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Statement by Cindy Sargent collected by Marcie Lister on November 18, 2014

Cindy Sargent

General Information

Private or Public Statement? - Private

Statement Provider: Cindy Sargent

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Previous Statement? No

Statement Gatherer: Marcie Lister

Support Person: N/A

Additional Individuals Present: N/A

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Recording

ML: I am here with Cindy Sargent. I am Marcie Lister. I am the statement gatherer. Today is November 18, 2014. The file number is ME-201411-00139. We are at the Unitarian Church on Allen Ave in Portland Maine. Cindy, have you been read the consent forms and understood and signed them?

CS: Yes I have.

ML: I do need to advise that any information disclosed that indicates that a child is in need of protection, or there is an imminent risk of death or serious bodily injury to an identifiable person or group, including yourself, this may not be protected as confidential.

CS: I understand that.

ML: Okay well now I will begin with the interview questions. Cindy, could you please tell me about your current and or past employment in child welfare and that can include and I can go back and remind you, what types of positions did you have? What's the total number of years that you worked in state child welfare and in each position? What is the total number of years working with children in a paid employment capacity and then finally, how many cases were you involved with where you were working with Wabanaki children and families?

CS: Okay. I've been a social worker, licensed social worker since 1988. I worked for the state of Maine for 25 years. I started as a child protective caseworker in Lewiston in 1989. I was an adolescent child protective caseworker. I moved through the Rockland office, I worked for two years and later went to the Portland office. I've been a Child Protective and a Children's Services caseworker and that way I was involved in assessing families and also working on reunification and working with kids after they came into care, trying to rehabilitate families, and if we couldn't rehabilitate them then terminating parental rights and putting them up for adoption. I did that up until approximately 2000 and I was a placement coordinator for a short period of time -- two years where I-- if children came into custody, I was trying to find them appropriate placements and for, since 2003, I've been a Child Protective Supervisor. ***[00:03:18.21]*** I did that up until a year ago when I became the adoptions supervisor in the Portland office and that's where I currently remain. I have, to my knowledge, worked with four different cases involving the Wabanaki tribe. And, what was the other question? Did I answer them all?

ML: I think you did a pretty good job. Thank you. When did you first learn about Maine's policies related to Indian child welfare? How were you made aware of the Indian child welfare policies and could you please comment on the type and amount of training you received related to understanding the Indian child welfare policies?

CS: I'm trying to think about the exact year that I first started working with or understanding the ICWA policies as they related to the department. And I'm thinking it's really only been probably the last fifteen of my twenty-five years, and at that point, we were adding training module to our Child Welfare Training Institute where we were training new workers. I know that there had been at least two points in time where we had office-wide trainings on basically how we interface with the Indian Child Welfare Act and what exactly our requirements are. We have had at least a large Judicial Symposium and at least one large staff meeting at our office where we've had members of the tribe come and try to connect and influence caseworker practice and that's probably been within the last five years, since I've been a supervisor, I know that. And, you know, I know that we definitely train around asking if they are a member of the tribe because we have legal requirements to, you know, we basically have to be sure that we checked off the ICWA button to be sure the child is or is not a part of the Indian Child Welfare Act. And so that's been since our computerization, so that would be probably since what I said, probably the past fifteen years and prompt me, if I've not answered all of your questions.

ML: You're doing fine. Could you describe a situation in which you or your staff felt very positively about your work with a Wabanaki child and family? Please describe this in a general way so they can't be identified, obviously, and then include what were the positive outcomes in your work? What was your working relationship with the tribe? How did this relationship contribute to the positive outcomes of your work? ***[00:06:34.22]***

CS: If I know the names of somebody that I worked with, would I disclose that name? Not the family, but the professional?

ML: I don't think it's necessary to disclose the name of the professional. I don't think you can't.

CS: Well I just worked with one particular director of the Maliseet tribe that was particularly helpful.

ML: Well, go ahead.

CS: So, a really positive experience that I had working was working with the Houlton Band of the Maliseet and the director. In that particular case, I know there was a lot of involvement with the family before they came to our attention. And in fact, the day care provider knew about --the daycare provider was hooked up with the director and the director had talked to her and she had requested that the day care provider make the referral. So the referral came from, sort of, behind the scenes, through the tribe with the connection. So I thought it was particularly interesting that in the community, even as far away as Portland, the director was involved, you know? And so from the absolute beginning, we were hooked up with Tiffany Randall because this started in 2010. Um, and she was involved in every aspect of the case from the safety assessment, where we are determining what the risk to the child might be, whether or not we need to remain involved. And we develop often times, safety plans, informal arrangements, and she was involved, participating in all of that. I know she came to Portland and you know, it's not necessarily close, and she came to Portland for our meetings and she was available by phone at nearly every aspect of the case. I think it was particularly positive because she was involved and there was no chore involved in determining how we were going to interface with the tribe, she was just there all along, every step of the way, helping us understand and keep her involved, and that was her main focus. I will say also that even though she was not, we were not able to place with the tribe, we were able to place with a family member and Tiffany worked -- and her staff worked with that family member.

ML: It was a family member but not a tribal member?

CS: Correct. The tribal affiliation was through the father and the aunt, who was the placement, was through the mother. And I know that for two years when we were involved in the case, I think, you know, the tribe was very involved in protecting, you know, they were very aware of the safety issues and were helpful in, you know, keeping them alive, you know, keeping that first and foremost. And they were also very involved, in, all the way through the termination. And the child ended up going to another relative out of the Ellsworth office. And I know that we signed or they signed -- this family member signed a cultural agreement which I had never been a privy to, with the adoptive parent -- who was another extension of this aunt down here. So it was another family connection but not a member of the tribe. And essentially my experience with that is that they had a guarantee, they were guaranteeing that they would keep involved with the family. The tribe was going to keep involved with the adoptive family and the adoptive family was agreeing to keep involved with the tribal connections and the cultural arrangements. So you know, I can't help but think that that's better – that's better than, you know, any of my other experiences albeit limited.

ML: Well that certainly sounds very positive. ***[00:10:59.23]***

CS: Yeah, it was very positive.

ML: Could you describe a situation in which you or your staff felt less positive about your work with a Wabanaki child and family? And again, what contributed – what do you think contributed to this being less positive. What do you wish had been different? What was your working relationship with the tribe in this case, and did this relationship contribute to the less positive experience?

CS: I think that the experience, less positive was less involvement, I think. Less positive was, if it was left to myself and the caseworkers to determine what were the cultural things we should keep alive and what were the ways in which we should remain involved and what were the cultural aspects of that child's life that we wanted to preserve or not preserve? You know when we didn't have active involvement in either the placement or determining the placement, I feel it's less positive because that sort of dies with the placement in the foster home. So once the child is removed from their care taker and if there can be no tribal placement -- which is our first requirement -- then the child will go into foster care I'm afraid that cultural aspect of their life is pretty much lost without that connection. So that would be less positive.

ML: So in that case or cases that you're thinking of, there was no one from the tribe who was actively involved?

CS: Correct.

ML: Okay. Do you know why that might have been, or…

CS: You know, I think that when it has ever happened, it's probably been because they didn't have any resources available. And I feel like if they're not involved on the front end, on the initial end, that therefore is not the continued emphasis on it moving throughout the life of the case. I mean the answer's kind of complicated too because, I feel like I might answer that later. But, you know, for, in the Portland area, we have very few cases involving the tribe and so the caseworkers have less experience and we have actually more experience working with the refugee population than the tribal--working within the tribe. And so if somebody is not sort of keeping alive exactly, you know, what are the resources? What is the cultural aspects? What might be important to keep alive? Um, I'm afraid that it sort of dies in that way. And in the success of the last case really had a lot to do with, and that's why I wanted to name that person, because it had a lot to do with her aggressiveness in remaining involved. So I think if we're not involved in the very beginning and that involvement isn't pretty aggressive then I fear that it sort of doesn't continue at the rate that it should.

ML: Could you please describe your experiences working within Maine's Indian child welfare policies? There are many facets to working with Indian child welfare policies, some parts of ICWA policies may be familiar to you, in which you have had experience, other areas may not be as familiar, or were not part of your work and training. I'm going to ask about these

different areas, and please speak to any in which you feel you had experience. If you didn't have any experience in those areas, that's fine just say so. So I'm going to go through a list and if you can comment on what your experiences in these areas and what challenges did you find in these areas? So, the first is initial identification of a child as a Native American.

CS: Our policies around that are that part of our initial safety assessment, we need to ask the family if they have any tribal affiliation. And I think my experience with that is that a lot of the families we worked with in the southern portion of Maine are disconnected from their tribal affiliation and they're not sure. Um, they might say I think I'm a member or I think I have a relative that's a member but they're not really sure at all. So the challenge is we have self-report on that and then self report on maybe what tribe. And if you call and they're not affiliated, then, it ends there, but I'm not really sure that that information is accurate, and then I'm not really sure that they understand the whole concept of the percentages of Native American heritage that they have to have in order for them to be affiliated with the tribe. So sometimes they will say that they're connected, but then we'll call and they're really not connected, they don't have the level of affiliation that they may or may not need. I mean, I think that perhaps many families down here are detached from their culture and not even identifying themselves as a part of a tribe.

ML: Right -- may not even know to identify themselves.

CS: Correct. They don't know a lot about their family history in general… the tendency is. So...

ML: Uh, notification of children to tribal child welfare.

CS: My understanding of that in the cases that I've had involvement, are once somebody has identified that they are – have affiliation with a tribe or have, you know, the percentage of Native American blood or affiliation, we contact the tribe initially--that's part of our requirement to assure that they are in fact listed as a part of the tribe or that the tribe even knows, I'm not really sure. And so once we do that, then if they are involved or the family's involved, then we have active involvement with the tribe regarding that child. And then they have first -- and I'm not sure I'm going to be answering the next questions -- they have then the ultimate, they have first, the first sort of refusal around whether or not they're going to be placing the child or being involved in what the capacity of that is and they need to be notified of the court action, if we're taking court action and preceding the court action. Did I answer the question?

ML: I believe so. Who would you usually call within tribal child welfare?

CS: We have a list. I know the supervisors do and I believe there is a list that the caseworkers have of the directors of each, the contacts for each of the tribal areas – affiliation. So we would call that person. We would call the names that we're given for the heads of the tribe. Which is usually disseminated on at least probably a yearly, or every other basis.

ML: And it's updated? The list gets updated?

CS: I'm hoping that the list gets updated. I know that it gets sent to us periodically and I'm assuming...

ML: That's not the same as updating. *(Laughter.)*

CS: Correct. I mean, there's not some regular update that comes out but I know that periodically Martha Proulx had sent a list of the contacts and we also do call her, she's one – she's at central office and she's had a lot of involvement, and we would call her if we weren't sure too. That would just be somebody we'd call.

ML: And what were your experiences in working with the tribes to identify Native children?

CS: I mean, I find them to be really pers---they're really helpful as far I -- my experience goes. I mean, if, whether the child was a member or not, I feel like they were very helpful. We usually would call the number that we have--the listing that we have for the tribe that the family first initially identifies and basically ask them if they have this family registered or if they have – you know are known to that person. And I've never had an unpleasant interaction when I tried to do that. So, I mean I, I've had a pleasant experience doing that and I feel like they're generally helpful.

ML: You have certainly spoken to some of this. Your experiences determining jurisdiction or residence of Native American children?

CS: Yeah and that would probably be similar to my other answer in that my experience would be sometimes families throw out that they -- or they think their husband is. And I think another one of the particularly complicating factors is that we have a lot single parents and can't find the fathers. And if the Native American affiliation is through the father and he's like unknown or not involved, I think in child welfare in general, we are struggling with trying to involve paternal sides of the family whether they be Native American or not. Because we rely on the mother to give us the name of the father and often times he is disconnected. So I think that would be a struggle with them knowing, and understanding, and being involved because if it's through the paternal side, the mom may not be carrying it for herself. Um and may not have a good sense exactly of what it means or the affiliation on the paternal side. So I mean, I think that's a struggle but otherwise, you know, like, we're asking the parents or the mother or whatever for what she knows and then we're trying to determine whether or not they meet the criteria for an intervener status on part of the tribal community. I think if we're, if we've been given a name and we're unsure, we definitely call. Or at least I do. Whether or not somebody looks to find if other tribes if they also know, I'm unclear. I think that we're going pretty much with what the family says and if that ends in a dead end, I'm not sure how far we go to

determine… But I am aware that there is certain percentage of Native American heritage to qualify them and sometimes they do or don't meet that criteria. Um, so that's pretty much I think the answer to that, if I'm correct.

ML: And Cindy, what were your experiences with child custody hearings as related to the ICWA policies?

CS: The one case actually, my experience was positive. We were involved in a child custody court case with the one case that I talked about from the Maliseet tribe and they were involved from safety plan, from initial assessment and safety plan throughout the custody case. I know they had legal representation. I know that they attended all of our reviews and even informal Family Team Meetings and were heavily involved in advocating for the children, I mean because the parents were not, were obviously not working well with the tribe. So my experience was that in this case, they were highly involved in the court proceeding and custody proceeding--all the way through with the cultural agreement with the adopted family. I don't have other experiences like that, however, so I would say also my experience is that if they aren't identified or actively involved in the placement, sometimes that they're not actively involved in the rest of the case.

ML: Arranging foster care placement?

CS: You know my experience is that the tribes have limited foster care placement options. I've actually never had a child that was ***[00:25:23.18]*** had an option of, you know to move up north on to the – in with the tribe. So most of the time, I've been involved with cases where they were involved but there was no placement within the tribe. Um, so I felt like the resources were low. The other thing I would say is, you know, that my fear is that if there is not a placement--it's harder to be involved down here. And I worry about the foster parents' knowledge or communication or continuing to be able to carry forward that culture for them. Um, in the experience I had with the Maliseet tribe, however--they were involved with the relative placement all the way through. That was positive.

ML: Family Team Meetings?

CS: I mean, my experience with Family Team Meetings although this isn't only within the tribal--it's hard to get informal supports to the Family Team Meetings and a lot of the Family Team Meetings are -- the family is responsible for identifying people whom they want involved. And sometimes I feel like if the family either doesn't know that they have the ability to have someone from the tribe there, or if the family is disconnected from the tribe, or if they feel as though they're not supported by the tribe, they're asking the people to come to the Family Team Meetings as supports for them-- they oftentimes don't have them there.

The positive experience which, you know like I feel like there's lessons learned from that--- is that one really positive experience, Tiffany Randall. They made sure they were there whether--that was --whether or not it was easy for them or whether or not it was something the parents wanted, they were a force sort of in that case. And that is probably the way that you are going to get maximum amount of involvement. And I think that because we were working from the beginning, they were also the person that always the caseworker would call. And I know Tiffany presented herself as being really helpful so it was one of those relationships where the caseworker wanted to call. And because it was a helpful process for them and so, you know, it's kind of like the squeaky wheel sort of, you know, in our agency. There's so many things for them to do that I think her presence -- her active presence and regular calling was -- made the biggest difference in that case. ***[00:28:40.06]*** That's sort of our experience.

ML: Arranging family visitation?

CS: I don't have experience with the tribe being involved in that because we're down here and our directors and members of the tribe were way further north and we have obligations for visitations with the parents through our court action. So often times, we often have to do two or three times a week and there isn't the means for them to be sort of involved with that. So if you're talking about parent-child visitation, we usually set that up and that's not something I think the tribe would get involved in. Not that they -- or they haven't gotten involved in. And I think that might be something worth thinking about as far as like extended family members or tribal family members. I don't believe there's any visitation we necessarily have set up for that. I know visitation transportation is a challenge for us--because of transportation issues even within Cumberland County are difficult to arrange through our volunteer driving programs. But I'm not aware of us transporting someone down, a grandparent or aunt or uncle or somebody down for visitation which might be something worth looking at. It's just an idea.

ML: Sure. Kinship care?

CS: I've used kinship care but it would be through the side of a family that was not a member of the tribe. I've never, I've not used the kinship care when it was to preserve the tribal family members--the members, you know, connected to the tribe. So I don't have much experience with that. I don't know. I feel like when we call up and ask if they have placement, I think we assume that they've looked at the family members and not just members of the tribe that could take them in and that might be incorrect. I don't know what the process is when we call up the directors and ask them if they have a home that they want to place them in. I'm not sure if their process involves looking at extended family members within the tribe. Um, I just know that we, we're just sort of, have a child in our office and we're waiting to hear whether they want to place the child, whether they have a family or not. And then to notify them where we're placing the child so I'm not really sure about that--extended family.

ML: Sure. Termination of parental rights?

CS: Well I have just the one experience with a termination and they were very involved in determining who the adoptive parent was which was another extended family member. And that family member lived in Ellsworth and I know that with the adoptive family, there was that

cultural agreement signed. And that's my only experience there and you know as an adoption supervisor right now, what ends up happening is a large portion of the kids come to us where they've been in a home for a period of time already and because of the, not wanting to move a child too many times, or because they've been in one home long enough so they are connected or bonded. Lots of times the adoption occurs with the home they've been with. I don't think we take a second look at placement, after, you know an adoptive placement, with the tribe, or at least that's not come across my desk. In other words, the initial placement might be with a foster home because the tribe did not have any homes available and I don't know because I've not had this experience yet – if at adoption when the rights are terminated, if there's a second look at whether or not the tribe has an adoptive option at that time. Um yeah, I'm not really sure. So if there's not active involvement, I'm not really sure whether the adoptive family -- whether we look again to the tribe at adoption. I might just be outing myself but that's -- it just occurs to me --

ML: We're interested in what your experience has been and what it is. Well and the next question had to do with adoption and I think you've answered that in terms of both the positive experience you've had and what you just mentioned.

CS: And I would say, you know, we're limited down here in Portland with the numbers of families who at least identify themselves. And like I said, I'm not really sure if because they are down here, disconnected, moved away for whatever reason. Often times we're involved with families too who have issues--who are struggling. And sometimes they're disconnected for a reason -- from their family. And so I'm not sure that they want to carry on and we have minimal amount of experience and I think there's nine kids right now who are checked off as part of, you know, ICWA in other words, we asked and they said there was some tribal affiliation. But only one of them – possibly -- is a part of the Wabanaki group. And so it seems hard to believe but, you know, that's sort of the way it is in Portland right now and I think it may be because they don't identify as part of the culture but...

ML: Cindy, what do you consider "active efforts" to prevent the breakup of an American Indian family? Please describe how the state conducts "active, remedial, and rehabilitative efforts to prevent the breakup of an American Indian family before ordering out-of-home placement of an Indian child?"

CS: Well, we have a requirement and responsibility to show reasonable effort before removing any child and so we have to show that we made every effort to maintain any child in a home with their parent, you know, either through offering services or Family Team Meetings or, you know, setting them up with, you know, other professionals who can help the families. So I know we work pretty hard to try to prevent removal of any child. I mean, I feel as though if the family at Safety Assessment identified themselves as part of the ICWA or if they identified a tribe, you know, part of our efforts would be to call and work with the directors.

And in some cases, I did have one where the family moved back ***[00:37:06.00]*** up north and I felt that that time they were moving towards people who were going to be supportive because most of our families --one of their central issues is that they are unsupported, you know, in general. I think our families are disconnected from their families, for probably good reasons, but that disconnection ends up continuing as a family that struggles to find their way. So supports are something, you know, like we try to, we try as hard as we can to increase the number of informal supports which is what the Family Team Meeting process is supposed to do, help to increase informal supports--supposed to have more non paid than paid professionals at that table. But that is hard on any given day with any case. So I mean, I think as far as above and beyond our regular reasonable efforts to prevent removal would be identification and, you know, calling up the tribal heads and finding out if they can offer -- I know that we have used them to gather information too. That's part of central to the assessment process -- to help understand maybe what the issues are, to help deal with the problems. So in that way, we might use their information and their support but that's...

ML: Well, the next several questions you may feel you've answered, but I want to give you an opportunity. Is the active effort standard used in cases involving Indian children different than the reasonable effort standard applied to cases not involving Indian children?

CS: Well, I feel as though, there's a system like something takes on a like, a mind of its own, kind of like a… Once we identify that a child is a member or a part of the ICWA, they are a member of a tribe or whatever, that automatically sets in motion things that are above the technical reasonable efforts. You know, that therefore also requires us also to make some phone calls, gather some information in different areas, get input before making decisions. I think we understand that we have got to be involving another group of people. And so it does become much more active. You know, in the reasonable efforts, we're not beholden to anybody else -- having to ask them, involve them, make sure they're at Family Team Meetings, make sure they know about, you know, what's going on in the case as actively. And I hate to say this but I think reasonable effort ends up being a little more watered down. So it ends up being, you know, ask the parents, will they comply whatever, and the active efforts, I think require us to get more input, do more things, gather more information, and sort of also allow somebody else to be a part of that process. And that's hard because those cases, the caseworkers are not used to having somebody else to answer to, somebody else to run things by and somebody else to make sure to remember to be involved. And because the caseworkers don't have these kind of cases that often, it ends up being like a new thing every time, like a new learning experience every time.

ML: How are tribal child welfare staff included in the development of a family case plan involving an Indian child?

CS: I think if they're actively involved and want to take an active role, they're very involved. I mean, there was a couple of times when Tiffany wasn't the first call and she was like, um, really upset -- like you didn't want to not do that again. I think something like the caseworker forgot to mention something within the case. And there was a very definite position she took. But I think other cases if they're just a – if they're a member of the tribe without as aggressive

a person involved, they're as involved as they want to be. But some--some really are involved in a furious way, you know, like they really are going to be involved.

And I think also that has to do with the level of active involvement before we get involved. In this particular case, the tribe was financially supporting this family that I worked with -- the positive case. And they were doing that before, and so I think they were really involved with the family, knowing where they were, what they were doing, in that way. And so I think it has to do with like, their financial connection, but also the level of, I don't know what I want to say -- like if there was a direct, full affiliation with the tribe -- in other words, full Indian blood, I believe. Sometimes it gets less clear when we have a small percentage, and they're not involved, they're a little bit removed from family generations. But that's a guess on my part.

ML: Well in the positive case, the tribe had a relationship with this family, an ongoing relationship with this family. And in other cases that you've mentioned, you have a child who is identified down here as possibly being a tribal member but this child is not known and his family is not necessarily known by the tribe. Is that correct, I'm trying to understand that…

CS: That could be correct. Because, I mean, we might have a baby born, baby not known necessarily yet. You know what I mean? We might be notifying them. But also the family being disconnected and not connected in any thread other than their great grandfather or something like that, right? So I feel like the cases where there's active involvement and identity before, it's very clear how we're going to interface with that family. If the, the family, the parents are less clear or they don't identify themselves, I'm not really sure. Like we don't have a check and balance where we can look at a list of kids and every time somebody -- we get involved, we look and say, does the tribe know? Which might be a better way in some respects because that might catch families who do have an affiliation but they're not going to identify it. On self report, the family may or may not identify themselves as part of the tribe. And if they are a part of the tribe, we might not catch that child as a part of the tribe. I mean, am I making myself clear?

ML: Yes, yeah, it makes me wonder about the cases you say where the mother is involved, the father is off, and the mother may not want to identify the father as a tribal member because when people either are deserted or divorced--there are all sorts of feelings involved, but if the concern is the child, the child may lose out.

CS: Well we have, we have any numbers of cases where sometimes we're terminating "unknown dad." Because we've tested like-- she's named two people, we've tested them. They're not the father, she either doesn't come forward with another name. In which case, we have to publish and terminate "unknown dad." Now, hypothetically "unknown dad" could be a member of the group, the tribe. And we would not therefore have, you know, any knowledge of it. And I don't know how -- if somebody is in the Portland area, a man, and he is with a

woman and they're not married, or they're not together any length of time, I'm not sure how the tribe would, like whether the tribe would know that this woman was in a relationship with a member of the tribe and therefore this child may have some affiliation. So I mean, I think that would be a worry probably because ***[00:47:02.26]*** there may be kids out there. And then the other thing would be, we might be able to say in some cases, if we got the name of the father, we may be able to look in some sort of data-- I mean, if there was one, a database of whether or not that guy had any. But that doesn't, that doesn't happen if he's not -- even we have his name but we can't find him -- because he doesn't say to us, I am or am not a member of the tribe. So, yeah, and she certainly -- if she's only been with him a short period of time and they don't then have any continued relationship, if she even asked him if he was a member of the tribe, she still might not want to-- they like to cut them off and pretend like they don't exist and so she may not identify him. You know?

ML: To the best of your knowledge, if a tribe declines to intervene in a child custody proceeding with a child covered by Maine's Indian child welfare policy, what are the reasons for this decision?

CS: Well, if a child is denied and they're covered, so we've already established that they are--

ML: So a tribe is declining to intervene. Have you had experience with that?

CS: Um, well I've had an experience where and I think this is what I talked about in the beginning -- where they say they cannot -- don't have placement options and they can't be involved in that way. And they, they sort of say, you know, it's up to you – you know, like, it's up to you for the placement and so on. And once we notify them that we're involved and they don't have placement option then, I feel like, I feel like the times when they've done that, it's sort of been that they either don't have staff or don't have placement. And it's just, they can't get to us. And I would say those cases they're going to have less involvement all along, I mean, if we don't start off that way. Because it's very clear in our policies about asking on initial assessment. And it's very clear that once they've been -- a family identifies that they're a member of a tribe, they might just say yeah, I think my father was whatever. Then we have a requirement to look and find out if that's true and find out if, the, you know, ICWA directors or whatever, if they say they want to be involved in placement and whatever. But I think it's not really clear what we're supposed to do after that -- moving forward. I think -- and that's when things might get a little bit dropped. Like I think we feel like we've met our burden, at times, at the department, when we've done those front-end steps, then its up to the temperament, kind of, of the one that's involved. I mean, the one that's aggressive, she was not going to be denied, right? Um, but I don't know if that person does not identify themselves as being able to be aggressively involved at the onset. I'm not really sure if that continues because we're not -- we don't have as clear a direction after that other than notifying.

ML: ***[00:51:10.00]*** It's useful to know these things.

CS: Yeah.

ML: To the best of your knowledge when the state declines to transfer a child custody proceeding covered by Maine's Indian child welfare policy to a tribal court, what are the reasons for this decision?

CS: Well, I don't have any direct -- but my knowledge of it would be that, you know, the tribe has an option to intervene and precede our child protective system. And in those cases, we would defer. That's my understanding. And the tribal court would handle the situation and in the one case that I think that may have happened, that may be the one where the family moved back on to the reservation. And that they were taking care of that within their tribe. That's my understanding of it. They had moved back on to the reservation and handled that case themselves outside of our child protective and district court system. Which if you wanted to really preserve the culture and the membership and the relationship, our district court judges, I do not feel have a huge understanding of the culture and so on, especially those down here. I think probably the northern judges who see maybe those cases often. But the amounts of these -- numbers of these cases that go to court are going to be few and I feel like you'd be better off to go to the tribal-- you'd be better off not to put your hands in the system of the-- district court system. And I think that's just because of the sheer – there's few numbers of cases and little understanding down here. That's just my feeling.

ML: That's what we're looking for here. Have you had experience in working with expert witnesses for Indian child welfare? In your experience, what criteria does the state use to establish a qualified expert witness in Indian child welfare?

CS: I have not had experience with expert witness. You know, I had an experience with the director, Tiffany Randall, I mean, always being at court and being a member of that process, but I don't know if she would be an expert witness. I mean, I don't even know who one would be. So, I have --there's a lack of information on my part about who would even be an expert witness.

ML: What state child welfare policies, practices, and events influenced your work with Wabanaki children and families?

CS: Okay, policies and events and what?

ML: Practices.

CS: Well, I feel as though because we're not, you know we're down here in the Portland area, because we're so far removed, we've had --I've been to an AFFME had a concert – had a conference. And there were members of the tribe and they, you know, had us participate in, you know, one of the like ceremonies, and they showed videos and did the smoking and the dance and so on.

I feel like, down here, what impacts our practice most would be, or is, when we have members of the tribe actually come here and help us understand the culture, maybe bring a piece of the culture down here. You know we're far enough removed and close enough to Boston or whatever, it seems like a myth that there's this culture that's happening up north and what does that look like in 2014, we're not really sure? And, you know, like most of our staff too are like young people who come to the department-- we've recently had like a 70% turn over, who could be from out of state even and they're 24/25 years old, they have little experience with that kind of stuff. So I've really enjoyed the times when we've had conferences where that's been something.

I know that Penthea Burns brought a piece of a training and even talked about this Truth and Reconciliation Commission at the last Judicial Symposium which I thought was beneficial. So I feel like the best way to influence practice -- and this is across the board anyway when we're talking about youth, it's best to have youth who've been in care come. I feel like it's best for us to be really immersed in that kind of thing. I mean, our policies have made it so that we have to ask certain questions but that just really mandates that we ask the question, what we do beyond that is like—is unclear. I think it is really helpful that we have numbers of people to call to help us. I mean there are certain things I'd like to see happen but I think I'm going to reserve that for later in your interview. ***[00:57:06.09]***

ML: How did state child welfare policies and practices change during your employment and how does this impact your work with Wabanaki children and families?

CS: Well, I mean, our practice changed, I think, because there was an emphasis in training even from the beginning, at least, even minimal training about the importance of keeping kids connected with their tribe. I think we had requirements that we had to do certain things. We had to have the tribe involved. We had to talk to them before we removed a family or removed a child from a family or wanted to make placements. I think certain numbers of those policies had us at least stop and think about it, they had us at least answer the question. I mean, I have concerns about people knowing or not knowing whether they are affiliated but at least caseworkers are asking the question. And I'm not really sure that was the truth before. So I also feel like as of late, we've had more trainings and you know like I said, there was a discussion at the last judicial symposium, at the AFFME, the foster parent conferences and affiliation. So I mean, I think there's an effort made to raise awareness. And I think it's probably a good time because we've had all kinds of training and awareness about refugees and cultural sensitivity in that respect --we've been doing a lot of stuff with cultural brokers for the refugee community. So I think it's, it's also a good time to figure out how we're gonna integrate this better into our practice.

ML: Cindy, over the course of your work with state child welfare, what do or did you see as barriers to the successful implementation of Maine's Indian child welfare policies? And please describe these barriers.

CS: I think the barriers are keeping it alive in the southern portions of the state. I think the barriers are placement options in general. I think within the tribal community and within, you

know, our community or every other community that there is out there because there is a lot of them. I think the barriers are, you know, new and young staff, less and less connected to an understanding about the large portions of Maine that are part of the – that do have reservations and tribal connections. You know, a lot of people haven't even been up north, never been, you know and so I think it's always a challenge when we have such a turn over in staff to keep each and every staff member… sensitive to that when they don't see it in their everyday life. So without it continually being remind-- us continually reminding or asking or having older staff or supervisors also asking. There's a barrier implicit in that. There's also a barrier in there's just so many things to consider and so many things to do. And, keeping this an important portion of what we do at the time of removal. Sometimes the situation seems urgent. And, you know.

The other barrier I think is that our families are down here because they're disconnected from every aspect of their culture whether it be—they're disconnected from the tribe, but they also are disconnected from, you know, life in some ways, support in some ways, they're disenfranchised kind of pe—you know like they're, they're struggling, so they're not reporting. I think the whole issue I said with the Department working on policies for really finding out what the paternal side of the family is in general. We just in the last--because I was part of the National Fathering Conference and doing the break through series on that as well. And in general, keeping fathers and fathers' issues and the paternal sides of the family. When we enter into an abusive female head of the household, the guys know where to be found, how do we keep that paternal side of the grandparents and so on involved long term? So I think that's a barrier, that issue about moms identifying the fathers. And you know, also fathers are harder to find because they don't get direct, they don't often times get direct aid, it's usually funneled through women. Which means we can find their addresses and locate them and figure things out because of, you know they have to have an address to get TANF or housing aid or whatever, and so we can locate them. They're usually the ones with the children and the fathers can be more anonymous. They can have sort of part time under the table jobs and they can be moving from one place to another because housing and assistance isn't readily available to males or as available to males without the kids. So.

ML: What strengths does state child welfare possess in ensuring compliance with Maine's Indian child welfare policies? What effective procedures or practices does the state have in place for promoting compliance?

CS: Well I think the, our AAGs are also getting trained and they're definitely questioning. You definitely have to click a button that says ICWA so you have to go in and decide if it is an ICWA case or not within our system. So I think that's a check and balance for following through. I know if it's not checked, I know an AAG will question that. I think ***[01:04:01.13]*** the other --is this a check and balance for even getting involved, is that what you're saying, or staying involved?

ML: Ensuring compliance with the Indian child welfare policies.

CS: Oh, I'd love to say that the tribe would be a check and balance, because I think like in this once case, Tiffany Randall was a check and balance so you are going to comply, I'm going to be involved, I'm going to be in your face, I'm gonna be making sure. But I think in general, the check and balance is going to be, have we identified? Have we called? Have we found out whether this child is a member of the tribe? I think the check and balances I feel are all on the front end. If somebody doesn't identify or we don't have a father, or something, I feel like that, there's some work to be done there. But if the family is identified and if that first call to the tribe is met with relationship then, they're a check and balance for us. I think training, they're trying to promote training. I know training is certainly a part of our, you know, initial caseworker training. I know we talk about it in our foster parent training, not that long, but we do. Um, and beyond that there could probably be more.

ML: What weaknesses does state child welfare possess in ensuring compliance with Maine's Indian child welfare policies?

CS: I think beyond the ICWA button, I don't think there's a way to pull up reports on, you know, a regular basis. I feel like, I had this report pulled up for me to come here but it's not pulled up on a regular basis that I'm aware of-- so we're not really identifying as a supervisory group or as an office: who are the kids on this floor that are part of the, you know, ICWA requirement. If they've been checked. I don't think we're really necessarily looking as a group about how many of those cases are there? What are we doing with those cases, and so on and so forth.

So it's small, as far as it being between the supervisor and caseworker--it's not like larger. So we're not like pulling up the report and saying wow, we've got like twenty kinds affiliated with this, maybe we need to like start talking about, you know, how are we going to do things differently. Maybe we need to have a little group of foster parents to get together. I mean the larger the numbers, and whatever might be an important factor for trying to get something start something up in our office and we're not really looking at that. So I think that's probably a weakness.

I think a weakness would be that I -- we don't have cultural brokers for our Indian communities so you know, we've started working with the refugees on --- we go approach families alongside of, for our initial contacts, the cultural broker. So if we were going to go into a Somali home, the Somali families are typically like afraid of government and their community's pretty tight, they've got all kinds of language barriers, this, that and the other thing. We would initially call to go out on our first knock--the cultural broker from the Somali community to go out who's gonna help us communicate, who's gonna help the family be open, who's gonna help us understand their practices and sort of filter them through our child welfare system to say this might just be a learning that they need, right? They would help our caseworkers say, this aspect is a part of our culture, you know, everybody's culture. They're afraid to talk to you, they're not being resistant. Um, the women really can't talk up against the husband because it's—you know, helping us with those kinds of things at the first knock. And we don't really have that

within the Indian community if there might be those kinds of things. So I think I've -- that's the… There are barriers to that in this area--including the numbers. I think the small numbers make it hard to keep it-- And when you think about the sheer volume of other-- other cases, it becomes a barrier at times in helping people understand, have experience and grow from those experiences, that's, you know, hard ***[01:09:15.12]*** I think.

ML: What strengths do Wabanaki tribes possess in working with the state for ICWA compliance? What procedures or practices does the tribe have in place that help facilitate state ICWA compliance?

CS: Well I think the fact that I don't know the answer to that is probably a problem, because I don't really know what they have. And they may have something and they may be communicating it to other offices where they're more heavily involved. But I'm not sure what they have in place. I mean I know that, like I said, they have jurisdiction before court, we definitely understand that. If they want something, they are going to be involved and if they—and we need to notify them or else. Or else what? I don't know. But we're supposed to identify and we're supposed to work with them and we're supposed to make sure that they're a part of the process. And they can have lawyers as part of our process if they don't feel like we're complying in the case. I mean, I think generally if we know they're involved or that they want to be involved, we're not going to fight their involvement or their having a part of that process so, you know, I think beyond that I'm not really sure.

ML: What weaknesses do Wabanaki tribes posses in working with the state for ICWA compliance? What more could tribes do to ensure that ICWA is followed in every case?

CS: Well, I'm a little unclear about, you know, if we don't have some kind of database about whether or not a father is a part of the tribe and we don't find him, then I think the weakness would be that we're not going to be able to identify it. And there is no kind of crime in -- if we've asked the question, if we can't identify, then we don't have a process, right? So, I think the weakness might be that we need a tighter system of knowing who these tribal members are and maybe that we could check through the fathers. You know like, I know you probably can't check every case because we do have a lot of cases but if you wanted to be efficient and run every father through, especially the unknown-- you might catch affiliation that we do not catch which therefore would ensure a more efficient involvement. Like I'm afraid there are children and families involved and we don't know, or they don't know to answer, we are. That would be probably my, you know--and I also feel like also down here, because we don't have a lot of awareness when a kid goes into foster home, you know, it might be kind of --I don't know if the foster parent initially knows what to do to continue the culture. And I don't know if they would know where to go if they just sheerly wanted to continue the culture of that child. If like I said, if somebody like Tiffany wasn't involved to say, I want you to sign a cultural agreement

and I know who to call and you know who to call. So, I think that would be my answer at this point.

ML: Please talk about the importance of caseworkers learning about and having knowledge of American Indian family structure and culture?

CS: Well, you know, I feel like if there is any good case plan-- planning done, it's gonna be from an understanding or point of view from what's that family's understanding? What is the culture with which they live? What might be the values and norms and you know, customs that are important for us to understand when we're assessing. I mean I just-- I feel like the importance is, it's like, it's like the most important. Because all of my supervision comes through—all of my information comes through the eyes of the caseworker and what they translate to me as a supervisor and then decisions I make. And you know, with the younger the caseworker is, that sort of, they already have to filter in the adult world and family life and all kinds of culture I think. If they don't understand, everything could be missed. I mean I think that's probably the most important thing that there could be out there. Because what we've learned through working with cultural brokers is that, you know, we used to make errors in assessment when we did not take into account what they could or couldn't do within their culture. And when we didn't take into account the ways that they answer, might be direct relationship to what they're allowed to answer or what their culture allows them to answer. And we underestimated the influence that the elders in the culture had on what they could do. And I can't underscore the fact that the caseworkers having a knowledge or having a culture broker is probably the most important thing. I mean, they're already have this burden of assessing whether a parent can have a child and I worry about that every day, you know, their ability to make that assessment and so information is just-- information or a cultural broker would probably be crucial.

ML: Please talk about the importance of an Indian child who is placed in out of home care to be placed within reasonable proximity to his or her birth family and or community.

CS: Well I mean in general that's the goal. I mean in general for every culture or group or human or person we work with. The goal is that reunification is most possible when the parents can have aggressive and continued contact with their kids or community supports. And you know it's just critical for the numbers of times they can visit. The amount of activities they can still participate in for their kids. The amount of supports that might show up at a Family Team Meetings. I mean like if the community is like two hours away, it's very difficult for them to get down here to participate. I mean I think it's critical and I know that we really, really struggle right now because we have so few placements in general that it's a real issue that kids are not ending up being close. The other struggle with that would be that for most our kids to keep them near their community would be to take them far away from their family. If we're talking with the tribe. And you know, and as I sit here, I think, I don't know if there are pockets of Indian tribal communities other than in the northern portions of Maine. So I don't know and that was, you know, something I would like to know. I don't know if there may be, like, little pockets maybe up in the Bridgeton area or something. Like, I don't know if there are pockets of, you know, families within a tribe who get together informally or whatever and continue traditions of, and culture.

I know I was talking with whoever asked me to sign up for this about if there were things like that it would be really great to know about because we could maybe hook the foster home up with them, or the child could go to those kind of things -- even be dropped off, if we were aware of it. But I don't think we are. We're not aware of, like, who in the southern state is, like maybe a full-blooded Indian – or whatever, meets the criteria -- who might be able to be somebody -- a mentor or somebody who -- they could go to and continue the, you know, the traditions. You know, and I think about that certainly at Christmas and Thanksgiving. You know, every family have things that, they're passed down, whether that be food or, you know, certain parts of their culture that, you know, they're detached—you know, they would be detached from if we didn't have anybody to keep that alive for them. So I think not having somebody to call or somebody to-- for them to go visit or hang out with, we're at a disadvantage. So.

ML: Well, I think you pretty much just answered this but this one is: please talk about the importance for an Indian child who is placed in out-of-home care to participate in his or her traditional tribal events, spiritual customs and social activities. You've certainly just spoken to how that's very difficult that is in this part of the state. But with some good ideas about ways that perhaps there might be opportunities.

CS: Yeah, and I think, I think it would be really good if there were any families in the southern portion of the state, which where we are, we have the highest numbers of people. Population is most dense down here. Um, ***[01:20:06.24]*** and I think in general people are more anonymous than they are in small northern towns or whatever. And definitely more transient but I think that if we had anyway to, anybody or anybody to use as a kind of cultural broker or somebody who they could mentor and keep that alive, we would certainly-- because we have a system in place of using cultural brokers—we would certainly use that. Um, and I think that would be certainly something worth thinking about.

ML: 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 do you see these two policies not working together?

CS: Well, I mean it's-- it's hard for me to say because I haven't actually had a case where I went through to termination and adoption. The one case we had, the family moved to the Ellsworth office in order to facilitate that. But the, you know, permanency timeframes and some of those things that are implicit in the Adoption and Safe Families Act and so on. I mean, I feel like whenever we have an opportunity we work together well. I think that I don't see a difference in the way this effects any other group, and the Indian child-- members of the tribe. But like I said, I haven't had experience with that and I haven't really had experience with it, even as an adoption supervisor for the last year and a half. So moving the kids towards

permanency and all that the requirements that go in there, I feel like we work well for the reasons I've identified and then not for also those same things. So, that would be ...

ML; Well now we are moving to the closing questions of which there are three: If you could change anything or make anything happen at the tribal, state, or federal level to improve the lives of children touched by ICWA, what would you do?

CS: I mean, I think I might do some of the things that I've mentioned here. I think I'd like to have some cultural broker type, you know, mentors or whatever you want to call them in all offices or all portions of the state. Somebody that we could -- that would be living in this area or down in this area and sort of interfacing as a community member, trying to be also a member of the Indian community. Like what is it like to live in southern Maine and be an Indian and to try to preserve your Indian culture.

And you know, using that culture broker like we use the cultural brokers for the refugees to help us understand assessment, understand the issues that the, you know, a Native in Maine might be facing, a Native in Maine, in southern Maine. You know? Um, I just think the whole cultural broker is a way to keep us honest and keep it alive for us. Like the new caseworker doesn't necessarily have to know everything, they just have to hook up with the cultural broker. And the process of like, you know, do we-- going out on cases with the cultural broker has positively influenced all the caseworkers in the other refugee community. It's kind of like, what we don't know – you know, like, we don't know what we don't know. And I think it's more important for us to have that kind of thing down here in southern Maine because we don't have the numbers of cases. We don't have the, you know, the reservation and the sort of preservation of those things. So every case is just a foreign, kind of, situation.

I mean, the other thing I might want to do is have a situation where maybe we in the southern portion of the state actually got to meet face-to-face some of these tribal heads or directors that we have to call. I think sometimes face-to-face connections really, like, solidify relationships and when we just have a checkbox and then a phone number to call, and we don't have a relationship with that person or we've never seen them or whatever, it's a little more disconnected. And we're already disconnected down here.

I think that we definitely need to continue having the kind of training where we have actual members of the tribe come down and talk to us about the traditions that are still very much alive. Talk to us about, like keep that culture alive beyond what we all think it is, which is like I don't know, dancing and smoking and whatever it is that we think is a part of the culture. I think educating us on what – really-- it looks like to be part of the tribe in 2014. And so I think that that needs to be brought to us or us to them some way. In the absence of that, it's just so abstract. Um. And so I feel like that needs to be part.

I feel like that, we need to have some sort of person or-- for the foster parents. I think there needs to be probably some more training within the foster parent community. And I think maybe that mentor, maybe that coach or broker thing could work with them. Because I think when a child goes into a foster home, we're just case managing that and the day-to-day life and

the day-to-day kind of keeping the culture alive is up to the foster parent. And if they don't have someone to call or go to, then you know, they're not going to make an effort.

And, you know, like, when we started educating foster parents about the refugee issues, they were trying to cook food that like they maybe thought like-- I know we've had this issue with African American children and their hair, you know, we put them in a white home who's never dealt with African American hair and they had no idea what to do it. You know, and we weren't initially hooking them up with anybody and I think some of them were trying to be creative. But they didn't know how to care for—and so I think that kind of thing, for a child who's identified-- I think a clearer system where, if they're not placed with a tribal member, can there be a tribal member mentor? You know, like you might not be able to-- you might not have a foster home, within the tribe, but do you have a-- a mentor? Another tribal foster home who's full but they could call up the foster home who is, you know, trying to, you know, care for a child from the tribe -- because there wasn't anything available. So I just think something like that or maybe even opportunities for, like, invites to the foster parents who have these kids to some kind of cultural-- like putting them on-- a system where you put them on a mailing list to-- you know, ***[01:28:46.05]*** participate in some maybe active events throughout the year that are occurring.

I don't even know if there's any literature about-- that you give to a foster parent on, like, who do you call, and what might you want to know, and… about the culture? Um, there isn't even necessarily one of those for us per say. And when I say that I mean beyond the whole concept of what do we do as a caseworker? Do we notify ICWA, do we call the director? Do we -- whatever? But I don't think there's then, how do we care for it on a day-to-day basis, how do we keep such and such alive. What are the questions we are asking the foster parents that might help that. It's not as obvious either. Like a child who might have a grandfather who is a part of a tribe, down here. They're not as obviously foreign. And so, with the refugee community, it's kind of like really obvious: they either don't speak the language, they look different, they maneuver... but we might have somebody down here who is easily mistaken for not being a part of the tribe and there, then, wouldn't be the emphasis that they needed to keep something like that alive unless that we also gave some literature. Like if the family met the criteria, there might be some literature, some people to call, they might have a visit from somebody from the tribe. I mean I just, it's just my experience. And I would say, we also need to have like really aggressive, you know, contacts. I mean, I think somebody like Tiffany who is really aggressive and making sure you know each step of the way, you need to talk to me.

ML: Clearly, that was very helpful -- to everybody involved.

CS: Yeah it was. And for, you know, my caseworker and for myself. I mean, we never forgot to invite them to something again so...

ML: Well in summary, Cindy, is there anything else that you want the Maine-Wabanaki-TRC to know about you experiences working with DHHS and child welfare cases with Native American children?

CS: You know I don't think there's anything other than, you know, this is a good time to try to um, you know, influence our practice because we have a system-- Family Team Meetings, we are looking closely at culture, we have the CPPC--which is the Community Partnership for Protecting Children where we have, like, some, like, foundations for involving community members in protecting children. And I, you know like, I feel like rather --it would be a good time where you could wrap into that—you know, one of your community members could be somebody who is affiliated with the tribe. ***[01:32:12.09]*** Um, so that we're used to working in that way. We're involving – we're talking with the community about how they have a role in protecting their own children, such like the tribe.

So in that way, some of our systems are like, the ball is moving for this to be a time where if there was awareness, if there were some brokers, caseworkers are used to operating that way. They don't mind going out with cultural brokers. So I think we have an awareness like we haven't had before. I just think it has to also be with the Wabanaki—you know, like we have awareness of culture in Portland like we never did before ***[01:32:58.04]*** but I think that the Indian tribes are a little bit behind that. And I think that's because of the numbers. And the awareness, I think. Now, my information is really central to like the southern portion of Maine. Good, because I know for a fact that there's a lot more connection in the other offices.

ML: And that's why we're talking to people all over the state. We understand that.

CS: Yeah. And I know most people would feel bad about families that they've missed or something that wasn't done. So I think that we should, you know-- we could benefit from adding this culture to our cultural sensitivity, you know, in a more formal way. You know, we have some formal arrangements now with the refugee and resettlement community and general assistance, and Catholic Charities. So um, you know I'd love to see us have some more of that down here for the Native children.

ML: Well thank you, I am going to end the recording now.

CS: OK.

[END OF RECORDING]