than not it has to be clear and convincing, which our staff understands when you equate to we have to have clear and convincing when we are moving forward with termination of parental rights. So when you say it that way, staff understand it and it is a higher standard than removing non-Native children.

RG: [00:36:34.17] How are Tribal Child Welfare staff included in the development of a family case plan?

MP: I think that that varies on many factors. One would be their availability — I mean, our staff if supposed to, if they can't come to the meetings ... Our staff is supposed to check in every plan with them and every decision, before it's finalized. In reality, I think that sometimes that's hard to do when things are due at court or attorneys want things, so I think it's always best if they can be at the family team meetings. Because, that is where plans are supposed to get developed and if they can't and everybody else around the table (including the parents) have agreed to something, it's pretty hard to then undo that.

RG: To the best of your knowledge, if a Tribe declines to intervene in a child custody proceeding covered by the Indian Child Welfare Act, what are their reasons for that decision?

MP: By intervene do you mean become involved to take jurisdiction?

MP: Okay. I think that part of it is a resource issue, like I talked about before. Like some of the higher level kids, they just haven't been able to financially do. We do — we have worked with... so that, like, if a child needs to enter therapeutic foster care and they want to keep jurisdiction, the child's MaineCare will cover the therapeutic part of that and the State will pick up the room and board costs so that that's one of the changes we made, so that Tribes didn't have to make that hard decision of if we keep this child, we can't necessarily put them in the best place to meet his needs. So that's one of the changes that has happened that I think has been really good. That has helped a lot. I think.

RG: When did that change go through?

MP: [00:38:35.27] *(sigh)* You know what, I honestly can't tell you. I would say maybe 2008 or 2009, maybe. It was just one of those things that, you know, I don't think any of us — Tribal or State child welfare — kind of planned. We just got a call one day that said something like, 'Here's our problem — what can you do to help?' So, I just kind of brought it up the chain of command and they said they'd, you know, this is how we could do it in a way that could meet the child's needs and the Tribes needs so let's do it kind of thing. So.

RG: In your time in this role as ICWA liaison, has there been any cases where the State has declined to transfer the case to Tribal Child Welfare or to Tribal court?

MP: Not to my knowledge. There have been a lot of times where the parents have refused but if the Tribe's stepping forward, the direction has been given that if they want the case, that's fine. I mean, we have enough cases where we don't need to keep ones that somebody else can serve better.

RG: What happens in cases where the parents objects to having the case transferred to the Tribe?

MP: I think that's part of the law and even though we keep working with the Tribe because it's an ICWA case, I don't think the courts transfer it. I don't think they can, legally. I'm not an attorney but that is my understanding.

RG: Have you had any experience working with an expert witness? Can you tell me about that?

MP: Yep. For the majority of our cases we use Betsy Tannian, and in my role it's been more conversations with her if there have been glitches or if things haven't been working or payment type issues. But, she has been very good in that role. She's one of the few people that we can find to do that role so it's really an invaluable resource. I know that there have been times that she has been very frustrated with certain districts and has brought that to my attention and we've kind of done some work in those districts to make it better.

RG: What criteria does the State use to establish a qualified expert witness?

MP: I don't know the legal criteria. That would really be an AG question. I know Betsy qualifies but I'm not sure what that is. *(laughs)*

RG: That's okay. What ... we've talked about that already so I'm not going to ask you again. *(laughs)* Over the course of your work in State Child Welfare, what do you see as the barriers to the successful implementation of ICWA? So, further elaborating on some of the things you've already talked about.

MP: I think some of it is a time constraint, for staff ... they just feel like they just need to get things done and meet their time frames and it's easier to do in their minds on their own than in involving other people. I think sometimes it's hard to reach some of the Tribal Child Welfare folks because they have high caseloads. I think that unfortunately, there is probably still some attitudes among our staff regarding how helpful Tribal Child Welfare can be. I think that some of our staff, especially our newer staff haven't had the experience of knowing how much better and more successful you can be in sharing the case with *[00:42:24.01]* different stakeholders and providers, I think that because they're just out of training and they feel so responsible for everything that they feel that they have to do everything. To make sure it gets done because they just haven't done this long enough to know the difference. I think probably not knowing



the laws and policies at time plays out. Those are the things that I think are probably the biggest barriers.

RG: *[00:42:58.14]* And what strengths does State Child Welfare have in ensuring ICWA compliance?

MP: I think that one of our huge strengths is our partnership with the Tribes. I think that the Tribes would probably say the same thing. The Tribal Child Welfare folks. Despite the frustrations, I think we've gotten to the point where we can really discuss issues and really have seen how much better it is and how much quicker things that arise can get resolved now. I think that's a real strength. I think the way we're educating staff now — a lot of the research that we've done from the TRC and kind of the power point slides and you know kind of going back to the beginning of first contact of why this law is so important, has been really helpful. You know, one of the comments we usually get after training is that really people had no clue about what went on.

MD: Hmm. *(soft laugh)*

RG: What strengths do Wabanaki Tribes possess in working with the State for ICWA compliance?

MP: I think that they're really open to working with us which sometimes surprises me — given all the history and the way people have been treated through the years. That they really want what's best for their children and families and they will do what needs to be done to make the kids and families that they're serving safe. I think that there is a huge amount of patience, especially with our staff turnover rate — for Tribes in being willing to re-educate people that are coming on to the case and understanding that people are new. Having a lot of patience to make sure that our staff get what they need to be able to get it right. I think a huge strength — one of the things when we had the first ICWA summit, we were kind of all sitting around as senior administrators both Tribal and State and I was looking around and you know, people were sort of viewing the Tribes at that time as another provider and not an equal government when in fact they probably had a lot more skill in dealing with some of it. As I looked around the room most of the Tribal Child Welfare folks had their Master's and the State folks didn't. So I think there has been a lot more education, a lot more knowledge ... that they hold than we held at that time.

RG: What weaknesses do Wabanaki Tribes possess in working with the State for ICWA compliance?

MP: *[00:45:48.26]* I think the time to be able to respond — I think that when people joke about it when we have our TRC meetings or our ICWA meetings, you know, 'Indian time' and

sort of being more casual about some of the time constraints that our staff feel really mandated to meet because we're safety-driven but we're also a data-driven organization. And we are a huge system. I think that that's hard for our staff and kind of a weakness when we need to get things done. Things might lag longer than we would want them to.

RG: Can you talk about the importance of caseworkers learning about and having a knowledge of Native family structure and culture?

MP: I think it's invaluable. I think that, you know, Maine's the whitest State in the nation and I think that people know that and I think that people assume that everybody here grew up with the same culture. [00:46:53.25] We didn't. I think that understanding all the different cultures in the State — whether its the Native, the Somali culture or the culture of poverty — our staff really need to understand the family system from the perspective of the family that they're working with. I think that without that knowledge that they, at times, inadvertently can do more damage than good.

RG: How about the importance of a Native child who is placed in out-of-home care to be placed within reasonable proximity to his or birth family or community?

MP: I think that's extremely important. I think being taken out of your culture — I can't even imagine. You know, I grew up in the State as French Catholic and if I had to come into foster care I would have done much better with a family of another race that was Catholic that I would have with a Caucasian family that wasn't. Because, so many of our traditions and cultures centered around the religion and I think that's the same for any other culture. They have certain things that they center around. Kids are really lost when that normalcy is not in their daily routine anymore. And then, you're in a family that does things so differently that you kind of question your reality. I mean, I think it's much better for kids to be with their own family and if not, then certainly as close as it can be.

RG: [00:48:34.27] Can you talk about the importance of having an Indian child who is placed in out-of-home care to participate in his or her traditional Tribal events, customs and activities?

MP: I think that if anybody — other than that certainly what's best for anybody and their culture — you know, I think that if you look at the research, kids do better when they've kept a connection to whatever is familiar. What makes them safe, what makes them who they are, and their identity. I think when you take your identity away then you're not just dealing with the abuse and neglect issues, you're dealing with a whole host of other issues that don't need to happen and I think when you take a Native child out of their culture and then you reunify and they're going back in to their culture — I think making those leaps are hard for people and it's much better to stay within your family system.

RG: In what ways do you see Maine's Indian Child Welfare policies and the Adoption and Safe Families Act working together? And in what ways not?

MP: I think they work together because I think safety and family connection is really the bottom line for both. I think that the Adoption and Safe Families Act really put a refocus on



getting kids the services they need in a timely way. I think where it falls down is the timeframes that the Adoptive and Safe Family Act have put on ... like reunification within 12 months ... or we have to file a petition for the termination of parental rights if the child has been in care for 15 of the last 24 months, unless you can show a reason why it shouldn't be filed. Kids that aren't going home should be adopted within 24 months of coming into custody. I think that those are hard timeframes for a culture that hasn't always bought into timeframes. I think that it's hard especially — and not just in Native families — but I think it's really hard in all families with substance abuse is the issue. Certainly that is the issue within most of the families that we've worked with. Because treatment takes a while and relapse is part of treatment and I think that that is hard but I also understand that kids shouldn't linger in foster care. So, I think it's kind of a catch-22.

What I really wish we had was more services so people could get the right services right away and not be on waiting lists that kind of dwindle through that timeframe. And then they haven't made the progress — but a lot of them haven't made it because they haven't had the opportunity.

RG: What kinds of services do you mean, in particular?

MP: I think that we lack a lot of good substance abuse services in the State. I think we have a lot of good substance abuse services. I think we lack a lot of inpatient substance abuse services and inpatient services that can take families or moms or dads with kids. I think we also really lack a focus on fathers in this State.

RG: How so?

MP: I think a lot of times we don't look for them [00:52:17.07] if they haven't been the primary parent or don't expect them to be involved. I think we make it hard for dads. I think that there is a lot of research out there that shows different reasons why fathers aren't involved with their kids, if they're in the child welfare system and they're really different reasons than why moms don't become involved. I don't think we take that into consideration enough and I don't think we have enough services that are focused on men's needs, as dads. Like we do some of the mother's groups and stuff ...

RG: If you could change anything or make anything happen at the Tribal, State or Federal level to improve lives of kids touched by ICWA, what would you do?

MP: [00:53:14.01] That's a really good question. *(sighs)* I think there are several things I'd do. I think that I would be able to put more emphasis on the ICWA cases and be able to follow them more closely to make sure that things are going the way they should go and do that in conjunction with the Tribes so that we're reviewing each case all the time. Following them administratively in a way that nobody really has time to do ... I think that some of the stuff that

the TRC is already doing, I think the more general education there is out there, then the more understanding and knowledge there is about specific issues and I think as a State as a whole; we're pretty uneducated in regards to Indian issues. You know, all we hear really is the controversial stuff — like the casinos or the fishing rights ... you know, nobody really looks at where they came from and why it is the way it is and how wrong it is.

RG: How could State Child Welfare improve in terms of ICWA policy and practice?

MP: [00:54:48.04] I think, like I said, finding a way to ensure that every case is done correctly and that the Tribes are really involved to the full extent. Maybe those are the cases that the Tribes should be leading on, instead of us even if they're in our system.

RG: Do you have any questions, Matt?

MD: Very general, very general because I'm not an expert in this field —

MP: You will be, by the time you're through.

MD: Yeah! That seems to be where we're heading.

(Fixing blinds)

MD: You've done it all — in terms of being out in the field, that type of thing. I guess, from your experience being a caseworker — we've had a lot of conversations with a lot of people and one of the things that I have learned as a Commissioner is that there is no thesis here. You know? We've heard a lot of different experiences from very different perspectives so any thesis at the beginning has kind of long gone out the window about progression of events. But, I'm a State person — you know, I work in State administration and I know that I have the disadvantage of never having worked in our front lines. But you have.

MP: I have. Fourteen years.

MD: I guess I'd be interested in your perspective as being a frontline caseworker and the resources that you receive around ICWA, or really anything to do with Child Welfare, not just ICWA. As somebody who was put out in to the field to deal with a whole host of issues with families — what do you recall being your greatest resources in trying to solve problems with ICWA?

MP: [00:57:21.12] When I was a frontline worker, I really didn't know about ICWA. When I first knew about ICWA was after the training started, around 2000 and I'd already left casework at that point. When I was a caseworker, when I became a caseworker in 1985, we didn't have pre-service like you have pre-service now. We had three days and then got a full case load. It was extremely different then it is now. A lot of things were different. You know, now kids come into care — you have to have judicial reviews every six months, you have to really find permanency within 15 or 18 months. When I was a caseworker, kids came into care,



you had your first judicial review 18 months later and then you had a judicial review every two years beyond that. Which is why kids lingered in care because there was not a lot of judicial oversight. We didn't have all the types of services and the evidence-based services that people have now. We had less court but things weren't contracted out — so you know, I had a lot of families that successfully reunified but I think it's because I knew my families better. You know, the staff now visits their family but somebody else does the supervised visits, somebody else transports them to things. When I was a caseworker, we did our own visits, we did our own transportation. So if I had a child and a family on my caseload I might be seeing that child two or three times a week, as opposed to once a month. So it was very different, I think in the way social work was done and in the intimacy I had with the families that I worked with that I don't think people have now. And you know that can be good and bad, people are getting better treatment now, I think they knew me better than they know their current workers. There is a lot of turnover now and I think part of that is the job and part of that is that research says this generation doesn't stay in a job in any field, really longer than 18 months. That is the average stay for the new generation. So, turnover is really high now but I don't think that is necessarily all the job — I think it is a function of the generation. I think that is really hard for families.

MD: Do you think that, looking back on your time as a frontline caseworker, were you ever given an objective? A goal that you're trying to work for?

MP: Oh, absolutely. The laws in that aspect haven't changed. The goal is always family reunification. And if that didn't work, termination of parental rights and another permanency option. The difference with our goals then as opposed to now is that then, long-term foster care was an acceptable goal, which now we know shouldn't be for any child. You know, nobody should exit without a family 'cause none of us can function at 18, 21 or 35 without some type of family supports! But the goals were still the same, reunification or adoption.

MD: *[01:00:33.19]* And now, as an administrator, looking back on your experiences as a caseworker, what type of support do you try to provide to your caseworkers? And their layers of supervision and resources they have, that you did not have?

MP: I think I try to be present, so I'll do things that I don't remember when I was a worker the person in this position doing. Even the simple little things like hanging out in the lunchroom at lunch time or stopping by cubicles and chatting with people ... to really kind of keep a pulse on where people are at and where morale is at. We do have a lot of openings right now and so I hear, because I have been open a lot, a lot of people will come in and talk. So I think I probably have a better pulse on what's going on. I don't know if I have any better of a solution to it than any of my predecessors did, but... you know, I think it's hard but I think I get it. I have good relationships with the community that we can bring in and do different things and get different supports for staff. You know, it's a hard job because it's a job that you can't go home and talk to your partner about. It's a job that you can't talk to your family about because it's all confidential and if you could talk about any of it, it's a topic nobody wants to hear. So, you really have to

make a lot of secure friendships here [01:02:04.11] to be able to process stuff so that you can function and have a life, and that's hard. You know, my closest friends in my life still now, are the people I was initially a caseworker with in the 80s — those are the people ... I mean we've all moved on to different things and you know, I'm probably one of the few that is left in child welfare but that's my social circle because you got so close to people because you couldn't confide in anyone else. (*clears throat*)

MD: Given the history that we're dealing with here, and it is a history, and informed by historic events from 500 years ago onward, how much of that legacy has been in the background of how we deal with these issues? Do you believe awareness of that has been helpful or hurtful in making those changes?

MP: Oh, I think it's absolutely been helpful. I really like the training we do now and that we do go back, kind of to Pope Nicholas the 5th and really start about how first contact started because I think a lot of people feel like, 'This didn't have anything to do with me, it wasn't in my generation, people need to get over it' — and I think that's why it's so impactful. When you say Native Americans couldn't vote until the 1960s, 'cause that's more real and in people's timeframe than some of the 1800s stuff, but it's that history of really hearing all of that that makes you say, 'Oh, now I get it! And now I get people are frustrated and why we need to do this' as opposed to, 'It's a Federal law so you should follow it.' And people should get over it, I've always said that I think people in Maine — you know when you talk about Native Americans and I think growing up, in just the movies and different things, you really think of the big Tribes in the west like the Cherokee and the Sioux and nobody thought about Orono or Perry or Houlton — you know, that just wasn't something that was in our frame of reference, growing up as a Caucasian in this State and a Caucasian in this State before every family had 3 or 4 cars and traveled a lot before their were malls. So we were going to Bangor and we didn't have that, when we were kids and it's not like we left town much, kind of thing. But I think the awareness and the education about what happened historically is really key to getting people to understand why there is a law.

MD: I'm good.

RG: [01:04:58.28] Is there anything else you want to add about your experiences as the ICWA liaison before or working with REACH?

MP: I think they only thing I would say is, that I went into this as a piece of my professional job and I think as a person, like in my personal life and outside of work, this is probably one of the areas that has made me grow and stretch myself as a human being than any other piece of the job that I've been involved with. It has certainly made me be, maybe not the most self-reflective, but certainly self-reflective. So, other than feeling really good about the changes that I think we've all made in the State, just personally I think it's been a real growth experience and one that I would not have wanted to miss.

RG: Fantastic. Thank you so much for your time.

END OF RECORDING