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11-19-2014

### Statement by James Tierney collected by Heather Westleigh on November 19, 2014

James Tierney

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### General Information

**Private or Public Statement?** - Private

**Statement Provider:** Jim Tierney

**Date:** November 19, 2014

**Location:** Portland, Maine

**Previous Statement?** No.

**Statement Gatherer:** Heather Westleigh

**Support Person:** N/A

**Additional Individuals Present:** Carol Wishcamper

**Recording Format:** Video

**Length of Recording:** 26:59

### Recording

**HW:** My name is Heather Westleigh, and I'm here with—

**CW:** Carol Wishcamper, commissioner of the TRC.

**HW:** And, could you state your name as well?

**JT:** Jim Tierney, social worker.

**HW:** Thank you. The file number is ME-20141100141. And it is November 19, 2014, and we are in Portland, Maine. Have you been informed, understand, and signed the consent form?

**JT:** Have I been informed of what?

**HW:** Of your consent options, and have you signed the consent form?

**JT:** Yes, I have.

**HW:** If any information disclosed indicates that a child or elder is in need of protection, or there is imminent risk of death or seriously bodily injury to any identifiable person or group of

people, including yourself, that information may not be protected as confidential. Do you understand?

**JT:** I do. I'm not quite clear what that means, but I will do my best to not put other people who I have information about, that should be kept in confidence, that I do keep it in confidence.

**HW:** And really that's just a protection for you to know we are mandated reporters. So if someone, harm was coming to someone, we would have to talk about that to other people, just like you probably did in your job.

**JT:** Sure. Okay.

**HW:** Okay, is there somewhere you would like to start, or would you like – it sounded like you had seen the questions and had some things you wanted to say about the first few.

**JT:** I, yes. I, just in terms of condensing some of the history to --

**HW:** That's great.

**JT:** Move on kind of.

**HW:** I think that's a great place to start.

**JT:** Okay. I first came to DHS from graduate school at the University of Connecticut where I received a Masters degree in social work. And I took a job as the regional director of the Portland DHS office. And when I think of social welfare, I think of the macro level and the micro level. And everything in the DHS office, from the regional level down, I think of as the micro level. And everything up from that level, I think of the macro level. And most of my work, almost all of my work over 32 years was at the micro level. [00:03:01.08] And at my initial job as the regional director of the DHS office in Portland was kind of the connection between the micro level and the macro level.

You know, everybody above me was administrative people in Augusta and everybody below me was people who I had responsibility for --their work, basically. And they worked, by and large, directly with clients a DHS. So when I think of the micro level, I think of all the good things that are happening in social welfare, with people, for people, with people. And above that, I think of a systemic bureaucracy which is challenged to be connected with people because it's connected with legislatures, it's connected with the federal government and all of that which is, which is challenging to be connected with the needs of the people, in my opinion.

So, at any rate. I had the good fortune to work mostly from the micro level, down. And that was good. And lots of wonderful good things happened for people there. And the staff generally, I think of as really hard working, competent good people that care about children, care about families. And that's why they work there. That's why I worked there.



So, I did that for ten years and during those ten years, the contact that I had with tribal issues was very minimal and when the child, when the Indian Child Welfare law came into existence—I think it was, was that 78? That was, you know, right after I left, left that position then I came back again. Right after I left that position. But before I left, there was a lot of preparation happening. You know, for example, people in Augusta told me this was happening and I should think about it and I should think with my staff about it.

And so what I did was review all the cases that we placed children for the past --I don't know-- it was a long time ago, five years, maybe it was ten years. So a lot of cases that I reviewed. And there were only two that I found in the Portland office that were where we had placed Native American children and there might have been three but there was less than a handful. And when I told the folks in Augusta that gee, you know, this is important, but we only have a couple cases, do you realize that? They said, yes, most of the cases were out of the Bangor office. And so that made sense.

But I did not have more than a couple of cases, although I reviewed hundreds. And those cases. I recall those cases were competently handled at the time so, you know, it didn't seem to me that we had any issues around this. Now as this evolved, I realized that the issues were at the macro levels and beyond the regional level in Portland. It wasn't beyond the regional level in Bangor but basically it was in Portland. Wasn't beyond the regional level in Bangor, but basically it was, in Portland. So my connection to it was not really personal, I didn't have any clients that I would have said were Native American children, except for those two or three that I sorted out, reviewed and found out that were handled as well as you can handle anything at that level. And you have to realize that there's not enough placement options for any of the children, you know. So, if the children have a particular cultural need like Native American children do, they're just in worse shape than all the kids and all the kids are starting from inadequate resources.

So, okay, if you understand that. So I was, in that position and in my later positions, I was a supervisor of the adoption unit in Lewiston for seven or eight years. And I did a, an outreach program to pregnant and parenting teens for eight or ten years and I was both a caseworker and a supervisor in that program. And even in all of those, there were not more than a couple that I would remember as Native Americans per say.

I worked with a lot of teenagers, a bunch of teenagers out of the, both the Portland office and the Lewiston office. Excuse me. And I worked in the Biddeford office for awhile as well. We made a lot of placements. We did the best we could to place children in situations where they would be as safe and, and healthy as possible. Over the course of all of those years, resources at the macro level have been cut back, a nickel here, a dime there, twenty five cents here. But it was always cutting back therefore the people at my level, the micro level, had to make due as best we could.

We never had enough recruitment. We were in a position where resources were being contracted out that in my opinion should not have been contracted out, they should have been handled internally. Training of supervisors for example was contracted out to the university and that certainly had some advantages but it had some huge disadvantages that there was no way you could articulate at the micro level that they could hear at the macro level. So, you know, that's, that's just the way it was. And I think that's still going on. You know. That's not something that we learned: "Oh we shouldn't do that." You know, it's something that continues to this day. I've been out of DHS fifteen years, can you imagine that? I've been retired fifteen years. So what I'm speaking of is history more than current behaviors. [00:11:20.18] At any rate. So, where do we go from here? In addition to all of that, I worked for a year as a consultant in Texas and I worked in Connecticut for probably four or five years as a caseworker and a supervisor--in both of those positions.

**HW:** In Connecticut you were there for four years?

**JT:** About four or five. You don't have to have it specific. You know, and accurate. It was four or five years. It was in social welfare at the local level which is a whole other can of worms, but certainly relative to child welfare. You know, when people talk about child welfare, I never know what they are talking about. When I talk about child welfare, I'm talking about a huge umbrella that covers all sorts of programs like AFDC for example, it's part of child welfare because if kids don't have enough to eat or don't have adequate resources for their health care, that's a child welfare issue. And you might not see it immediately but it falls out down the road a ways as --in a variety of different kinds of forms.

Well, so. I don't know if that's helpful to do that now. What else did I have in here? "What do you wish had been different?" is one of your questions--part of number four. And I wish the, you know, the whole macro level could be different. It's not well connected. It's too political and the issues there are too far removed from the needs of children. And, you know, that was that way 25 years ago and its more so that way now. So you can wish until the cows come home, and that's too bad. We shouldn't have the disconnect that we have between the needs of people and the needs of the systems that are existing to serve people. [00:13:59.24]

What else do you want to hear from me? How many cases involved... well, I went into that. I worked with very few cases directly that involved Native American children. What else? (*Looking at notes.*) Just a bit of information on the numbers when the child welfare, the Indian Child Welfare Act came into being or law came into being. And I recall there were about 50,000 children in the country waiting for adoption--they were in foster care but they were waiting for adoption and cleared for adoption. And now, as I understand it, there's about 40,000. So we've made some progress and that's a good thing. On the other hand, there are about 400,000 children in foster care that we haven't even studied for adoption yet. So you know, I don't know what that means in terms of --does that mean we made some progress on one hand and not on the other or does it mean we didn't make any progress at all? I'm not sure.

**HW:** I agree with you.



**JT:** Excuse me?

**HW:** I was just agreeing with you.

**JT:** Yeah, well, that's. We should think about that because the longer kids wait in foster care to be adopted, the worse off it is for them. You know, there's zillions of pages of research that bear that out. So we need to move kids out of foster care as quickly as we can into adoption. All kids--whether they be Native American kids or Somali kids in Lewiston now. Are, you know, at risk for the same kind of issues that Native Americans-- some Native American children were put in awful situations. Fortunately, I didn't have to oversee very much of that.

But, it's not only Native American children that suffer those kinds of awful placements and the more complicated their culture is, the more likely their caseworkers are going to be out of touch with the unique needs that those kinds of children need but it happens to kids in a lot of - - whenever kids are in cultures that are less familiar to the people doing the work. And I'm sure [00:17:13.17] some of my workers were out of touch with some of their clients but again, they didn't happen to be Native American children, by and large. What else did I make note of when I went through this?

Is there anything else do you want the Maine Wabanaki TRC to know about your experiences working with DHS child welfare cases and Native American children? Yeah sure, you know, I could probably go on for days about the years that I spent but by and large, I think it is important to differentiate from the micro and the macro levels, to know that the people at the micro level, by and large, are good, competent people, working hard, doing the best they can. And the people at the macro level are farther removed from their needs. So I was the person at, where those two came together. And it was wonderful in a lot of respects to be able to move information both directions. But it was very frustrating at the same time to know that it was very hard for people at the macro level to hear the issues and to respond to the issues.

And I don't think that's changed, I think it would be great if we could change it. I don't know how to do that. You know, just look at our Congress -- it's so challenging for them to even be able to talk to each other, never mind hear each other, never mind have the same agenda. How many people really understand and want to make the needs of children important in the system. There's so many other needs, like I said before. Going to issue -- going to the conferences on the Palestinian-Israeli issue, it just gives you a headache. The same issues are happening right now at that level and we're not really able to do very much constructively about it.

So, you know, what do we do? And then, one other thing I wanted to say. And that is that-- history, we need to somehow think of [00:20:12.17] history on the one hand and the future on another and not let the two drive each other. Our American history with the Native Americans is abominable. I mean, it's terrible. And I only knew a little tiny piece of it. But in spite of all

that, we shouldn't, I don't think -- think that Native American children today have a worse child welfare future than -- just because they're Native Americans. You know, I don't know if that's true. I hope it's not true. And I know if it's not true, it's not true in spite of a history that would make you think it must be true because they have been treated so badly, for a long time by this country. You know, so those are all the things I wanted to say.

**CW:** I really appreciate that you read all the questions ahead of time and gave it so much thought.

**HW:** Yeah.

**JT:** Well, I was fortunate to be able to do that because it's only that Tom got 'em into my email and I had a couple hours this morning when I could sit and review them, that that happened. I'm glad I didn't have to come here without having done that. [00:21:50.20]

**HW:** Do you mind if I ask you a couple questions?

**JT:** Not at all.

**HW:** You had said there were two children that were identified. I'm wondering was there any tribal -- did you have contact with the tribal government at all? For the children that were identified? I know it was a small number.

**JT:** Not only was it a small number, it was a long time ago. And I don't think so but I wouldn't want to be held to that.

**HW:** That's a fair answer.

**CW:** And also you weren't the caseworker, you were the supervisor, you wouldn't have been at that level of micro.

**HW:** Intimate.

**CW:** A different level of micro of the case.

**JT:** That's right, yeah. As I was, been thinking about this for whenever I saw Esther and, oh, what's the other woman's name at Bates?

**CW:** Arla. Who was here. Arla Patch.

**JT:** Was that?

**CW:** Arla was there, yeah probably.

**JT:** But there was another woman too.



**CW:** Denise Altvater? Denise?

**JT:** Denise. Yeah. I have been thinking about this and what she had to say in particular and I do recall a couple of instances where people came and spoke to the staff about the issues. I don't know whether they were tribal people, I assume they must have been.

**CW:** Do you think it was before the passage of the Indian Child Welfare Act or was it afterwards?

**JT:** Yes, yes. It was before because I, that's before I left.

**HW:** Is that when, maybe that preparation you were talking about. There were people preparing.

**JT:** Yes and I assume, I can think of one or two but I couldn't give you a name but I know that was, the issue was, was that.

**HW:** Did you see any changes after the enactment of ICWA? Was there anything that as a supervisor you were asked to do or asked to provide or anything that was different?

**JT:** I can't say that I recall that. But again, there may have been.

**HW:** Sure, that makes sense.

**CW:** And again, in Portland, the population is minimal.

**JT:** It was very minimal. Yep. Yeah.

**HW:** Okay. *(To CW)* Do you have any other questions?

**CW:** Well I don't think so, I think it's really, just sitting here with the fact that you started with DHHS in 1967 and the macro-micro situation that you're talking about in 2014 may not have shifted except to get worse. And that's a bit disheartening, and it's what it is.

**JT:** It is what it is. It's disheartening. But boy, a lot of things have happened in all of those years.

**CW:** And I also came out of college in the 60s and did some social work, some social welfare work, and those were times when we had a lot of idealism. We were gonna change things.

**JT:** We did. We did.



**CW:** And here were are and we did change some things and we didn't change some things.

**JT:** And at the micro level, wonderful things happen between caseworkers and children, between caseworkers and families. I mean remarkable things. Remarkable things that you'll never hear about for lots of reasons but one of which is--none of the caseworkers can really talk about that on a one-to-one basis. So confidentiality is a two-edged sword and it doesn't always protect the children in the long run. Where did you work as a social worker?

**CW:** In Massachusetts.

**JT:** And did you see similar kinds of situations as you did here in Maine?

**CW:** It was different. It was urban, I was working in Roxbury. And it was an African American community and it was, it had its own cultural aspect. Intergenerational poverty.

**JT:** Huge, huge issue that we've swept under the rug everywhere.

**CW:** Well, the denial in our culture.

**JT:** Denial, yeah. Are you a social worker too?

**HW:** I'm a clinical counselor. Slight difference, not much. License difference.

**JT:** Public or private?

**HW:** I work for Spurwink. Oh, sure, well thank you, and if we're all set, I'll—

**[END OF RECORDING]**