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8-27-2015

### Statement by Joshua Toner collected by Rachel George on August 27, 2014

Joshua Toner

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### General Information

**Private or Public Statement?** Private

**Statement Provider:** Joshua Toner

**Date:** August 27, 2014

**Location:** Augusta, Maine

**Previous Statement?** No

**Statement Gatherer:** Rachel George

**Support Person:** N/A

**Additional Individuals Present:** Matt Dunlap

**Format of Recording:** Audio

**Length of Recording:** 42:58

### Recording

**RG:** Okay. It is August 27, 2014. We're here in Augusta, Maine. My name is Rachel George, and I'm here today with:

**JT:** Joshua Toner.

**RG:** Fantastic.

**MD:** Uh, Matt Dunlap, Commissioner.

**RG:** Thank you. The file number is [00:00:17] H-201408-00088. Joshua, have you been informed, understood and signed the consent form?

**A:** Yes, I have.

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

**JT:** Okay.

**RG:** Do you understand?

**JT:** Yep.

**RG:** Fantastic. Um, do you feel okay going forward?

**JT:** *(clears throat)* Yes, I do.

**RG:** Perfect. So you can start wherever you feel the most comfortable.

**JT:** Okay. Um, let's see. I'll start with my first experiences with, um, DHHS versus, um, our Tribe, the Houlton Band of Maliseet Indians. Um, I was in ninth grade and what happened was, um, my best friend Jessie Polchies, um, she was going to be removed — Her and her sister, Misty Polchies, um, they were going to be removed from a home, and it had to do with, like my uncle had, he was on, he was on the Sex Offender Registry List, right? And he had pulled, like along the road to pick them up, to pick, no, to pick up their mother to take, to take her to Bingo.

And our — We had, um, a non-Native woman, back then, running, um, working at Social Services. And she did, she felt that children are at risk because he was picking up the parent, and taking her Bingo, and the kids were in the house. But, you know, he had, pulled alongside the road and — *(deep breath)* In any event, um, they thought it necessary to, um, go in, um, and remove the children from the home.

And, um, I think, at that time, um, our Tribe was celebrating the Domestic Violence Vigil that we have every year. And our Chief was actually there, Brenda, and, um, my grandmother and my aunt. And they had seen, um, what was going on because, after he had picked up Carol and took her to Bingo, they brought back — That's when came back and they wanted to take the kids, and then — So they had saw what was going on.

And on our reservation, there's the housing in the center. And, um, surrounding the housing is the elder, elder circle, where the elders stay. And, um, like, from the housing, you can see the house, right — it's like right behind the Housing Authority, so they could see, because they were out front.

And, um, what had happened was, somebody had called the mom and told her that, 'Hey, they were here to pick up your kids. And they're taking them, um, taking them and, you know, putting them in foster homes because you had my uncle, Walter Sabattus, which is deceased, come pick you up for Bingo, and they feel that's a risk.'

And so, headed by my grandmother and my aunt, they all marched down there, and they confronted this woman, and she had brought whole DHHS along with her. And, um, they brought them down and they were, like I said, they were ready to take the kids. And, these people marched over from the Domestic Violence — they were protesting — not taking the kids. And they were really upset with our, you know, our worker that we had hired, that she would, you know, bring, you know, Houlton DHHS out there, and remove the kids from the

home over something that didn't, it seemed to them very — it was a poor excuse to remove a child from a home.

**RG:** Mm-hm.

**JT:** And back then, um, they would just take kids, you know, and the, you know, not follow ICWA protocol, you know, finding an extended mem-, extended family members in the, ah, family, and placed the kids in with them.

So, in any event, our Chief, my grandmother and everybody that was at the Domestic Violence Vigil all came down and protested, and, um, and eventually they left — the whole police left, the whole police were there, escorting, you know, the DHHS workers from Houlton and there was Sue Deveau, our worker. (*soft laugh*) And, it's kind of a shame just to say, you know, that somebody we hired, you know, actually wanted to take our kids from our homes but, we didn't know at the time until, you know, it was, until we were all there.

And anyway, so they didn't take the kids. They all left. Brenda was really adamant, you know, 'This is our land, we —' you know. 'You need to leave.'

And in the report, it says, 'Houlton DHHS and the police left in fear for their safety,' which that wasn't, and that wasn't the case at all. It was just, they didn't feel that it was right to take the child out of the h-, \*both\* children out of the home.

And, so, um, it came to pass that, two days later, they took both of the kids, and they went into foster homes. And, um, they tried to, I think one of them escaped and went to Canada, and they were like, like Jessie was 16, Misty was like 14. They, um, they stayed out of the, like, Jessie stayed out of the country for, at least, until she turned 17, almost 'til she was 18. And it would've been fine for her to come back, because she's an adult now. Misty had a rougher time, um, Misty Polchies, she did have a rough time. She went to Presque Isle and, um, she planned an escape in Presque Isle. And they sent her a group, to a group home in Presque Isle, and she ended up going on the Micmac Reservation up there. And somebody took, took her in and harbored her.

And, you know, they were making Carol, the mother, go through all of these hoops, you know. And Mike Carpenter was actually her lawyer, and it seemed like — and she'll tell you this — it seemed like he was, more or less, you know, trying to find reasons to get her to lose her kids. Like, for example, he would, um, he would ask Carol: 'Do you give your kids cigarettes?'

And, she would say, 'No, not at all.'

But then, he would go down and ask the kids themselves, again: ‘Do you give your kids — Does your mother give you cigarettes?’

And they, obviously, they said, ‘No.’

But, little things like that, you know, why would \*her\* lawyer, Carol Polchies’ lawyer, that she hired — or no, she didn’t hire. It was State, um, the State gave her that lawyer.

**MD:** Court-appointed.

**JT:** (*overlapping*) Court-appointed.

**MD:** Court-appointed, yeah.

**JT:** (*laughs*) Yeah. Sorry.

So, he gave her — She got Mike Carpenter, and it seemed like he (*deep breath*) wasn’t helping the situation. And he didn’t really talk to Carol at all, um, Mike Carpenter. He didn’t really, um, keep in contact with her. And, um, and eventually, she had to fire him. And, so it was, she had to get another lawyer, and that went on from there. And, um, let’s see —

**RG:** Do you remember the name of the worker for the Tribal —

**JT:** The one that we hired?

**RG:** Yeah.

**JT:** Sue Deveau. ... Yep, Sue Deveau.

**RG:** How do you spell her last name? Do you know?

**JT:** "D-E-V-A-U."

**RG:** Okay.

**JT:** And we fired her, I think. About a month after.

**MD:** And we, and just to clarify, when you talked about the Houlton DHHS, you mean like the State Department of Human Services?

**JT:** Yes.

**MD:** Versus the, the Tribal Human Services?

**JT:** Yep.

**MD:** Okay.

**JT:** Yep. Yep. Um. Yep, correct.

**RG:** Do you remember what year that was?

**JT:** Ah, 1999.

**RG:** Okay. Does that — So, this is the —

**JT:** 1999. I think I'm pretty sure it's like '99.

**RG:** Mm-hm.

**JT:** 'Cause I was in ninth grade, and I was going into my freshman year. And Jessie and I were like (*inhale*) we were like brother and sister. I, my mother, she comes from the Sabattus Joseph family. Um, Carol is from the Polchies family. You know they're — You know how families are —

**RG:** Mm-hm.

**JT:** — in, in Tribes, you know?

**RG:** Mm-hm.

**JT:** We intermingle and —

**RG:** Yeah.

**JT:** — you know. And, um, we had just grown up together from, you know, age five on up. And our Tribe has a Youth Department, and my mother used to run the Youth Department back then. And we used to do all kinds of things. But, um, that's where I met Jessie and Misty, and me and Jessie hit it off.

And, so, and I remember when she was getting ready, she knew they were going to take her, like after this protest that they had, and the Houlton Police left, and DHHS and Sue Deveau had left. Um, I remember, she knew that they were going to come take her, and I was like crying so hard, and she's like, she ... she came across the room, and she just gave me a hug. And she was like, 'I'm going to miss you.'

And I said, 'I'm going to miss you, too.'

And it was really sad. And I was really young. But.

So, anyway, that was my first experience (*soft laugh*) with, with, you know, with that. And, um.

As far as other experiences, oh, my goodness! Um, we then hired Betsy Tannian.

Jessie eventually got out of the system. Became a mother. And, um, she — We were still, we still are the best of friends anyway and, um, she moved to Houlton. She stayed with her mother, Carol, for a little while. And then she, um, eventually her boyfriend Luke, ah, they got a house on the reservation, on Maliseet Riverside Village.

And, well, somehow along the way, she was having trouble, into drugs. And, um, I remember at one point, Carol had come and like, kind of did an intervention with her, and said that, 'Listen, we'll take the kids.' You know, she thought Betsy and DHHS were going to support her for this and, um. (*clears throat*) And what happened was, um, Carol had took the kids for a while for Jessie while she went to rehab. Well, she went to rehab — she didn't want to stay there, but, um. What they did was, they, DHHS kind of took over. They didn't want, um —

**RG:** The State DHHS?

**JT:** Yep, Houlton State DHHS. They kind of took over, they took the kids from the home, placed them at Valerie's. They didn't like Valerie. Valerie wanted respite for like one weekend, and they said that it was too much for her, then they removed the kids and put them into foster homes.

And it seemed like this was a pattern like, like my family, the Sabattus Joseph family, they didn't touch — not too much. I mean, they only bothered my family back when, um, that incident with Sterno, um.

Um, a lot of pe—, a lot of Natives were, they couldn't afford alcohol, so what they would do, they would siphon the Ster-, they siphon the Sterno into like alcohol, and they would drink that. And then, one time, the ingredients had changed, and they, they, they drank it anyway. They didn't know, you know, it was a different kind of Sterno. And a lot of, um, a lot of Natives died because of that up in Houlton, Houlton area.

And, like, in my family, my great-grandmother, which is my grandmother's mother. Um, my — My great-great-grandmother, my aunt and like, another aunt, um, all of them had died of this. And, um, so my grandmother's the first of 13 children, and she's one of the older ones, so the last five. So, it was four girls and a, and a boy, Paul, and they all went to foster homes because the father was in the hospital at the time, and he couldn't take care of the five.

And, um, my grandfather's, my grandfather's (*correcting*) — my grandmother's mother, um, or father. (*correcting*) My grandfather's father (*soft laugh*) had moved in with my grandmother, and she had six kids of her own, so she couldn't take all these kids, so, that's what happened with that. That's the only experience with DHHS that I can recall from my family.



Um, but it just seemed that they always picked on the Polchies family, like, it just, you know, their mother was rough, Rosie Polchies. You know, she was a rough lady, you know, did drink alcohol, but she managed to raise all six of her kids. So, in any event, um, moving on towards what I was talking about, um, Jessie, um, when the State took the kids, they placed them in foster homes for a while and, um, she tried numerous times to get 'em back but, um, it was too late. And they, they basically forced her to sign her kids over to the State, which they did. They placed them in a home.

Um, they didn't really go at length to go find extended family members to, to find. And the, Native families are usually huge, you know, there's a lot of people in, um, in extended families. And, like in ICWA, you have to find somebody — You, it states, you have to go look in those areas first before you place any Native children in the foster homes. And, and Betsy had this issue with Jessie, because Jessie had sassed her, and she felt Jessie disrespected her. And so, she did any-, everything in her power to see — to get the kids away from that family altogether. So, placing them in a non-Native foster home seemed fit to her. She's actually Penobscot.

**MD:** Hmm.

**JT:** Penob-, Penobscot Nation.

So she lost the first two kids. (*voice softening*) Mmm, yep. And, her second two, um, well, she had a third child, and the father took her, because she went to jail for a while, Jessie did. And, um, thank God, the father had taken, you know, her third, there's a third child, and it was a daughter named Mimigues. Her first two kids were Austin, were Austin and Keenan Polchies. Now they're, now it's Austin and Keenan, um, Lindsay.

And, um, so when she got out, she, she wanted to get her kids back. And, um, she had felt she was wronged, you know, during this time. Carol did, too. I mean, Carol regrets the day she had this intervention with Jessie and, you know, took the kids. If she'd have known that, you know, DHS was going to take them and ship 'em away, she would have (*deep breath*) she would never have done it. She would have just taken them, you know, without involving them.

And, um, so, moving on from that, um, Jessie and, Jessie wanted her kids back and, you know, I felt, you know, maybe we can help her. We, we can, you know — She seems to be doing better with her life, you know. Maybe we can figure out a way that we could get DHHS and, um, the Tribe on board, you know.

Betsy Tannian was our Indian Child Welfare worker that we'd hired. And, um, it just seemed like, um, there was more roadblocks that we would run into. And they had already processed the kids to get, be adopted out. And what would hap-, and once it came to this adoption, um,

we were look-, I was looking through the whole, um, ICWA, the whole law, the bill that was passed by the Federal government, and I was looking for any way that maybe she could possibly find a way to look at her rights, and maybe possibly get the adoption to not come to pass, because she wanted her kids back. She wanted to get them back. And, I don't blame her. Um, I, I didn't want to see her kids go. I wanted her, I want Native families to stay within their own Tribe, their own family. And, we got to looking at the Indian Child Welfare Act and in it states, Council may, by a majority vote, stop an adoption for a certain amount of time while the mother cleans up, or the parent cleans up, whoever.

So, um, Council met with Jessie and Carol numerous occasions, to discuss, you know, ways that we can get her, you know, to follow what she needed to do to get her kids back. And, you know, because they had already, they had already planned – DHHS from Houlton had wanted to get those kids adopted out to, to a fellow in Houlton. And, um, he didn't want Jessie to have anything to do with the kids after they'd be adopted.

So she was on her, actually, last visit. And it was kind of sad when she told me, 'cause I actually took her to the visit, and I dropped her off. And it was supervised. And Keenan had recognized his mom and he, and he was just so excited to see her, Keenan and Austin.

And it was really heart-breaking 'cause, ah, he, she was telling me that Keenan was, had written his number on a piece of paper. And, you know how they have supervised visits and, you know, sometimes, you know, giving them gifts is not acceptable. And he kept trying to slip his mother, like, like his cellphone, her, his number so that he, she could call him. And, and they kept saying, 'No, Keenan, you, you can't give her the number and —' And, um, that really like, tore her up, really. She was like ... broken.

And, like I said, she was, we were having, we were discussing what we could do, and so at the very last minute, we met with Greg Dorr and Betsy Tannian, who was \*not on board,\* I'll tell you that right now. Um, we had dis-, we had a discussion. Um, and we, I think I made the motion to stop the adoption, stop the adoption until further notice, and I was seconded. And it actually was unanimous. So we stopped it.

**RG:** When you say Council, you mean Tribal Council and not legal coun —

**JT:** Maliseet Tribal Council, yep.

**RG:** Yep, okay. I just wanted to make sure that was clear.

**JT:** We stopped it, but it ended up, Jessie didn't follow the right hoops. She was still stuck in, you know, addiction and, um, she wasn't doing what she was supposed to and, you know, they put a time limit, you know, on it. If she didn't do this in a certain amount of time, then the adoption would go through anyway. And it did. It went through. So.

You know, I'd like to think the adoption wasn't in vain, you know, because when I saw the reaction when we stopped the adoption, it was really, really, like, emotional. And, you know, I really thought it'd make a difference. I really did.

**MD:** (*overlapping*) So the, so the rules around the adoption procedure were it, despite the vote of the Tribal Council, if she didn't follow the rules —

**JT:** I think so. I'm pretty sure.

**MD:** — the Tribal Council vote didn't matter.

**JT:** Right. If, if she didn't follow certain rules, you're right. It, it would go through anyway. And it did.

**MD:** Mmm.

**JT:** Um, I don't know the exact wording. I, I, it might be in the, um, Indian Child Welfare Act. Um, they might list a certain amount of time, or if she doesn't follow the certain amount of rules or, or there might've rule that Houlton stipulated, that she has to hoop through. I can't remember now. It was back in 2008, when this happened. Sorry, I'm not really good at dates.

**RG:** That's okay.

**JT:** Well, I usually am, but once I think back, and I count the years. (*laughs*)

**RG:** Yeah. Yeah.

**MD:** (*laughs*)

**JT:** (*laughs*)

**RG:** So they were, it, conditions that were put on the, on \*her\* that she had to fulfill, \*not\* put on by the Tribal Council? It was put on by an outside source?

**JT:** Yes.

**RG:** Okay. Okay.

**JT:** And Greg Dorr was online. Betsy Tannian was. My mother actually said something to Betsy Tannian, which I'll never forget, 'cause we, we both had got, she'd gotten elected earlier, and I was elected in 2007 — the youngest ever elected. I was pretty proud but — (*laughs*)

Anyway, 'cause it was my first experience in government. And I'm always a huge fan of history and government, and how it's run, and how our United States was, can be formed, you know, regardless (*deep breath*) what happened.

Anyway, so I, I was elected in 2007. And my first year in, that's when, um, she said — Betsy Tannian was like, 'Well, we have, we have issues with —' It was, we're talking about another instance where they were taking a child from the home and putting him in a non-Native foster home, and my mother said to Betsy, she said, 'You know what, Betsy?' She goes, 'When we lose a child to the State, and they go to a white, non-Native family,' she goes, 'we have failed as a Council.' She's like, 'We have failed.' She's like, 'We have failed them!'

She's like, *(voice changes slightly)* 'Oh, Tina, I share your passion. I really do.'

She goes, my mother looked at her and said, 'I don't think you do, Betsy. I really think that you, you s-, you more or less side with them.'

And, of course, Betsy was really adamant about, she felt the way, you know, she was really — She really felt, too, that, you know, that, you know, her — What she was doing was in the best interest for the child.

And, and my mother disagreed so, and that's what she said to her. And I never forgot that 'cause I liked it. I liked the fact that — 'Cause we kind, we, in the ICWA law, I mean, we do have the last say, you know, if we can stop an adoption. Well, kind of, *(softly laughs)* we can stop an adoption for a certain amount of time. I mean, we, at least we can put it on hold and give 'em a chance, you know, to clean up or fix whatever they have to fix. But that was — I think that's the only time we've ever stopped an adoption was that instance. And, I think Council probably just moved — We moved on with other business. But, um, anyway. So, that was that with Jessie.

And, Gunnar Hansen actually came to see Carol Polchies, um, because he wanted, and, to do the documentary 'Invisible.' She was a part of that. And, um, she did a, an interview with him. He came like twice. *(deep breath)*

And, for now, I mean, that's really what I can think of. I mean, I could think of more kids, but I don't know like, you know, the, the case-by-case. But all I just know is, you know, people that are close to me —

**RG:** Mm-hm.

**JT:** — and how my experiences is with it, you know, and how I thought I could make a difference and, um, I mean, for now, that's, that's really all I have, unless you want to ask me more questions.

**RG:** Do you think that ICWA does enough to protect the rights of Native American kids and families?

**JT:** I think the law is — The law is awesome. And I think it, it means well. And it, and I think it, for the most part, it does, but I think that sometimes DHHS, they don't follow that at — They don't follow, when it comes to finding — like I said, and I'll repeat it again — they don't find, when it comes to finding somebody in the extended family to take the child. They, they

would rather just — This was back then. Now it's changed. Back then, they would just take the child and put him in a foster home.

**RG:** Mm-hm.

**JT:** And they'd be shipped off and adopted. Then they'd come back, and then they were, you know, they'd ask the parent, you know, 'Why, why am I — Why did I get taken away? And what happened?' And, you know, the parent would have to explain, you know, I mean, 'I did this. I lost you. They shipped you to a foster home, and that was the end of it. They made me sign over rights.' (*deep breath*) But I think if they did more finding somebody in the extended family, that a lot of this wouldn't have happened.

**MD:** Do you think, um, you, going back to ninth grade, through your work as a member of the Tribal Council, did you see any shift at all at how Human Services approached Indian Child Welfare?

**JT:** I didn't. From 1999 to like, 2008, there was, it was kind of just a pattern. They would go in, they would get the parent for something that they did wrong, and they would just ship them out to a foster home. And I think what kind of set it in motion was, you know, Carol doing this interview and talking to people and, you know, trying to get people to see what they were doing, you know. They're taking kids from their culture and, you know, moving 'em out! And then they'd come back as an adult, you know.

And, and I guess now, I, um, I understand now that — which is *\*really\** awesome and I'm really proud of our Maine government for, you know, they do everything now possible to keep the child in the home. And I wish the same thing would've been, you know, like that back then. But from 1999 to, to 2008, is when I think that pattern of taking the kids away —

**MD:** Mm-hm.

**JT:** — and taking 'em out into non-Native families was just the same pattern, especially in the Houlton area, you know, we don't have — Starting out, we just like, this, like, we've lived next to a dump, that we're all placed next to a dump. And we didn't have a land base, like the Passamaquoddys or the Penobscots. So, we had to — We were kind of like roamers. And so we had to find our own land base again.

And, you know, eventually we get it back. We built our own reservation, you know, and we have our, quite a few houses on there. And, you know, our, our own Head Start. And our own, you know, health facility. So, we've grown so much from that. But, um, yeah.

**MD:** You said that (*clears throat*) Jessie's sister, Misty, had a tough time. What became of her?

**JT:** Misty, yes! Um, Misty kind of was a lit-, she eventually escaped. Um, I think she stayed in the Presque Isle area on the Micmac Reserve until she turned like close to 18? No, it was 17 and Carol fi-, the, the, Carol finally got custody of the kids back —

**MD:** Mm-hm.

**JT:** — er, of Misty, 'cause Jessie was already 18.

**MD:** Yeah.

**JT:** And then she's, she had two kids. One of 'em's my nephew. She was dating my brother. Um. It's funny, at this moment, right now, she's having a *\*really\** hard time with drugs and what not, and Carol's actually taking care of — Carol and my mother are taking care of her two kids, right now, as we speak. And, um, yeah, she's just — Up there, they're having a lot of issues with, you know, meth labs and drugs and prescription drugs.

**RG:** Mm-hm.

**MD:** *(deep breath)*

**JT:** Um, but that's what came, became of Misty. She's going to college soon. She's going to try to go to college — I don't think she's ready, but, you know, if she can do it, great. But, like I said, my mother and her mother are sharing like the, um, the parental — You know, half-time with my mom, half-time with Carol, so —

**RG:** Mm-hm.

**MD:** Mm-hm.

**JT:** The kids are in, you know, safe homes, but. And even if something were to happen, I think that DHHS *\*NOW\** would probably be even more apt to try to keep them within the family, because things have changed, I think, from 2008 on. You know?

**MD:** Y'know, you, you talked about Sue Deveau and the other caseworkers within the Tribe. What was the interactions like, as you recall, with the State caseworkers? Were they, did —

**JT:** *(overlapping)* She was really close with them.

**MD:** Yeah, huh.

**JT:** She was. From what I understood, um, she, um, you know, kept in contact with them, you know, a lot. And would often go to DHHS and converse with them, um.

**MD:** Did the State caseworkers, um, approach the Tribe, wh- — How did they approach the Tribe, when they came in the community — the State caseworkers? Were they — ?

**JT:** (*painful laugh*) They would just come in with police.

**MD:** They'd come in with police —

**JT:** And take the kids.

**MD:** — and take the kids.

**JT:** Yeah.

**MD:** They wouldn't try to do any remediation —

**JT:** Mmm-mm.

**MD:** — or interactions? Just come in and take the kids.

**JT:** Yeah, they would. That's what they would do.

**MD:** And now, what do they do?

**JT:** Um, \*now,\* um, I think now, I'm pretty sure that they do everything possible to keep the child within the family. Um, they've been following ICWA laws. Recently, I don't think, and hardly any of our kids have been taken away and put into, and put into foster homes. We actually have a new ICWA worker. We had to fire Betsy Tannian. Um, and we have the, I can't remember her name. I'll have to ask Brenda. But we hired her. She's, um, if you call the Tribal District– Tribal Administration Office, they can tell you who she is. I can give you the number.

**RG:** (*overlapping*) Lori Jewell?

**JT:** Huh?

**RG:** Lori Jewell?

**JT:** Yes. Yep.

**RG:** Sound familiar?

**JT:** Yep. (*laughs*) I mean, and she does really well, from what I hear and, you know, my, as far as I know, the members haven't been complaining about her and pe-, members haven't been losing kids and, um, every seem, everything seems to be, you know, at a calm, placid pace —

**MD:** Mm-hm.

**JT:** — where it's just, you know, we're kind of thriving, you know, except for the drug part. You know, every Tribe, every community, has their issues with drug use, which is kind of sad, but ... but other than that, you know, I haven't had any, heard any issues since then. Nothing major.

**MD:** How's this, how would you say, you know, now that you're much older than you were in 1989, how's this affected you as a member of the Tribe and the Tribe as a whole, these experiences?

**JT:** Well. 1999, you mean? Um, since —

**RG:** *(soft laugh)*

**JT:** *(laughs)*

**MD:** '89, '99, what's 10 years among friends, right?

**JT:** *(laughs)* Right.

**RG:** *(soft laugh)*

**JT:** Right, I think was like, what? You know, I think I was like four in 1989. I'm 29 now.

**RG:** *(soft laugh)*

**JT:** Um. *(deep breath)* Say that one more time?

**MD:** How'd you, how would you assess this, now, now looking back as, a 29 years old, going back to ninth grade and, and recounting these experiences? How do you think they impacted you and, and your community?

**JT:** They — It's made me be more aware of, um, the Indian Child Welfare laws. And, um, it's impacted me, you know, I'm, it — I've become passionate when it comes, it comes to, you know, keeping the child within, in the home and within the Tribe, you know, keeping them amongst their People and their culture. I think that's really important. And I think that we should strive to keep it that way.

And, as far as impacting me, you know, I mean ... I just ... have a lot memories ... sad memories, you know, of, of issues with, that we've had in the past with DHHS and, you know ... and that's —

You know, at one time, I wanted to become a lawyer. *(soft laugh)* It, it impacted me so much back then, I wanted to become a lawyer and, um, work for my Tribe be— to, you know, be a

good lawyer. Because sometimes it's that lawyers are hard to find. They're — Sometimes you don't know what their best interests are. Or if the best interests are for our Tribe.

But I think my services were better used — It's impacted me because I want to be an alcohol/substance abuse counselor — also a leader — but more of a counselor, alcohol/sus-, substance abuse counselor to help the parents, and maybe, sort of, prevent them from, you know, losing their child and, you know, try to help them, you know, take care of themselves and their kids. So, my go-, my overall goal was, is to eventually become a counselor, and a substance abuse counselor and to come back and work for my Tribe, you know, and help my People in that way. That, or, I mean, that or I would be part of our Youth Program.

**MD:** Mm-hm.

**JT:** So, that.

**RG:** Um, what, er, in what ways do you see the strengths of Tribal Child Welfare in working with the State to ensure ICWA compliance?

**JT:** Of this, ah, Commission?

**RG:** Mmm, no of the, of Tribal Child Welfare, \*your\* Tribal Child Welfare.

**JT:** Okay.

**RG:** Houlton Band of Maliseets working with the State? So, for example, Houlton DHHS, to ensure ICWA compliance.

**JT:** It's kind of medium. They are like the middle, the middle person. You know, they, they can ens-, en-, \*ensure\* — I'm stuttering here. *(laughs)* They can ensure that DHHS is following protocol that is in that, you know, that, in that bill. And, um, it's really important that we, we follow that, because it was, it's, it's the law. And, in the United States, we're all about following laws, and we've, we want to do what's right. And I think that it's a good medium, you know, and then to go between to, you know, to, um, to work well with DHHS and to, you know, be able to, um, to take, I don't know, to be able to take, and be the medium, and like be the go-between between the parent and DHHS and, and, you know, um, ICWA. Um, that's all I can think of right now. *(laughs)*

I kind of paused there for a minute because I lost my train of thought. *(laughs)*

**RG:** That's okay. Um, what or where do you see there needing to be improvements made, either within the State Child Welfare or Tribal Child Welfare?

**JT:** Like now?

**RG:** Mm-hm.

**JT:** (*deep breath*) Well, um, improvements? I am not sure. Um, I'd, I, like I said, things seem to be going a bit smoother now so, um, from what I understand, they're complying with the law, Indian Child Welfare law. I mean, I haven't heard any big stories, you know, from my People that, you know, that's been really effective on every, you know, cause an effect on, on everybody.

I guess, communication is a really big thing. I think communicating between the State and the Indian Child Welfare and the parent is really important. So, these meetings that they have – team meetings – you know, have lots of 'em. Have more. Have as many as you can, you know —

**RG:** Mm-hm.

**JT:** — to be on the same page. You know, communications is \*huge.\* And nobody's perfect at communication but, you know, there's always room for improvement there. (*laughs*) But, um, just as long as everybody's informed of what's going to happen —

**RG:** Mm-hm.

**JT:** — you know, no secrets kept. (*deep breath*) Um, nothing like that. Just, you know, be up-front.

**RG:** Mm-hm.

**JT:** But, that's really all I can say, you know? Like I said, there hasn't been ... really detrimental, detrimental issues that —

**RG:** Mm-hm.

**JT:** — you know, concerning our children.

**RG:** Yeah.

**JT:** So.

**RG:** What would you say was the major shift in — when you talk about this period from '99 to 2008 — what was the shift in that year, or around that year, that made it so it, things are seeming to go better now?

**JT:** Something happened. Um, I don't \*know.\* And even, like, I have a professor. Her name is, um, (*deep breath*) she's one of my case manage-, she was one of my case managers, ah,

caseworkers. (*correcting, under his breath*) Caseworkers. (*laughs*) I'm saying casework— (*deep breath*)

Um, you know how case management — She, I was taking case management at Central Maine Community College and, um, she was teaching it. And she said, at one point — and I kind of agree with this — that the priorities or the goal had changed. And I don't know when this happened, because (*breath*) I think it was like around 2011? Something shifted from that time that DHHS's main goal was to keep the child in the family \*at all costs\* regarding ... \*everybody\* —

**RG:** Mm-hm.

**JT:** — you know, \*including\* Native children. And, not just seeing one incident or a couple of incidences and taking the child and removing them.

**RG:** Mm-hm.

**JT:** So, I'm not sure when that, when that change happened, but it did affect ... everybody. She said she didn't want to work with DHS, because their goal was to go in and take the children and leave. But now, she, she works for DHS right now —

**RG:** Mm-hm.

**JT:** — and she feels that, you know, they're doing good, because they're trying to ensure that the child stays within the family, you know, \*first!\*

**RG:** Mm-hm.

**JT:** And that taking the child out is like, kind of like, a last resort. And, was there like a specific law passed ... that, that happened? That DHHS have to do this? Or did, like, their policies and procedures within change? I don't know. (*sniffs*)

**RG:** I'm not sure about that. Do you know?

**MD:** I think it was just an awareness of ICWA —

**RG:** Mmm.

**JT:** Was it?

**MD:** — more than anything. Yeah, that was, it took a long time to get it rolling, but there was, by '99, there was ... an understanding that they were not com-, compliant with ICWA.

**JT:** Right.

**MD:** And hadn't been since the passage was '78? '79?

**RG:** '78.

**MD:** '78.

**RG:** Yeah.

**MD:** So, there's a big gap.

**JT:** Yeah.

**MD:** Big gap.

**JT:** Yep. ... Sorry I stutter and I, and I, I ramble on. I lose my train of thought. *(laughs)*

**RG:** No, don't worry.

**JT:** I took, I took, um, public speaking and ... I don't have a speech in front of me right now. *(laughs)*

**RG:** That's okay. Is there anything else that you want to add?

**JT:** Um ...

**RG:** Anything else you think it's important for the Commission to know?

**JT:** I think that it's important that they, they realize, you know, if they're bringing these stories to the Commission, that when numerous, these numerous kids that have been taken out ... adopted out, and they come back home, you know, and they wonder, 'Why? Why was I taken away?' Um, it's, it's hard to explain, you know?

It's partial parent, partial fault of the parent. It could be the system and how they were taken away. You know, they weren't given a chance to stay in their own family – find family members to stay with. It was just kind of like, 'Okay, you're out. You're going to a foster home, and that's that.' And it's kind of sad to have them come back and, you know, they've missed out on a lot, you know, a lot of culture that they could've experienced within our Tribe. You know, Pow Wows, um, our Youth Department, going to other, to Tribes in Canada. Just experiencing, you know, being a Native and being home and being with people that are like you —

**RG:** Mm-hm.

**JT:** — and that, you know, and that love you. You know, our Tribe is really, really kind of, you know, an accepting Tribe and we, we all love each other — even though we may not get along at times — we still love each other. *(laughs)*

**MD:** *(laughs)*

**JT:** But ... that would be it. Just, you know, keep in mind that the kids, when they come back home is, it's kind of sad for them to ... see, when they see what they've missed out on all these years.

**RG:** Mm-hm.

**JT:** But ... that's it for right now, until I can, I mean, that's all I can think of right now. But, as far as case-by-case? Ehhh, it's been a while. *(laughs)*

**RG:** Do you have any questions, Matt?

**MD:** No, you've been great.

**JT:** All right.

**MD:** It's some great information —

**RG:** Mm-hm.

**MD:** — and thank you for sharing it.

**JT:** No problem. No problem.

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

**JT:** No problem.

**RG:** If you think of anything else that you want to add, just let me know.

**JT:** All right!

**END OF RECORDING**