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Statement by Brian Chapla collected by Rachel George on October 14, 2014

Brian Chapla

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General Information

Private or Public Statement? - Private

Statement Provider: Brian Chapla

Date: October 14, 2014

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Previous Statement? No

Statement Gatherer: Rachel George

Support Person: N/A

Additional Individuals Present: Gail Werrbach

Recording Format: Audio

Length of Recording: 1:12:02

Recording

RG: Ok, it is October 14, 2014, we are here in Houlton, Maine. My name is Rachel George, and I'm here today with...

BC: Brian Chapla.

GW: Gail Werrbach.

RG: Great. And the file number is ME-201410-00099. Brian have you been informed, understood and signed the consent form?

BC: Yes.

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

BC: Ok, I understand that.

RG: Ok.

BC: Um, so we have a series of questions here, and some parts you may feel like you know the answer to and some don't seem relevant or whatever, so we're just gonna kinda go through them.

BC: I did leave off on my affiliation.

GW: Ok.

BC: Group home worker.

GW: Oh, ok.

BC: I was a house parent.

GW: Ok, ok.

BC: Sorry, it's been a long time.

GW: So the first question, could you please tell me about your current and or past employment in state child welfare?

BC: Okay, my past employment began as a group home worker. And this was in 1990, I think it was. Um, and I worked as a group home parent. And, also worked as an assistant group home parent. Then, I worked as a-- I was in DHS. Child protective services worker. I did group home work, I think it was probably, approximately two years. DHS, child protective worker, I-- it was for three years, although it seemed a lot longer. And then, after that I worked for a mental health agency. And the capacity I worked there, I was hired as a case management coordinator -- which was a supervisory position -- and now I am regional manager, and I have been regional manager probably, I don't know, seventeen years or so.

GW: Ok. So the, and the three years you were working for the Department of Human Services, what time frame was that?

BC: That was 19-- January of '92 to -- I remember that because it's when my son was born -- to January of 95.

GW: And, so how many cases involved working with Wabanaki children and families across your...

BC: My caseload? Geez, I mean, it's been so long. I really cannot remember the exact numbers of Native families that I worked with. [00:03:16.10] I-- there was some that I clearly remember, that... that probably numbers... I'd say probably about four or five.

GW: Ok, ok. And what about since going to work for the mental health agency?

BC: And I actually worked with Native children in the group home too. Um, and, uh -- just one in the group home. And since where I am now, geez...

GW: Either, either families that you worked with or that you supervised...

BC: Yeah, that I supervised? Yeah, because I -- I don't think since I've been here. Well, actually I did when I first came, I worked with, I worked with, with, I think, one family directly, through, through a mental health agency that I worked for. And supervised indirectly, and I don't know how directly you would go because there's people I supervise who supervise other people. And, probably over -- well, this January I'll, I'll be working with the agency for twenty years, this would probably be, counting people I supervised directly and indirectly, I would say at, at, this is a guesstimate, at least twelve.

GW: Ok. Um, when did you first learn about Maine's policies related to Indian child welfare?

BC: During pre-service training at DHS. They had a pre-service training. I think it was three weeks long at the time. And ICWA was covered -- briefly.

GW: Briefly.

BC: Yeah, pretty briefly.

GW: Any other trainings that you remember?

BC: I did have, after well, just -- while I was at DHS?

GW: Yeah, we can start with DHS.

BC: I, I had the brief ICWA training as part of their pre-service training. Then I recall going to -- on an ICWA type training at the Houlton Band of Maliseets while I was still at DHS. Since I left DHS, hmm, there's been a lot, many more than those. I've gone to as many as back to -- there was another at the Houlton Band of Maliseets that was a full day long one. We've had in-agency trainings on it too. [00:06:23.18] All staff, I made sure they got a copy of the law. And, there's been like smaller trainings around it, in-house. That's pretty much it, I think.

GW: So the trainings mainly coming from your organization? Or they're, or were they, or they were trainings that somebody else spon-- ok.

BC: Both, well the one we had that the Houlton Band of Maliseets did, and the others were in-house.

GW: Ok. Um, could you describe a situation in which you or, or your staff felt very positive

about your work with a Wabanaki child and family? I know you can't talk specifically about ways to identify the family, but--

BC: You know, I wouldn't identify anyone. But, one I felt, you know, my staff felt very positive about it. If I went back to my group-home this, you know, this... child that was in the group home, I felt positive about that experience. I mean, he was a great kid. And uh, uh... I, I felt positive about that experience in some ways. There wasn't a lot of family involvement at the time. I'm not sure, I don't recall if his parental rights were really terminated. I, I think one of his parents was deceased. Actually, I'm pretty sure she was. His mom was. And, um, I did meet his dad and, you know, interacted with him a few times, and it was, it was-- it was a positive experience. And I learned a lot from the whole group home experience.

And what I remember about him is -- we had this big van and it wasn't a mini-van, it was a box van, and he used to always want me to take my car if it was just me and like him and one other child, so he didn't want to be identified as a group home kid. And, I remembered once when I was out eating. Him and I were at like a, a diner, and he was coming back from therapy or something like that and we stopped and ate. The waitress referred to him as my son, and I [00:09:09.04] said, "He's not my son, he's just my friend." And when we left, he talked to me about that and told me, he wished I wouldn't said that, and it was like, "Whoa, why?" And he just said he, he wanted to feel normal.

You know. Then, well, then I, at DHS. I, I worked at -- me and... a co-worker and I, we ran a group for all kids who were in foster care, and if they were a certain age groups, I think it was probably, I don't know, 8 to 12 maybe, something around that age, and. There was a child there and he was a Native kid, and we kind of collected -- he had, he had a kind of a quirky sense of humor, and he-- and I remember, he asked me if I would adopt him, and I had to say, "No." And, he, he was adopted. He was adopted by a non-Native family who did, as far as I knew, kept him involved. He wasn't on my caseload, he was on someone else's. This was all just kids who were on various caseloads. And you know, what I did hear over time was that things went well for him. He was really, he was a great kid. He had a great sense of humor, and he was intelligent -- excellent, like, social skills.

And in present position, I... well, most of the kids we worked with---well, actually not all. I mean, our therapists work with kids who are still living with biological or extended family. And we have had some community-based services too with Native families who were still living with, with their parents or extended family, but most of the kids that we've dealt with who've been Native American have been in our treatment foster care program, and that has, has been always been some positive things--but there also have been some, you know there's heart- wrenching things that are [00:11:45.25] systems-based. Um, so that's pretty much it. I, I forgot the question, I'll tell you the truth.

GW: That's ok, just-- no, that was fine. What, um, in any of those cases that you think back in terms of it being a positive experience or positive outcomes for those, for those Wabanaki kids, um, did you also have a working relationship with the tribe, or what was---?

BC: Yes, we always-- we always do. We, the-- back in, I think when I was in the group home,



there was a working relationship with the tribe. I guess DHS did that a lot, I just never seen them, I was new to doing this stuff, and... At DHS, they were always involved. If, if there was a Native child involved, we informed them, or I did anyway, I can only speak for myself. And we informed them that we were involved and they, they were involved. I, I thought I had a good work-- working relationship with them. Of course, I didn't take many kids into foster care: Native or non-Native. I always would--after that first knock on the door--I would try to iron out some kind of agreement then if there was safety issues or concerns with anyone and try to get people to agree to things right there, which would not make it necessary to bring kids into foster care. And the, um, where we're at now with this. Definitely, I mean, we work closely with the Native kids in foster care-- we definitely work closely with, with the tribes, they're involved and they're welcome to participate in any and all meetings, and our staff go to meetings there and we try to force the continued relationships with the tribe -- the cultural background and, you know, I've seen that as a positive thing from our staff who, who are sensitive, I think, to the needs and situations of...

GW: For kids that are placed right now with your agency, are they placed directly from the tribe, or are they placed through DHS, or how do they...

BC: We, we've had both. Most of them, most of them have been through DHS but we have had children placed through, through a, through a tribe, placed directly with them without DHS involvement at all.

GW: So then the tribe pays for the treatment foster care?

BC: Yeah, the way, the way it worked is, it worked-- it works is [00:14:59.00] there's -- treatment foster care is funded in two ways: there's a board and care rate, and there's a treatment rate, and the treatment rate is paid by MaineCare. The boarding care rate is paid by DHS, and instances where the tribe, the tribe paid boarding care rate.

GW: Could you talk about a situation in which you or your staff felt less positive about in terms of your work with a Wabanaki child and family? What do you think contributed it to being a less positive experience or situation in your work with a Wabanaki child and family or child or family?

BC: Yeah, there's a-- it, there's, there's been situations where... children have been in foster care for a long period of time, and if they were non-Native, that would have been-- had their, parents would have had their rights terminated. And they would have had permanency... in an adoptive home. That didn't happen for some Native children, and in the, in the balancing of the, the cultural needs, really, with the need for permanency and the need for a family, I think that -- this is my own belief -- is that anything that's a solution, can be a great solution, but there are instances where that solution actually creates a greater problem, and, and I, I think that's what

happens sometimes. All the kids at court -- and I also find in the whole child welfare system, especially in the last five or six years -- decisions seem to be made by lawyers and, and, um, they seem to be, they seem to drive a lot of the ship, and just, basically it's [00:17:27.24] the need for permanency. And is-- seems like at times, is secondary to the--the, the need to maintain a connection with roots. And yeah, I don't, I don't see those as being mutually exclusive. The kinds of things that I, I, I think that, for children, sometimes that's hard for them to understand. And a lack of permanency can--it can, it can do harm to children. It can take it's toll on them.

And, you know, I remember a couple of kids who grew up in the child welfare system, and it's sometimes -- this is me personally -- and it feels like a form of discrimination to me that a kid is being denied permanency because of their ethnic background, and... you know, it just-- that just doesn't sit right with me because it was, this was something that was designed to help or it was supposed to help and sometimes it seems it does the opposite, and I don't, I don't wanna see kids divorced from their culture and their background -- because that's important for all of us, and I--I, I only wish there were more Native homes, but in the absence of that, I wish there was something that was like a Native-certified home. Well, there were foster parents who were -- or adopted parents too -- who were agreeing that before a kid was even placed there, they were a certified home, in addition to being a foster home, there was another certification that they were certified as, I don't know, a culturally sensitive home, or maybe not even just culturally sensitive, maybe specific to Native culture, and they had some additional trainings beyond the trainings that foster parents receive, and that, part of that was around the importance of keeping kids connected to their extended family.

And, because what we have now, is with very few Native homes, is that kids grow up in non-Native homes. And not all foster parents keep those connections and I don't think there's a maliciousness, I think it's like, just lack of understanding of the importance that, and... I, you know, I grew up in a multi-cultural family, where I was like, you know, I have-- I'm like, I was so many mixed, I'm like one-quarter African, so I had cousins who, you know, were really dark and I had other cousins who was white as white can be. I had Native cousins because one of my, one of my, step-uncle was married to a Native woman, just in Connecticut, so it was just like all--to me, the difference in the color of people's skin, when I was younger was, wasn't any different to me than people who had different colored hair. I, I did not, you know, think of it as anything. [00:21:55.07] You know, until I got older and found out that, you know, when my grandfather told me -- and he was, he was, he was really dark -- and that was like my first experience with like prejudice, was like -- I thought he was joking me. He was a merchant seaman, and when he used to stop in southern states and he told me, he had to drink from a separate water fountain. I remember going to my grandmother, and I remember thinking that it was just like, some story he made up, like a story he made up about mermaids because it just sounded so bizarre. Because he was like the smartest person in the world. And I remember her yellin' at him, because she was white as white could be, and she told him, "Don't be telling him that. He's too young to hear this." And I was like, it was like, it just stunned me, and that's the way it really was.

And even though it was a little multi-cultural, it was like, I always understood the importance of people have connection with where they came from, and knowing about those kinds of



things. And, it's just like who you are. It's, you know, all these different things. It was like you know, like I'm a multi-pot kind of believer, but I, you know, I don't think the... you put a blender in the pot and light what's in the pot on fire. It's, it's, you know, it's nice to have different flavors in the soup, and that's who we kinda are. There's all different flavors and that's what makes the soup so. I... yeah, I just... I forgot what the question was, I drifted.

GW: No, it was a, that was a good drift. You're talking about the importance of ---

BC: -- the importance of, of kids having connections with, with... where they came from, and being, being... have a sense of roots, you know, about where they came from and where their - the origins, and the parts that led up to making them who they are. You know, I see this in my own children who ask stories about people they've never met, you know --and, you know, ask about their background and, and things like that... and you know, that's important, that's a sense of heritage, where you came from. It's important to me, and I think it's important to everyone.

GW: But you really recognize that for the importance for the Native kids---

BC: --Yes, I do. I think it's important for, for Native kids because what's happened to Native people. You know, even though I had the ICWA training and all that kind of stuff, it's like, you know, here's what the law is-- you know, doesn't really explain why, you know (*laughs*) or how it got that. And, and, you know, later on, when I got older and -- I don't know, I was probably in my twenties -- and I found out about the, the schools and I was horrified by that because I remember my grandmother used to send donations to those schools and they'd send her little trinkets and everything like that. And she thought she was doing something great. [00:25:47.00] I mean, she really saw it as helping, I'm helping some Indian children who don't have parents. She didn't know that they don't have parents because somebody stole them, you know.

And so, and some of that is, is, just, uh -- thank you -- so, it is important. You know, the connection is important and I have seen kids adopted to non-Native homes where the foster parents, adoptive parents, you know, value that connection and kept it going and, you know, they---I'd like to see more of that because it seems like the choices now, between, a Native home is a priority, and there isn't enough of them, so the next thing is a non-Native home and there's no-- there needs to be something in the middle of that. You know, it doesn't have to be, this is the most desirable, this is the least desirable. You know, there's room in the middle for that, for people who are culturally sensitive, who understand the value of connection, and, you know, a poor job has been done -- at that, you know, at, uh, you know, that, that kind of thing. At really having it so it's more than just left or right, you know.

GW: Um. Let's see, the next question sort of has to do with, um, with the Indian Child

Welfare policies and just sort of what your experiences have been maybe with different aspects of ICWA, some you may be involved with, some maybe you weren't. Sort of what your experiences were, challenges that you had in these different areas, so the, the first one is that initial identification of the child as Native American...challenges, experiences in that aspect of ICWA?

BC: Well, when I, [00:28:04.24] when I was in, when I was doing child protective services, I, I always asked. And, you know, I-- there wasn't. Sometimes you would hear -- rarely -- and was usually people from, who weren't from Maine, had moved here: "Yeah, I think I am." You know, well, "What was the tribe called?" "I don't know. I'm not sure," and those kinds of things but that was the exception. Most people knew. And you know, I asked that, and what I do now is, it's really known, before people come to us, you know, children, it's known through the child welfare system. So... that is...

GW: That isn't an issue now. Um, what about notification of children to tribal child welfare, is that...?

BC: We don't do that now, because that already happens. They're already involved, by the time a child gets referred to us for any kind of services, that they're already-- it's already known. And we let them know that, you know, that we get releases and let them know that they're involved with us.

GW: What about when you were a CPS worker?

BC: I did that. I mean, I, I always did. I, I thought it was important to do. And, you know, I just asked that question whenever I had a new case and -- despite what anyone looked like, I always ask it, you know. "Do you have any Native American background? Do you have any Native American in you?" And people who were, were usually were forthcoming in, in telling you.

GW: And did you, um, did you, who would you usually call within the, within the tribe? I mean, did you know who you would call?

BC: There was an ICWA person, and this was in Houlton, and this was back -- way back then. Her name was Pam, Pam Fillion, she was the ICWA person. I don't know if that's what her title was. [Inaudible.] She was, I don't know -- she worked in their social services department, and she was the ICWA person in that department.

GW: Ok. What about determining jurisdiction or residence of Native American children, is that an issue that...?

BC: That wasn't then, the-- actually because the jurisdiction in here was, was always DHS and, and the tribe would be in court cases that, that made it to court. Um, and that they would be there and they would be an equal party to what was going on.

GW: And it was DHS jurisdiction because they didn't have their own tribal court?

BC: Yeah, they didn't have their own tribal court. So.

GW: Ok. What about any involv-- child custody hearings? That was all part of what-- you also were involved with those when you were working with CPS--

BC: Yes, yes.

GW: --I don't know if that's something your agency gets involved with now.

BC: We get called as witnesses--

GW: Ok.

BC: --at times, when, you know, when all foster care cases. But, yeah so staff are involved in child custody proceedings. They get subpoenaed.

GW: Like a clinician, or...?

BC: Yeah, well all levels. We have [00:32:00.11] case managers who are and people who supervise visits and clinicians and, it runs the whole gamut of people who can be called.

GW: Ok, um, the other is arranging foster care placement, family team meetings, family visitation, are those parts of ICWA that your -- you or your staff are involved in?

BC: Oh yeah. Yeah, oh yeah, we, we help to arrange family visitation, we're really big on family visitation. And uh, yeah we do that, those family team meetings we participate in those. DHS sets up those family team meetings. They usually say how often they think visits should be, in coordination with the ICWA worker, and, um...

GW: Is the ICWA worker usually at those meetings?

BC: The ICWA worker is usually at the family team meetings. Yeah, yeah. Yeah.

GW: Um, kin-- the last is kinship care, termination of parental rights, adoption?

BC: Are we involved in... that?

GW: Yeah, or, or--

BC: We have been involved in, in helping families who had Native children. And they were extended family and they came to us, and asked us if we could help them, and we did, and it was kinship. So like yeah, we've been in that. As TPRs, we don't institute any of that, kinda, you know what I mean. We don't initiate it. And we can't get called to court to testify in one

direction or the other depending on who calls us. We... never really have an opinion on whether any child should have their parental rights terminated or not. I mean, and what we--our, our take on it is --this is what the child's needs are--and, you know, we present that, and courts make a determination, DHS, tribes make a determination based on input from a variety of sources. We're just one of those sources but you know, we never say--we may say, the child needs permanency, and needs to know, you know, what that is...going to be, regardless of whether it's-- and even around visits, it's like, we're uh... even like, "Should visits be unsupervised or supervised?" We don't even make those decisions. We present the information and that's a decision that gets made by other people. I think it's important for the kind of stuff we do, so that we're not seen as allies of DHS, you know, or, or an arm of them or a branch of them. And keep it neutral around the legal stuff. And just focus on child and family and needs. So, that's what is now.

GW: Ok. What do you consider active efforts to prevent the break-up of an American Indian family? And can you talk about how the state conducts that, to quote it: "active, remedial, and rehabilitative efforts to prevent the breakup of an American Indian family before ordering an out-of-home placement"?

BC: Yeah-- I ju--just to go back to my CPS stuff which was a number of years ago. I think my, my take on, on all families -- was that it was active, and had to be, was remove a child from their family, as probably regardless of what kind of things happening in a family and what kind of trauma. There's a secondary trauma, that actually in some instances could be primary trauma, and whatever else was happening could be secondary. It's a very scary thing for a child to be removed from their family, their environment, to change schools if they're of school age. All those things are just like tremendously traumatic and forever etched in memory.

[00:36:32.27]

I think every effort should be made for all children to provide whatever services are needed for them to be able to stay in their home. I did that kind of work when I was a child protective worker and I probably, in the three years I was there, I bet -- it's just a [inaudible] I ever bet, I took less children into foster care than anyone else in, in the whole office at the time I was there, and part of that was like engaging people -- right away-- uh, to, you know, "What can we do?" And partner with them. "I, I want to keep your kids here." You know, I don-- because, I, I just -- you know... it's -- kids get sucked into the system and they can remain there for so long, and, it's gonna take a lot of people, who do that kind of work... I think sometimes a survival mechanism -- if you wanna call it survival --is that, their heart gets hardened as a way of, you know, you hear of some horrific thing happening to a child or family -- when you knew -- and you haven't been doing it that long, and it's like, "wow" -- it shakes you. You know. And you go home and you think about it, and you think about it when you're ridin' home, and, and... I think with some people, certainly not all, as time goes on, it doesn't touch 'em as much as it did. And it's, it's just like, a wall gets kinda put up between brain and heart and that's not good, you know. [00:38:41.01] And I think some people stay doin' that kind of work, long after they... shoulda got done.

And, so, and as, focus back to the question, the...the only additional thing that I saw as being active, in general was the contacting of the ICWA worker, you know, at the tribe. And, you



know, as I reflect back on that, DHS experiences, it was like, right from the ICWA training at the time, and I, I hope it's gotten better. Um, and I said this before there was ---it was, "Here's what the law is." But there wasn't any -- not that I remember... there wasn't enough of it, of "Here's why. Here's why." You know, "Here's what happened to cause this to happen." And there just, there just wasn't enough of that. I, and if there was, I don't remember it. I just remember, here's the law and talking about it -- it was legalistic. It was legalistic, too, in that sense and it wasn't, it wasn't, it didn't go back to say, "This is what happened." You know, and, this is, uh...you know, how, how it was.

And I remember once, like my first glimpse of, like, prejudice against Native American people, was I -- I don't think I'd lived here yet, I was visiting -- I stopped in a, you know, convenience store type place and this Native woman was on line in front of me. And she got whatever she was getting and she left, and, you know, I got whatever I was getting, and there's two people in the store, and they started talking about her in a degrading way, just like I've heard people do about African Americans, thinking it was okay because I looked white, you know, and it's like, yeah, it's like.

I, I-- that was my first experience of that, I've heard that kind of talk about all kinds of ethnic backgrounds, I'm from New York -- except Native people. And it was like, just like a-- I left the store, just like stunned, and I remember my friend was waiting in the car for me and I just got out, and I'm like, you know, "I can't fuckin' believe these people." And he's like, "What happened?" You know. He thought they said something to me. I'm like, "Yeah. Did you see that woman comin' out of there?" And he's like, "Yeah." I was like, I don't remember exactly what they were saying, but you know, it wasn't nice, and that was just like, I don't know, it kind of blew me away because I didn't expect that [00:41:46.07] and, you know, even though I've heard all kinds of other things about other ethnic backgrounds, I -- I just never really, I guess it was an assumption because in the area where I grew up, that, I don't know, I mean, I-- I, I didn't, I never saw Native Americans as... a group that people discriminated against in that kind of a way, you know. I knew of all the atrocities and all the garbage that had happened but I just didn't think, it seemed like, that seemed like a distant kinda-- "This shit happened a long time ago." And, and uh... like, wow, this blew me away.

GW: Sort of shocked it was happening in the present, present day.

BC: Yeah, yeah, yeah. This was probably back in '87 or so, I hadn't lived here yet, I was visiting. I was like, "wow." People say these things. I remember I had a, another experience with my son where, I walked into a store. He was like, probably like three and a half, and we got up to the counter and these-- the guy who worked at the counter was talking to someone else and, he said, he was talkin' about somethin' he sold or he purchased or something and he's like, "I-- yep, so I jew-ed him down." You know, I'm thinkin' "geez." I left. And I was puttin' my son in his car seat, and he-- he looked at me and he said, "Daddy, what does jew-ed down

mean?" Wow, you know he heard that garbage. You know, I was so freakin' pissed. I got him outta the car, and I went back in and I found the manager. And I told him my son, I told him my son has a question for you, and he said, "What is it?" And I said, ask him. And he said, "What?" And I said, well that's what the clerk at the front your store just said, and, you know, I won't be shopping in here anymore. And I'm gonna have to explain it to him. Which, he was just like, you know. But I mean, kids are so freakin' innocent, they don't understand any of that stuff. They-- it's like they, you know, they learn it... and I guess they, what they need to learn is that it's not okay, and, you know.

GW: Good for you for bringing him back in. [00:44:24.13]

BC: Yeah...yeah, well, it's like, his-- his mother was Jewish. So, I was like, wow, you know. It was like wow, 'cause people say these kinds of things, and you know, it's like they, they don't even-- for some of them don't even realize the origins of it or know what it means. You know what I mean, you know, the-- the, yeah, it's like you know, I don't know... It's-- anyway, I drifted again. I have a tendency to do that. Keep me back on the topic.

GW: Well, no it's that's -- it's ok, no that's... the racism that you're talking about, is part of what the commission is, is, um, that's, that's the history of what we're now at this point trying to understand more of. Absolutely.

BC: Yeah.

GW: Um, you may have already talked about this already, but, how are tribal child welfare staff included in the development of a family case plan that's involved with an Indian child?

BC: I, I, I, you know-- from, at, at the family team meeting, they usually, you know, that's where case plans are developed -- or should be. Um, and... the tribal representative is invited to those, and I think they usually go to these, as far as I know. I've been to a few, and, where they were present. And it's usually-- I don't know, I thought they had insight, and you know, had valid concerns to raise, and still had, they didn't lose focus on the child and just-- think about culture. Because there's a balance between individual and group in... everything, and individuals make up the group, so I, I... I think that, you know, that's currently, now.

I, you know, years back when I was at DHS, I don't know how they were involved in the case plan for kids who came into foster care. Um, I didn't take many children into foster care, and there was one Native family where I did take children into foster care. They were young. And this woman, she was a wonderful person. She was really great with her children, but she was, she was limited. You know, she had some intellectual issues, but so did my mother. And my mother was, was not as limited as her probably, but if she wasn't, it wasn't a big, wasn't a big leap. And, and, uh, she, she did a really well in taking care of kids until they could walk. And you know, it was less, but I mean, I think one of the reasons her kids turned out so healthy is like the nurturing she gave them. She was like holdin' them all the time. And really was like, just wonderful, mother at that. But there was safety issues with them getting, getting around, getting out. And I had a positive relationship with her, I mean, and, it was an instance, where, where the couple, and there was one last one where the child had... got out onto Route 1,



walked a considerable distance from the home, almost was hit by a truck, and it was pretty dangerous. **[00:48:17.08]** It was wintertime and I think she was out in her underwear, bare feet. Snuck out of the house, had gotten out.

GW: And was the, was the tribe involved with this family too?

BC: Yes, yes they were. I mean, I was involved, and they-- she had a, a history of involvement with DHS, way before I came along and she had older children. And by older I mean, I don't know, they were probably about... early teens, or maybe you know, 13 or 14. And the one she had when I was involved-- she had a baby, and -- just a little girl who was three years old or so. And, they came into foster care and it was a safety issue. I don't think the, I don't think the tribe disagreed with that. They were involved, you know, in, in the court. I don't remember them disagreeing with it. I do remember something that she said to me. I remember she said to me: "Brian, are you gonna go to hell for this?" And, and I remember, like I, I just remember saying this to a coworker about, who had been there, at court that day too, and this was about six months later, and I said, "You know what? She was right." And he said, "Why? What do you mean?" And I said, "I'm still working here." And, and, you know, there was some truth in that. Is that, you know, it's a suckey system. I mean it really is freakin' horrible. And there's so many things that... can get in the way, of losing sight of... the kids, you know, and what the impact is, is, is to them.

And I did run into her -- geez, I was gone. And I ran into her in a supermarket and she stopped me and told me she was doing well and she told me, "I'm trying to get my kids back," and, you know, we did offer her help, and had some kind of home service goin' in to her home at the time, but, what she really needed was, was more than that, she needed was someone to be with her, you know, probably about 4 to 5 hours a day, maybe, maybe a little longer? You know, I see situations like that and that wasn't available. I mean, you know, if you just think of the... **[00:50:54.06]** You know, I talk to some people, I have to talk in the money sense of it-- it's like, the cost of human misery, you can't measure that, but the cost of a child being in foster care is tremendous. It's tremendous and it's like, that's where a lot of the... money goes to, and there's not enough in prevention, there's not enough in, "What do we do to keep families together?" You know, and, and, "How do we keep kids in a home?" You know what? Send somebody in a home to help someone from the time kids get out of school, or even if it's a 8 hour day. And there's somebody there 3-4 days a week. It, it...

GW: The system hasn't quite figured that out, though, have they?

BC: The cost is so much less, and the home is so much less. Yeah, systems hate change. They hate change. They really do.

GW: Um, um, I don't know whether you had-- did you have any experience working with

expert witnesses for Indian child welfare?

BC: No, you know, this is, this is, this---well let me tell you something about an expert witness, because this involved this woman that was a good woman. She was a good person. She was a good mother. And she had limitations. That I remember during the court hearing on this that a psychologist testified. And he testified that she breast fed her children and she breast fed her children like, I don't know, two years old... a little beyond 2. Two and a half or something. And he was saying that, there might have been something sexual about that, and I was just stunned. I was like, you know-- this is like, I was thinkin' "What a sick bastard." That's what I was thinking. And I actually complained about it, afterwards, because it was like, she's never done anything to intentionally harm her children. This is like, you know, neglect stuff out of...not knowing any better, and, you know, he started talking about how he knew someone who was an expert on breast feeding, and taught breast feeding classes, and [00:53:29.14] that that was a possibility that it could have been some sexualized pleasure for the mother or something like that. And I'm sitting here listening to this and I'm just like, wow. You know, that's what I found a lot with expert witnesses, in general, is, excuse my language, but they're layin' for who's payin'. So, you know, you get the psychologist in, and it was like, you know-- I mean, if someone comes to me, and they're paying me to be an expert witness and I read a report that is contrary to what they want to hear, I'm probably not gonna get too much business from them anymore, you know, and that is a major conflict to have when someone gets in a, so-called expert witness, they're really an expert prostitute, you know. And, and, you know-- you know, it's just, you know... I don't know. Some of that's like just repulsive to me. I don't even know how he's given, given validity. You know, you're getting paid to say something, and, it's like, the fact that you're getting paid to make some kind of, to be an expert, and come and present that-- some negative stuff about someone, that the person paying you would love to hear. It's like, to me it has no value whatsoever, you know, what I mean, it's just like a major ethical issue. And the whole legal system is like, isn't based on-- I don't know. So many, so many people think that the legal system and ethics are like, you know, hand-in-hand, and they're not. I mean, they're, they're, they're, you know ---I mean, you're talkin' about a profession that where people represent who is paying them. That's not about right and wrong. That's just really about money. And that's one of the things I see now, is like, you know, a lot of deci--decisions around how often visits are gonna happen are made by lawyers, you know, and I was like-- just like negotiating, you know, it's just... ok.

GW: Um... this, this you may have answered this one. Where do you want me? Oh. Um, but do you see, um, any state child welfare policies or practices that have changed over the years that you know, you're talking about, in terms of how they impact Wabanaki children and families?

BC: Yeah, I think there's, there's, there's a... push for, you know, certainly now, there's, there's, there's... greater involvement by tribes and the family meeting concept -- which didn't exist years back for anyone--the family team meeting concept. And, I think that's changed. And so I, I think that-- I think that, that has gotten better. I see that as a positive.

GW: What about in terms of barriers? What do you think are barriers to Maine implementing Indian child welfare the best that it can?



BC: Well, you know, ideally I would think that the tribes havin' their own--

GW: Having their own tribal court?

BC: Yeah. Their own tribal court and their own-- they, they just handle it all. You know. And I, you know, I think that -- that would be a beginning. You know, and, and-- having, you know, that they have their own jurisdiction. And I also think it would be.. for families who aren't living on tribal land that [00:57:33.04] they could have choice. If they said, you know, I want to have my tribe, you know, deal with this. And then DHS would back off and someone from the tribe would become involved.

GW: Yep, ok. Um... can you, uhm --well a couple questions, can you talk about the -- you talked about what you got as training when you were a caseworker. Can you talk about the importance of caseworkers learning and having knowledge about American Indian culture and --traditions?

BC: Yeah, it's, it's really I-- I think the, you have a knowledge of the culture and traditions is important, but even beyond that, I think what's important is to learn what has happened to Native people.

GW: The history.

BC: The history of what's happened and not just, you know--things happen and they ripple across generations and generations. It's, it's not like, you know... It's amazing that people don't see that. I think people can see that in individuals, you know, in individual people. Say, you know, something happened to someone's parent and, you know, someone could say, this is just people in general. You know, you know, his mom died when he was a baby and, you know, he was raised by his dad and that's why x,y,z is like this. You make those connections, you know, over, on an individual basis but when we look at it as like groups and cultural basises, we don't say, like, you know, this happened 'cause look--look, look what happened here. And, you know, the uh--

GW: So understanding that historical trauma?

BC: Understanding the historical trauma--that's exactly what it is. You know what I'm sayin', the roots of that trauma... and, you know, it would be, it would be like, it would be crazy to say on an individual basis, that someone's parent or grandparent experienced some great trauma -- repeatedly -- and that child or grandchild wasn't impacted by that in some way. That would be crazy, you know, and I think most people who would-- and I don't think most people would say that, you know? [01:00:20.23] But, most people don't think of that as a --when it comes to groups, you know, and even, even if you look at the assessments that DHS used to have when I was back there, which I'm sure have changed twenty times since then maybe--

maybe not quite twenty. You know, it would ask about the parents, you know family background, you know what I mean, were they abused as a child and blah, blah, blah--those kinds of things. But, what we ask is, you know, was the culture, was the group they belong to abused? You know, and that's just as... important.

GW: Yeah. Yep. Um, okay. As you think back over your experience as a service provider, were you provided any instructions or training regarding any special responsibilities in working with Native American children?

BC: Yeah, well, yeah I'd say the ICWA thing--but, in group home, no, I mean, it wasn't in group home, it just a-- there wasn't any. In, in DHS, there was the ICWA training that was part of pre-service training, but that was it. And where I am, where I am now, it's been -- it's been more.

GW: Let me check through and see how I am on questions. 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 or community?

BC: It's very important. I mean, it's like, I--I, I think being placed within--you know, all kids experience when they move, if they move from their community and leave and have to change schools and all those kinds of things--is is, you know, not a, not a good thing. I think for Native people, the impact is probably even greater. I think it, probably it is greater. If a kid grew up with a large extended family, the loss is greater. You now, the loss is greater, you've lost more. And so, um, ideally, you know, I guess from starting at the... base of it is, there should be more to prevent children from coming into foster care, and leavin' their families. There should be more to prevent children from leaving their culture. And if it does get to the point where a child can't remain in their home, then it should be, "Okay, well, how do they remain in their culture?" If they're not going to be living in their home. And then, the next should be, you now, how close can you be to that.

I need to go back on this, too, this whole kinship thing? There was also, back when I was, worked at DH-- at one time, the state was, I think we were like number 49 -- 48 or 49 -- in kinship placements of children in foster care. It was, it was like horrendous. And, you know, you hear things like, people, "Yeah, the apple doesn't fall far from the tree" and all this kinds of garbage like that. And that, you know, all these arguments that people would come up with, that would be opposed to kids living with extended family. And you know, I spent some of my youth, living with extended family. My mom grew up [01:04:26.27] living with different members of extended family, so I-- I, you know, how people can--you know, one of the things I would always ask people is, "If something happened to you, that you weren't allowed to take care of your child -- if you couldn't take care of your child because something happened, who do you know who you think would be a good person to take care of your kid?"

GW: So you've seen that change over the years...the kinship?

BC: Yes, I have seen it change. I've seen it change. And, and, you know, it used to be rarely considered you know, as a, as a, uh, an option for any kid -- any kid. And, and, uh, you know,



now it's a, it's a greater option. I don't know, I saw this a couple weeks ago, what the percentage of kids in foster care actually with relatives -- was pretty impressive, in comparison to--

GW: What it used to be.

BC: What it used to be. And of course, the number of kids in foster care isn't impressive. [*Inaudible.*] It's, it's... you know. You know, what else I think is, is that... the standard for taking a child into foster care...is... pretty high -- in, in a lot of ways. Well, it's higher than, once a child is in foster care, the standard for them returning into their home, to returning to their home family, seems to be...higher than it would be--I'll put it to you this way, I was talking to someone and was like, I was like, parents were-- eh, they had been involved in like, somethin' about drugs and they were getting urine tests and stuff like that, that's had been goin' like...two years and they had clean tests -- no hard, you know, drugs in there-- and then they, they picked up a...you know, weed in their urine and it was, "Well, you know, geez, this is bad for them, they're not gonna get their kid" like. You're goin' around takin' kids away for havin', you know, cannabis in their urine? We'd have, freakin', three-quarters of the kids in the state would probably be in foster care. [01:06:45.03] Now, how are we-- this is like a higher standard once your child is in the system. I'm exaggerating by three-quarters, but, once your child is in the system, it seems like...it's almost like...

GW: It gets more difficult.

BC: It gets more difficult. It is like, it's a higher standard to get them back, than it would have been to keep 'em. You know if they just knocked on the door, or, you know, somebody reported that, and was like, "Yeah, you know, these people smoke weed," and, like -- they probably wouldn't go there. You know what I mean. It was like now, once somebody's in, it's like there's this, it seems like there's almost like this expectation of perfection.

And I've seen with, with parents too. Like, you know, I've seen this during visits, supervising visits, a parent would say something and then they're...it's like--just like an expression or something and then they freeze and look at you, they're like, "Shit, maybe I shouldn't have said that," because it's like, you know...you know I-- you know...you know, like, you know like... "I'm gonna..." you know, like, "I'm gonna tickle you" or you know, you know I... just things like, you know, I, it's--it's just a...

GW: Like a random statement.

BC: A random statement! A-and, and, and-- something that is like, an everyday thing that people say, [01:08:18.24] and, and, you know... it's almost like they're in, you know, under a magnifying glass, and you know, expectation of-- you don't have to be perfect to keep your

kids, before we get them, but you have to be perfect, before you can get them back. That's what I'm saying, that's what it feel seems like to be. And, when in, when in the system.

GW: Well you're sort of moving into our closing questions: Is there, is there anything else that you think, should be-- could help improve situations for Wabanaki kids, anything else the state can do in terms of improving Indian child welfare policies and practices?

BC: Yeah, well. I would go with that more funding towards preventing coming into foster care, that... there be... some--something in between a Native home and a non-Native home, like a Native-certified home, or you know-- where people had, basically had training, understanding the roots, the whole thing, and you know, agree to take children to tribal activities and you know, keep them, you know, connected with their, with their community and, and tribe, and extended family, and keep them connected with that.

And also greater use of extended family. I mean, there may be extended family who, you know, can't have a child live with them for whatever reasons, health reasons, whatever. Doesn't mean they're cut off--they can't have some kind of involvement. [01:10:17.27] You know, that, it's just a --

GW: (*Sneezes.*) Excuse me.

BC: Bless you. So, I think that, you know, greater focus on -- as good as kinship has gotten better, I think you know, more focus on, you know, it's like this, it's like when you're looking at the statistics on how many kids are in foster care versus kids are living in kinship homes -- that's great, there's been a great improvement. You know, how many kids could have went with extended family without even ever being involved foster care? You know, I mean, how does that piece happen? Well, why doesn't it happen more often? Maybe it does. Where, where things are going bad, and, for a family -- in some kind of crisis -- and it's like, you know, "How can we work this out?" Maybe a brother or a sister, or an aunt and an uncle, you know, who can, who can step in -- before the kid comes into foster care. And, so that, it, you know, even in the situ--

GW: Preventing that, as you said--

BC: Yeah, preventing it, preventing from happening.

GW: Well thank you for answering all our questions.

RG: Thank you.

BC: Thank you for hearing me.

GW: Well, it was very helpful, very informative.

BC: So--

GW: Thank you for giving us your, your time--

BC: That's good. I think it's good.

GW: --and the number of years you've worked in the system's been really helpful.

BC: Not to me. (*Laughs.*)

GW: Well--

BC: I'm only kidding, no, I know what you mean.

GW: It's helpful for us in terms of, of understanding.

BC: Yeah, okay. Well thanks. If you think there's anything else, contact me.

GW: Thanks. Is there anything else I didn't...?

RG: Mm-mmm.

BC: Ok.

GW: Alright.

RG: Thank you.

BC: Ok.

[END OF RECORDING]