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Statement by Anonymous collected by Rachel George on December 15, 2014

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General Information

Private or Public Statement? - Private

Statement Provider: Anonymous

Date: December 15, 2014

Location: Machias, Maine

Previous Statement? No

Statement Gatherer: Rachel George

Support Person: N/A

Additional Individuals Present: N/A

Recording Format: Audio

Length of Recording:

Recording

[INTRODUCTION REDACTED AT THE REQUEST OF STATEMENT PROVIDER]

RG: Alright, so it is December 15, 2014. We are here in Machias, Maine and the file number is ME-201412-00148. [Name redacted], have you been informed, understood and signed the consent form?

A: Yes.

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

A: Yes.

RG: Is there anywhere in particular you'd like to start, or do you just want me to go through the questions?

A: We can start with going through the questions.

RG: Ok. Can you tell me about your employment with DHHS?

A: I am currently a child protective supervisor. I have been with the department for 23 years. I started out as a child protective caseworker. I probably worked as a protective worker for 7 years. I went on maternity leave, I came back, I worked our MACWIS system, our computer system for about a year, then I transitioned into adoption casework and I was probably there for five years plus. From there, I think I went on maternity leave again and came back as adoption caseworker and then transitioned into children services supervising position, stayed there for a few years and now doing child protective supervising. [00:01:49.17]

RG: And during your time with DHHS, did you have many cases where you working with Native American kids--Wabanaki kids?

A: Yes, I worked with Native American children in my child protective, adoption, and my current position as supervisor.

RG: Can you tell me a little bit about what those experiences were like for you? Generally of course.

A: Well, twenty years, it's very different from twenty years ago, being in the protective unit and working with tribal staff. And. Compared to today. It was--I really didn't know a whole lot back then, twenty somethin' years ago, but as the years have passed, I've learned a lot and things have changed a lot within our unit or system. And I don't know if it's necessarily changed within Indian child welfare or I just wasn't educated about it but. So I don't know if you want me to share---

RG: I would love to hear more about what those changes have been? What changes have you noticed over time?

A: I've kept, so. So over time I think that. I'll start from the assessment phase where we receive reports and back then, we may not have necessarily even included Indian child welfare in, from the get go. And we would proceed with our assessment and possibly in the middle of the assessment realize that these were, you know, Native children who were residing off the reservation. It would be a little clearer if they were residing on the reservation, and so forth, but.

So that was a difference, today --I don't know if you want me to compare the two-- so today, I pretty much know as a supervisor whether these children are Natives or not, and it starts from the report that comes into Augusta. They will check and then I have my case aid double-check and possibly even have my caseworker reassure that we don't have to work con-jointly with. And they've been good and very open and very helpful if we're working with Indian Township or we're working with Pleasant Point, they will direct us: No that family is Pleasant Point or no, that family's on Indian Township.



So right from the get-go--we're involved and we're working as a team. For the most part, tribal staff will go out on the initial contact, they will be part of preliminary decision making so when the staff call in, I'm not only gettin' the feedback from my staff but I'm also getting feedback from tribal staff. And then if necessary, they're involved in family team meetings so we're working as a team and if there was ever a decision that needed to be made, that children needed to be removed because we couldn't safety plan -- and they are also part of safety planning -- then we hear their feedback as well. And for the most part, we've all really worked as a pretty good team for the best interests of the children that we work with. So the difference would be that, years ago, they may not have been involved as much as they are right now.

RG: Yea. Can you tell me a little bit about why from your perspective, tribal child welfare staff were not involved years ago?

A: It could've-- I mean, I think that it could have just been lack of, lack of [00:06:19.29] education, maybe. Lack of direction or guidance because years ago, I was a caseworker so as the years go by, you learn a lot. And so when I'm talking currently, I'm talking currently as a supervisor now, so trying to include and encourage and engage my staff to follow policy. So other than that, I don't....

RG: How has the relationship shifted now with the turnover within both tribal child welfare locations at both Indian Township and Pleasant Point? Or is there, is there anything you've noticed about that relationship changing, if it has at all?

A: I myself can say that I have not met the changeover currently. However, my staff--my staff are new as well, 2-3 years old, so their transition has actually--I mean, I don't think there has been any challenges with the transition or the overturn. And we are coordinating in the future after holidays and such, a gathering, hopefully, with all staff. We normally have quarterly, or attempt to have quarterly meetings, with our local tribal staff. We have a potluck and we come together and we talk about strengths and challenges and so that will be coming soon. I've talked with a lot of them on the phone, but I haven't actually met them in person. And the ones that have been there, you know, I've known for years.

RG: Yea. Absolutely. When did you first learn about Maine's policies related to Indian child welfare?

A: I would have to say years ago, through my initial orientation training. That's when I prob-- was first familiarized with that policy. [00:08:47.26] And as any policies, they read, they're reviewed, however you always have to go back and reflect or if you need an answer, you have to come back. Or I do anyway.

RG: Could you describe a situation in which you or your staff felt very positive about your work with a Wabanaki child and family?

A: I can share one of my personal experiences with, when I was an adoption caseworker. Um, there was two children, well, there were three children. All three children were placed in tribal homes with family. And worked very well with tribal staff to find those families to work and engage and do two things: one is work with the parents to try and have the children returned and then worked well with the relatives that were seeking to provide permanency for their children. And I-- probably at that point, I realized the importance of children remaining in their culture and their --with their relatives because I learned a lot myself through those families about the way, you know, their culture and such. And when, I believe there was one time, there was a time where one of the children were not placed in that home, in a relative home. However, we tried really hard to make sure that they were able to visit, they were able to go to any special-- and try to keep that culture within their living. And then eventually, he was able to go and stay with his relative.

RG: That's great. What was your working relationship with the tribe like during that experience?

A: They were very supportive and they were very supportive of their families that were caring for the children. And they were very—and they were advocates, they advocated, they supported and they educated me and were open and listened. I mean, I really didn't have any challenges that I can remember. It was a positive experience.

RG: Could you describe a situation in which you or your staff felt less positive about your work on behalf of a Wabanaki child and family?

A: There was um, there was a time when my-- two of my staff had come and they were having a challenge. And the challenge was that having a conversation with tribal staff about the family and trying to brainstorm or process, and coming up with some ideas but then presenting or going and speaking with the family, didn't feel very supportive as the conversation did on the phone.

RG: Can you tell me a little bit more about what the relationship with the tribe was like?

A: I think that at that time, it was-- it just felt untrustworthy or dishonest. Um, they just-- when they came back to talk with me, they just felt upset about how it went. And they couldn't understand how they'd had a conversation and felt very positive about it and was going to present ideas and things and then it didn't go that way. It was totally opposite from the telephone conversation that they had had.

RG: Thinking back on that experience, what do you wish had been different?

A: Well, I think that if they could of--if I hadn't been part of that--if they had been able to take that conversation that they'd had and had the parents involved in that, um, and then maybe everyone would have been able to process together. And if not that --that they could have at



least sat down with the family and or talked about what they discussed and then come up as a team to kind of--instead of--and then the other piece is that if, maybe, following up with that --with staff—my staff, tribal staff and have a conversation about that to put some closure on it.

RG: So the next question is a little bit long. I'm going to ask you about a number of different experiences, or pardon me, aspects [00:14:41.12] of working within the Indian Child Welfare Act and I'm going to ask about your experiences and any challenges that you've found. And if you've no direct experience with it or you don't have anything you want to comment on with it--just let me know.

So what have your experiences been or challenges you've found in initial identification of a child as Native American?

A: I don't know if you want me to kind of just talk about current?

RG: Current or past, if there's anything in particular that kind of stands out to you.

A: I think today it's become easier, or maybe I don't-- I'm not sure if I'm using the right word, but it's because, um, it hasn't been a challenge to identify. I think that we've developed the relationships, at least here, with tribal staff that we can contact somebody and they know whether the child is on the census or the family or what have you. So, again, like I said before, Indian Township will help us if it's Pleasant Point or vice versa. And we initially start from the report coming through Augusta so we try to cover all our bases. And even taking it another step, if we go to meet with the family, we will say --we'll ask them and then at that point, if they do identify, then we will possibly stop what we're doing, call and then --you know, determine how to proceed from there.

RG: Yea. Has that changed over time?

A: Yes.

RG: Can you tell me a little bit about that?

A: I think that if --years ago, you go out. You're in the middle of your assessment, you find that they are part of Indian child welfare and we would proceed and then we'd try to talk or incorporate or maybe we wouldn't have...

RG: Um, and how about experiences or challenges you've found in determining jurisdiction or residence of a Native American child?

A: I don't think that we've had a challenge in that. I, again, we're very good at—today-- calling and they're able to say--no this is our case. Send it over. Or, dad lives off reservation, family lives on--we'll work together. And then it's maybe that they're off and then they move on and we'll continue if tribal staff wants us to often, yah..

RG: How have you—this is not on here, so, how have you handled or have you handled any cases where a child is Native American but is not on a tribal census for whatever reason? Perhaps they don't meet the blood quantum necessary to be on the tribal census?

A: But parents are? So the parents are on the census, may not live on the reservation. We both--we all, would work together.

RG: That's great to hear. And how about experiences or challenges you've found in child custody hearings?

A: I don't think that--I don't think we've, I've worked with an issue with child custody with any Native families.

RG: That's alright. That's good to hear. And how about in arranging foster care placements?

A: Foster care placements, yes, and we always seek to see if there's a licensed foster home through tribal staff. If there isn't, is there a relative? Is there --so-- we always seek first and then if they have nobody, then we will share with them who we may have. And then, either they agree or disagree, so then we make the placement.

RG: And how about in family team meetings--challenges or experiences?

A: My experience is, for the most part, folks like to be at the table. Everyone likes to be at the table. And we're all coming up with a plan. There may be disagreements but that's par for the course. And by the end of a family team meeting, folks are for the most part on the same page and I always include or want-- everyone needs to sign the plan, whatever's been developed, there needs to be a signature from everybody. And that folks should continue to be included in ongoing family team meeting process. There has, I will say there's one challenge I do recall. One challenge, my staff comes back—they're having a family team meeting and it's the parents that don't want tribal staff to be present. So we've tried ...then where do we, what do we do with that? So we're involved, mom's Native, child's Native, dad's not. We have a family team meeting, everyone's at the table but they don't want tribal staff to be there.

RG: Do you happen to know why those feelings are there about not wanting tribal staff there?

A: That's happened a couple times and I'm not quite sure the underlining of that. Well a couple things, one is that maybe one of the workers is too close to the family situation or what have you--and a conflict or--but other than that, I can't recall. And we've attempted to encourage and explain their reasons for them to be there but then, they don't want them to be there. But we have to proceed with our process and then it becomes a challenge and a struggle between us and tribal staff. So that's been a challenge.

RG: What have the outcomes of those situations been?

A: Eventually, we may proceed with that meeting or we may have stopped the meeting and attempted to get them on board and either tribal staff respect the fact that the parents don't want them to be there *[00:22:31.00]* or we get them all at the table regardless.

RG: Have there been many instances where tribal child welfare staff, for example, are respecting the fact that the parents don't want them involved or would you say that it's more the fact of bringing them all to the table happens more frequently?

A: I think they've respected but I also think that staff try really hard to get everybody to the table.

RG: That's good to know. How about experiences or challenges you've found in arranging family visitation?

A: I don't think that I've experienced any challenges regarding visits. *[00:23:16.00]* I mean, our process is that-- and we encourage visits with family, and in fact, tribal staff have actually supervised visits within their own department for us so that's been helpful.

RG: That's great. How about with kinship care? Can be positive or negative experiences?

A: In reference to visits right?

RG: No, just kinship care in general, placing children with extended family?

A: Sometimes the challenge is that we place with our -- I think our licensing requirements, qualifications are different and so, and it may be that tribal staff will license a home versus the department. And so I think that we will agree for the most part, as long as there's no safety issues but if there's safety issues, then we have to make sure that we bring that to folks' attention and then there is times in which we may assist in helping with those safety issues.

RG: Can you give me an example of what a safety issue might look like?

A: It might be that there, I'll use--there's been a lot of fires recently in homes. And I think that if there's a mobile home with a wood stove that's been hooked up by someone other than a professional to do so--I guess, we would have to look at the safety of the wood stove and ensure that smoke detectors and that such--so, fire marshal going in and making sure that it would be safe for a child to reside in that home.

RG: How about experiences or challenges that you've found in termination of parental rights?

A: I think years ago, um, it was --there was a challenge. I think the department had a process and law to terminate parental rights and that was not the same standard as tribal families. I don't think-- we would be more apt to terminate if reunification wasn't working and I'm not sure tribal staff would advocate for that as soon as we would. And I think that has gotten --that has changed over the years-- as when I did adoption, there was many more adoptions and or permanency guardianships--more so now than there was 20 years ago.

RG: There are more adoptions than permanency guardianships now than there were?

A: No, I think there's been more adoptions than years ago, and I also think that even though you don't have to terminate parental rights, I think there's been, there's probably been more permanency guardianships versus adoptions. *[00:27:04.26]*

RG: What are your thoughts on why that shift has happened?

A: I'm not sure. I'm not sure.

RG: Ok, so the last part of this is about adoption --experiences or challenges you've found? Is there anything else you want to add to that?

A: I don't. I just have that one experience and it was a positive experience, adopting by relatives.

RG: That's great. What do you consider active efforts to prevent the break up of a Native family and could you describe how the state conducts active, remedial, and rehabilitative efforts to prevent the break up ...before ordering an out of home placement?

A: I think it would be just as we work with our, with our families in that we-- there's a number of families that we work with and under our policy and our law and that those—you know, I don't think any family is treated any differently than anybody --or any other family. And it's the circumstances of the abuse and neglect and it's reaching out to resources, whether they're informal or formal and providing all reasonable efforts to determ—to assist in keeping children in their own home and if that can't happen then attempting to safety plan children outside the home and then continuing to work with those families to alleviate the existing challenges that they're having, and then if that doesn't happen then proceeding with the court system. And then continuing to work with these, with families.

RG: To the best of your knowledge, if a tribe declines to intervene in a child custody proceeding covered by ICWA, what are the reasons for that decision?

A: I'm not sure they've ever declined. *(Laughs.)*

RG: That's good. To the best of your knowledge—I guess I should ask this part first. To the best of your knowledge, has the state ever declined to transfer a child custody proceeding to the tribe?

A: No, not that I'm aware of.

RG: Have you ever had experience working with an expert witness for Indian child welfare?

A: Um, well--what I know of *[00:30:02.15]* an expert witness or my knowledge of what an expert witness is --is that it's a member working with Indian child welfare system. Um, that can testify to um, reasons why or reasons why children should be removed or why it would not be in their best interest to reside in their current home situation. And my thought, or my understanding is that the team that we work with from tribal unit would be one of those experts to testify. So if that's accurate, then yes. As a team, we're working with those experts whom hopefully we already know what their position is at the time and we're working together on that.

RG: Have state child welfare policies, practices and events influence-- oh sorry, have they changed during your employment?

A: So what did you-- can you repeat that?

RG: How have state child welfare policies, practices-- policies and practices changed during your employment?

A: Ours? Um...

RG: Or specifically how have they changed and impacted your work with Wabanaki kids and families?

A: I well, this is what I --years ago, the focus was keeping children with the families, keeping them within their culture, if not then they need to be part of that and I think that we've shifted to attempting to keep their children in their homes more so--utilizing the family supports and relative resources in keeping them, so I think we adopted that. I've seen that piece.

[00:32:35.13] Um, versus children having to grow up in adoptive homes and not having those connections with their biological family. The other piece to that is that there isn't a relative resource. Someone available that we're now doing family shares and we are attempting and encouraging and attempting to maintain that contact for children through extended family.

RG: That's great. Over the course of your work, what do you, or did you or do you see as barriers to the successful implementation of Maine's Indian child welfare policies?

A: Can you repeat that again?

RG: Sure. What do you or did you see as barriers to the successful implementation of Maine's Indian child welfare policies?

A: I'm not sure.

RG: That's ok. What strengths does child welfare possess in ensuring compliance with ICWA?

A: I think that um, the levels within the department and their education of and being able to ensure that policy is being followed through with is. It's like, it's a layer. Um, and the ongoing. I think for us, it's the ongoing meetings that we have, trainings that we have and the more positive experiences we have, assist with relationship and such with tribal staff and their families.

RG: What weaknesses does state child welfare possess in ensuring compliance with ICWA?

A: [00:35:20.25] (Long pause.) We're just talking about my--the district here?

RG: Yep.

A: I'm not sure I can currently speak of any weaknesses. They may have some but I think that we work well here.

RG: That's good to hear. What strengths and weaknesses do Wabanaki tribes possess in working for ICWA compliance? So, for example, the Passamaquoddy tribes that you work with here. What are their strengths and weaknesses in working with the state?

A: Well I think that I mentioned some throughout this whole process. I think that strengths—I think we, on both sides, we work as a team. I think that if we have, um, right at the start of, getting involved with family. And I think that there's disagreements but I think we overcome those disagreements by talking and processing as a team. And for the most part, I feel that children's outcomes are positive based on that. I think some of the weak--, one of the weaknesses sometimes is that, again, the honesty or being upfront with--say we have a conversation but it's not necessarily articulated that way to the family which can be challenging at times.

RG: In what ways do you see Maine's Indian child welfare policies and the Adoption and Safe Families Act working together? In what ways --

A: I just want to back up, that's not necessarily the Passamaquoddy--that's just all around. Ok.

RG: Do you want me to repeat the—

A: Go ahead. Sorry!

RG: No, that's ok. In what ways do you see Maine's Indian child welfare policies and the Adoption and Safe Families Act working together? In what ways do you see the two policies not working together?

A: I've been so distanced from the adoption piece that I probably can't answer that.

RG: No worries. 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?

A: For those children that are not placed in Native American homes or have been separated from that --to ensure that children do not lose that cultural piece and or even that biological connection. *[00:38:56.13]*

RG: Is there anything else that you would like to add, anything you want the commission to know?

A: *[00:39:11.10]* *(Long pause.)* Just that being here for 23 years, I think there has been a difference and I think it's a positive change. And my, I've always in the line of work that I do-- I always treat my children and families as I would want to be treated if someone was to knock on my door and it doesn't matter who you are or where you come from in attempts, everyone to be treated equally.

RG: That's great. Thank you so much for your time. I really appreciate it.

A: Thank you.

RG: And I just want you to let you know that if you ever want to listen back to anything, if you want to add or make changes, that's also very possible. But I really appreciate you taking time out of your Monday morning, which I'm sure is very busy, to sit down with me this morning.

A: Thank you.

RG: Thank you. I'll stop the recording.

[END OF RECORDING]