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Statement by Bobbi Johnson collected by Meredith Eaton on June 27, 2014

Bobbi Johnson

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General Information

Private or Public Statement? - Private
Statement Provider: Bobbi Johnson
Date: June 27, 2014
Location: Bangor, ME
Previous Statement? N/A
Statement Gatherer: Meredith Eaton
Support Person: none
Additional Individuals Present: gkisedtanamoogk
Recording Format: Video
Length of Recording: 1:15:58

Recording

ME: Okay, my name is Meredith Eaton and I am a Statement Gatherer.

GK: And I'm Commissioner gkisedtanamoogk.

ME: And, would you please state your name?

BJ: Bobbi Johnson.

ME: Okay. We're the only people in the room at present. So, the file number for this statement is ME-201406-00058. The date is June 27, 2014. And the location of the recording is Bangor, ME. Bobbi, have you been informed and do you understand the consent ...

BJ: I do.

ME: ... to be recorded? Okay, and giving your statement? Okay. And I just wanted to restate that, um, any information disclosed in the statement that indicates a child or elder is in need of protection or there is imminent risk of death or serious bodily harm to an identifiable person or group including self, may not be protected as confidential. Okay?

BJ: *[Clears throat and nods head in agreement]*

ME: So, Bobbi, I'm gonna ask you a number of questions and um, again, if you don't remember or you don't know, um, that's okay. And um, if you have additional information to add, you can feel free to do so.

BJ: Okay.

ME: Okay? So my first question for you Bobbi, could you please tell me about your current and your past employment in the, in State Child Welfare? Uh, potentially including what types of positions that um, you held, the total number of years you worked in State Child Welfare and, and in each of those positions? Um, and the total number of years working with children in a paid employment capacity?

BJ: Okay. So, I am the current um, Child Welfare Program Administer for Child Protective Services in Bangor, covering Penobscot and Piscataquis counties, and I have been here for 19, almost 20 years.

ME: Okay.

BJ: I started in 1995 and I was an Adolescent Case Worker, working with teenagers, and then um, in 1999 became a Children's Services Supervisor and did that, I think until around 2001 when I became the Assistant Program Administrator and then in 2005, became the Program Administrator. Um, prior to Child Welfare, I worked, um, I want to say, probably, 6 - 8 months for Community Health and Counseling Services. And I was a Family Preservation Worker. Going into homes and working with families to maintain their children in the home. And that's been my paid employment.

ME: Okay. [00:03:15.02] In, um, an estimation during that time, how many cases, either a number or a percentage involved working with Wabanaki children and families?

BJ: [Tongue clicking sound] Wow, Um, [pause] I'm gonna say, throughout my career, it's probably been about 10 or 15%. And, that and, and it would be in different capacities, like as a program administrator overseeing all of the operations of my office or, as um, an adolescent case worker, where I worked with some Native children.

ME: Okay. Great. [00:04:00.14] When did you first learn about Maine's policies related to Indian Child Welfare and how were you made aware of the Indian Child Welfare policies?

BJ: That was part of my initial training. When I uh, became employed with the Department. I went to, I think it was a 6- or 8- week, um pre-service training and that was one of the policies that we were trained on.

ME: Okay. And can you [00:04:29.01] talk about the type and the amount of training you received, either at that initial pre-service training and also on an ongoing basis since then?

BJ: Sure. Um, so, it's hard to remember how much, um, of it we got in pre-service. We certainly got a lot of training in pre-service. And, so, I think, um, it was brief. It was really kind of an introduction to the policy and a review of the policy.

ME: Um, hm.



BJ: And, some discussion about, um, question and answer about, you know, why the policy exists and how to do the work that's spelled out within the policy, and how to partner with the tribe. And then, throughout the years, there hasn't been a lot of training. Um, I remember when, at one point, we had a MEPA training. The Multi-Ethnic Placement Act training? And at that time, they also did an ICWA training for all staff. Um, and then, I can't, I can't recall any other trainings, specific to that. Well, I say that but then I participated in um, I think the Program Administrators participated in a Summit. An ICWA Summit. I think there might have been a couple of them, and this was held several years ago in Brewer. And it was Child Welfare Staff and Tribal Staff, and we came together and there was again the review of ICWA and it was also, um, you know we were mixed and it was about how do we collaborate and work together? Um, and so, that was a little more in-depth, and it actually involved the Tribes. And now that I'm thinking, we have actually had, um, and we haven't done it for several years, but we have had Tribal representatives come in and do trainings for staff. And, they've done the River Presentation, um, and so, that's happened, several times. Although, not, not for a while. I want to say, when I was a supervisor and then maybe even as the Assistant Program Administrator, that, you know, we were asked to collaborate with the Tribes and have that presentation done for staff.

ME: Um, hm. The Summit that you mentioned was that uh, a participation from the whole entire state of Maine or was that more a local training?

BJ: The whole state.

ME: Okay.

BJ: Yeah, it was the administrators, um, you know, like the administrators from each of the 8 districts, um, and Augusta and then the Tribes.

ME: Great. Um, could you describe a situation in which you or your staff felt very positive about your work with a Wabanaki child and family? And in this case, could you please describe it in a general way so that the children and families cannot be identified?

BJ: Um, *(long pause)* let me think. It's been a while since I've done any of the direct work, so I mean, I can certainly ...

ME: Or in a situation where you were in supervision of a staff member.

BJ: Okay.

ME: Either you or some ...

BJ: Um, [00:08:05.10] I mean, one of the most um, I guess for lack of a better word, kind of one of the most notorious situations that we had in my office that I had some direct involvement in, um. It was very challenging. But the outcome was very positive. And, it really I think, challenged um, you know, it, challenged the systems to think about termination of parental rights, which is okay in our system vs. another permanency plan um, for, you know, that the Tribes support. Um, it really challenged us around Native vs. non-Native placements, attachment and connections and um, I'm not sure if you want me to kind of be more specific about the situation or ...

ME: I think if you could give just some general details without giving identifying details ...

BJ: Okay.

ME: If you can find a balance.

BJ: Yeah. I mean, it was um, a child who came into care and, and I can't speak to kind of, initially what happened like, with placement and stuff, but he ended up being in a non-Native placement. Um, it was a placement that worked really well with the parents, and I believe the parents were, I want to say, the Mom might not have been Native but Dad was Native. Um, the Tribe was involved at some level all along. And then when we got to the point of trying to decide what permanency was for this child, um, you know the Tribe wanted us to explore a relative, which we did explore, weren't really in favor of, but ended up placing in that home; it didn't work out, you know, and kind of going along our path to, 'Okay, we want to terminate Mom and Dad's rights and move down the path of placing him back in the home that he had been in,' and then um, you know, Child Welfare would no longer be supporting the family in the same way that we had. It would be an adoption, post-adoption case at that point. And so, the Tribe was not in favor of that plan. And, um, you know, and did a lot of work to try to identify other relatives, um, ended up that we, gave, I mean it was kind of surprising because after being involved for a couple years we ended up, I think we transferred jurisdiction over to the Tribe. And then, they um, ended up placing back with this family and doing a Guardianship, with the family. Um, so. It was challenging. I think the outcome was good. And, I think the other positive was that it really caused us to look at how do we work together? And, you know, I think that there, on both sides there were a lot of different feelings related to that, that circumstance.

ME: What do you think were the, the contributing factors to, to both, kind of the challenges that you are describing as well as the eventually positive outcome?

BJ: [00:11:41.10] Um, I think some of the challenges were um, I think, my staff were following the path that we follow with non-Native children. And I think that was a challenge? I think that, um, I know my staff have said, we were frustrated because we didn't think the

Tribe, you know, brought us all the resources they we should have explored early on in this process. And, on the flip side of that, the Tribe could say, 'But it's your responsibility to explore all of these resources.' And so, I think that, you know, for me, and my career, that was probably a key circumstance that caused me to say, 'Okay, what does ICWA mean? What



does it mean to place in a Native home? And what are those efforts we need to take really early on? What does it mean to partner with the Tribe? Um, what does it mean that the Tribe is the third parent? Um, and when I became the Program Administrator, I met with, one of the things I wanted to do was build my relationships with the Tribe, and even though we don't, you know, have a ton of cases that are Tribal cases, we have enough that that was important to me. So I met with representatives from each of the 5 Tribes, or the 4 tribes.

And I asked, and, and part of that was for me, about how do we work well together? But also, help me understand your history. Because I, you know, I don't think that I'm um, biased or anything, but, I haven't walked in your shoes. And so I want to be able to understand it from your perspective, so that when I am guiding my staff in the work that they need to do, that I have that in the back of my mind about culturally what you experienced, what your culture is, and how we can support and embrace that for any families that we get involved. And so, I, I knew that in my brain from having those meetings, but this was the place where it started to get into my heart. About how do we, how do we really collaborate and um, live the spirit of ICWA and honor both the past and present for the Tribes.

ME: Um hm. Okay. In the case that you mentioned, what was your working relationship with the Tribe like?

BJ: I [00:14:22.18], um, at that point was working on my Master's degree, and I happened to be working on it with a Tribal, in my classes, was the Tribal Director.

ME: Hmm.

BJ: And so, we had a very positive working relationship. And I think that actually benefited the process because our staff did not have that same experience and so because she and I, were um, I mean we're in school together, and that, and so we would see each other frequently, um, you know and we would just kind of check in and she would say, 'Bobbi! What's goin' on? Here's what we're thinking.' And so I was able to kind of be someone that could, I don't know what the right word is, but that could be a conduit between the two systems and how we're gonna ... [simultaneously]

ME: So, the two of you almost created a bridge. [simultaneously]

BJ: Yes. That's a great way to describe it. You know, and so she would say, 'Here's where we're at.' And I would say, 'Alright, here's where we're at.' And we would work through that and, then kind of bring that back and guide our staff and their work.

ME: So, [00:15:30.08] in the situation, in this case that you're thinking of which was uh, both a positive outcome, as well as a, you know, a challenge, thinking back, what do you wish had

been different?

BJ: I wish that we had *[clears throat]* partnered better initially. Um, and that we had really sought out, I think A: are there other family members or Native resources that this child should be connected to, whether that's placement or you know, to be a part of those cultural traditions and activities that were going on. And his foster parents were um, did all that. They did do all that. So I do think that was a positive of this experience, too. They took him to different Native events with the Tribe and, and kept him connected and involved. But I, I think that that later became an issue, that if we had done that work initially, we might have moved this child to permanency quicker. Um, and I think ...

ME: And so what might that have looked like?

BJ: *[00:16:47.27]* So I think you know it could have looked like something completely ... *[simultaneously]*

ME: Being adopted earlier . . . *[simultaneously]*

BJ: ... but I think we would have either done a genogram or really sat with the Tribe and said, 'Where do we think he should be?' Are there other resources? Are there, you know, whether it's Mom's resources, or Dad's resources, and like I said, I don't think that Mom was a Native but I can't recall completely. You know and understanding with ICWA, it's not just relatives, it's Tribal members, it's Native families, and then really looking at you know, who else in the Child Welfare system can provide care for this child. So I wish we had done that earlier on. I wish that we had brought everyone together earlier on. To really sit down and talk about, and I wish myself and the Tribal Director had been involved in that 'cause we hadn't been and so, on some level were communicating or they were bringing you know, people together, um, but it wasn't going well all the time. *[simultaneously]*

ME: Right *[simultaneously]*.

BJ: And then the Director and I were out here having these conversations so I think if we had been more active in that process we might have avoided some challenges that had come up.

ME: *[whispers:]* Okay. So as you know there are many facets to working within the Indian Child Welfare policies. Some parts of the ICWA policies may be familiar to you, in which you've had experience or others may not be as familiar or are not part of your work and training, so I'm gonna ask you about these different areas and um, please speak to any that you feel you had experience or thoughts. If you don't have experience or you don't have anything to say, that's fine. And so, for each of these, I'm going to ask, both to describe your experiences and then talk about what challenges, if any, you faced.

BJ: Okay.

ME: So the first is, *[00:18:41.16]* initial identification of a child as Native American.



BJ: I think that, um, so I have had experiences with that. When we get an assessment or a report that may or may not identify a family as um, Native and then we need to figure that out. Um, and I think that there's been some challenges about, if it's a family that we worked with previously, where is that in our records? And are my staff going back and looking to try and identify whether this child is Native or not? I think, at times, you know, we did some education around it and when I met with the Tribes, I said, 'Help me understand it, whether a child is eligible to be on the census or not?' And, what does that mean for them? You know, and then, I think, one that came up recently was, 'Does ICWA apply to children who are members of a Tribe, not in the State of Maine?' You know, there was a Canadian Tribe and so, trying to figure out some of those pieces so that would be, I think with those initial identifications. And sometimes, we haven't, you know we've had situations where we haven't initially identified it. It's been later on the process, so then there's been this whole piece of work that the Tribe hasn't been included in, that we've needed to contact the Tribe and you know, in some circumstances, re-do some of the work. You know, if we've taken a child into custody, we need to you know, serve the Tribal Chief or the Tribal Child Welfare Director with that um, petition and then also include them in that process of making plans for that child.

ME: [00:20:33.13] In situations where, uh, the child is not identified as Native American at the beginning of the process, is there typically a reason that that doesn't happen in the beginning of the process? Or when it doesn't happen in the beginning of the process, is there a common reason, or is it for all sorts of different reasons that that could happen?

BJ: Um, I don't think it happens frequently. But I know that, with the piece that I just mentioned, the Mom is saying, 'I'm a member of a Tribe and you guys didn't do ICWA.' And she had never ... because my staff asks that now? As one of the questions when they're first out there, you know, 'Are you or your child a member of a Tribe?' And so, you know, 'Do you have Native American heritage?' And so, I think we catch it a lot more now. So this Mom came forward and said, 'I am. And you guys didn't, you know, follow the law of ICWA.' And so, I had a conversation with her, 'Well we didn't know.' And I don't think that she knew, either. And so she was, had just identified that and she was part of a Canadian Tribe but was trying to figure out whether she was eligible with the, I think it was the Maliseets. And so, you know, so I've encouraged her to let us know what you find out, let us know what you need to help figure this out, so we can determine whether that applies to this child. So I think, and I would say, early on, my staff weren't always asking that question.

ME: Hm.

BJ: You know being in trouble for 20 years, we didn't, you know, we might have discovered it, we might not have discovered it early on. But now we are asking those questions.

ME: Now that's a standard part of the process.

BJ: Yes.

ME: Okay. Uh, what about your experiences and any challenges with notification of children to Child Welfare?

BJ: [00:22:31.08] So, as I mentioned, like when we are doing petitions we, you know, serve the Tribe.

ME: [clears throat]

BJ: Prior to that, you know, once we identify that a child is Native, then we are, the expectation is that we contact the Tribe before we go out to see what information they may have about the family, what they want their involvement to be. Sometimes it's a question of, and I think that, you know, our intake staff try to determine, so there's some reports that we never see because it goes directly to the Tribe, and they decide that they're going to do the follow up. And they're gonna go out and do an assessment or whatever their activities might be. But we're contacting them, you know, we're including them to come out and be part of that process, that assessment process with us, and to talk with the family and ...

ME: And who would you usually call within Tribal Child Welfare?

BJ: [tongue clicking noise] They reach out to the social workers at each of the Tribes and I think sometimes, it may be the Director, the Social Services Director that they're reaching out to, if they can't get to the social worker. But we have the contact names for the social workers and that's who we would, you know, talk to.

ME: Okay. So it's an established point of contact for each of the Tribes.

BJ: Yes.

ME: Okay. Uh, your experiences and any challenges in working with the Tribes to identify Native children?

BJ: (pause) I mean I can't, other than what I had said earlier, about the identification and you know, we usually rely on the Tribe to determine eligibility and let us know if they are a Tribal member or not, and at what level.

ME: Okay. [00:24:24.07] And what about determining jurisdiction or residence of Native American children?

BJ: That can be challenging sometimes and I know that, I want to say, it's probably been 9 months to a year ago, I went and met with one of the Tribes to really kind of figure out, like, and to try to clarify, when does the Tribe have jurisdiction? And when does, the State have jurisdiction? 'Cause I think there's times when it's a little murky. And we have a situation going on right now, where they lived off Reservation, but as part of the safety plan, they

moved on Reservation. But it's a temporary plan. So trying to figure out in that circumstance, and so we're partnering with the Tribe. We still have an assessment open. But trying to figure out who has jurisdiction, you know, and, and I tend to say to my staff, 'You know, we have guidelines and we have ICWA and that that we follow.' If the Tribe says that they want jurisdiction?' Then we're gonna honor that. If they don't, then we're gonna honor that as well. And do our assessment process and just include them in whatever way they want to be included in that.

ME: Okay. And so you mentioned for example, you went and had a meeting to try to determine, kind of the parameters of that. [00:25:59.26] When you have a meeting like that, where you're gathering information, is there a process in which you either disseminate that through your staff that you supervise or, on the flip side of that, disseminate that across the board to, other districts in the state?

BJ: Umm.

ME: And other administrators of other districts?

BJ: I generally disseminate it to my staff, and so I would either, verbally share that with them, share it with their supervisors and ask to make sure, ask the supervisors to make sure they're aware, or I may send an email to all of my staff to clarify something. And, I may include some staff in those meetings.

ME: Okay.

BJ: So.

ME: Um, thank you. [00:26:45.25] Um, your experiences and any challenges in the area of child custody hearings?

BJ: Um, you know, I mean, I would say early on, it was figuring out what role the Tribe had in those. I think, you know, we're much clearer now. And once we've determined jurisdiction, following the steps of including the Tribe as a partner in our work. Um, you know, making sure that the Tribe is served and that we're following all those expectations, um, you know, it was very helpful to me when I met with the Tribes and they defined themselves as that third parent. Because it really, kind of, before that, I wasn't thinking of them in that way. I was thinking of them more as a support to the Tribal member.

ME: Um, hm.

BJ: And so, I really got a clear understanding of the child as, their member and that that's their

focus. And they may or may not be providing some level of support to that parent. They may or may not be supporting their actions and behaviors, but I think, before that it was really, about the, not that they were, you know, a party to the case for me. [00:28:18.12] It was more that they were a support to their Tribal member. And so, so that was very helpful because now I see them as someone who has the opportunity to have an attorney, someone who has the opportunity to have a voice at those hearings, someone who, you know, is equivalent to the Department, sitting at those tables in those child custody hearings and in front of those judges. And, so.

ME: So what I think I'm hearing is, your concept of, or, your understanding of, of the concept of how a family or kin was defined was something that you came to understand differently than with the non-Native communities.

BJ: Um. I don't think it was so much that, I think it was more of my understanding of the role of the Tribe when Child Welfare's involved, and how and that it wasn't just, um, a partner coming to the table to support their Tribal member. That could be something that they're doing but it was more, you know, like we have Mom, Dad and the Department as parties in a case, and the Tribe, if it's a Tribal case. So that, that was really where my thinking changed.

ME: Okay.

BJ: Was that they are not just a provider coming to the table as a support. They're a party in this action, and needed to be treated as such.

ME: Okay. Um, experiences in and challenges in child custody hearings? Did I ask you that one already?

BJ: Yeah.

ME: Okay, sorry. The next one is um, [00:29:54.13] arranging foster care placement.

BJ: So, I mean I think for the most part that staff are aware that they reach out to the Tribe, to look at what they have for resources, that we are placing with a family member or a Native family whenever possible when we take Native children into custody. That the Tribe is involved in making the decision if any of those options aren't available, but what's the next best option for this child? I mean they would be involved in all of that decision-making. I think the other place that I've had experience with it is, the Tribes will license homes that we then have as a resource for kids, and so that we accept their licensing process. We don't have to go out and license that home again. So, I've supervised the resource unit that does our foster care licensing. So, with arranging foster care placements, if that Tribe has done all the work, and whatever their process is to license someone, that we accept that license.

ME: Okay. Family team meetings?

BJ: So I haven't, I mean, it's been a long time since I've done direct case work so I don't know that I've participated in any family team meetings.

ME: Okay. Arranging family visitation?

BJ: I haven't done any of that direct work either.

ME: Okay. You alluded to this but if you had anything else to add about kinship care?

BJ: I don't think so.

ME: *[00:31:45.22]* Okay. Termination of Parental Rights? Experiences or challenges?

BJ: Yeah. So we, I talked a little bit about that earlier, and, that, really understanding and respecting that that's not something that is within the Tribal Child Welfare system. That's not an action that they're gonna take. And the case that I had talked about earlier, you know that's the road we were going down and, looking at how the State Child Welfare system defines permanency for children? And so, with that case in particular, it really kind of redefined that for me from the Tribe's perspective. So.

ME: And the, the final question around your experiences and challenges is regarding the adoption.

BJ: And so I think similar, you know to, to that. I'm trying to think if we've had any ... *[pause]* I know that we have had Tribal children within our system that have been ... have had their rights terminated and adopted. And I can think of one young lady in particular, and I

didn't work on her case. I knew her later. So I don't, and I think that she's part of a Tribe in another state, so I'm not sure how that, I'm not sure about how that event occurred.

ME: Okay, okay. Alright. I'll just take a second to pause. How are you doing? Do you need a break or anything?

BJ: No, I'm good.

ME: Okay. So, Bobbi, what do you consider active efforts to prevent the break-up of an American Indian family? Can you describe how the State describes active remedial and rehabilitative efforts to prevent the break up of an American Indian family before ordering an out-of-home placement of an Indian child?

BJ: Sure. So, I mean, *[00:34:03.24]* I would define active efforts as really putting, you know, identifying what the child safety issues are and then whenever possible putting in services, supports, other individuals within the home to be able to maintain that child with their family. And it can really range from the more formal services to, like I mentioned, having someone

move into the home to help support them, and I think, utilizing what the Tribe has to offer. Utilizing what kin or other Native families can bring to a situation to support that family so that that child doesn't have to be removed. I'm trying to think. And our process is really, that we would go out, identify what the issues are, we would bring everybody to the table at a family team meeting and try to make a plan for how that child can be safe. And that's really what we do in all of our cases. I mean, I think the difference is, there's actually another set of resources to tap into for this child by partnering with the Tribe to do that and bringing that community in whatever form to the table to support them.

ME: Okay. [00:35:33.11] Is the active effort standard used in cases involving Indian children different than the reasonable effort standard applied in cases not involving Native children?

BJ: I think it's different in one of the ways that I just described as far as having another big resource through the Tribe to tap into to support this family, and I, and well, I guess that would be the biggest reason that I would think that it's a little bit different.

ME: Okay. Thank you. [00:36:05.15] How are the Tribal Child Welfare staff included in the development of a family case plan involving an Indian child?

BJ: So, we would develop those through the family team meeting process and the Tribe should be a co-facilitator, a co-coordinator of that meeting. So, staff should be reaching out to the Tribe saying, 'We need to have this meeting. What do you think is important for agenda items? Who do you think is important to be included in the meeting? Do you want to co-facilitate it with me? We need to develop this plan,' And it might be a family plan, it might be a child plan and then, you know, bringing everybody together and developing that plan.

ME: Okay. [00:36:56.02] Um, to the best of your knowledge, if a Tribe declines to intervene in a child custody proceeding covered by Maine's Indian Child Welfare policies, what are the reasons for this decision?

BJ: I think it's been, I think there's been a couple of reasons. It could be that the child doesn't qualify, you know, doesn't meet the census requirements to be considered a member of that Tribe. It could be that they don't have jurisdiction and, I think the last reason that I have encountered and, and talked with the Directors about some, is about resources. And having the resources available and I, I guess actually there are some, I think, three, I think there's a couple of the Tribes that don't have a Tribal court and a Tribal system set up within their structure and so if it requires that level of involvement they might decline to have, to take jurisdiction for that.

ME: Okay. [00:38:05.18] Um, to the best of your knowledge, when the State declines to transfer a child custody proceeding covered by Maine's Indian Child Welfare policies to a Tribal Court, what are the reasons for this decision?

BJ: So, the only reason that I can think of? And with that case that I had referenced early on, I believe that it was that both parents had to agree. We were already in court and both parents had to agree to have jurisdiction transferred. But I don't, I mean in my experience, we would



honor the Tribe's request to have that case transferred, jurisdiction transferred, and so, we would do that, I, that was the only issue that we came up against that I can recall.

ME: Okay. Thank you. [00:39:06.22] Have you had experiences in working with expert witnesses for Indian Child Welfare?

BJ: I have had the experience of, it was suggested to me at one point that I should have had my staff reach out to get an expert witness. But I haven't directly been in court or had that experience.

ME: Okay. [00:39:31.00] In this case you, you may not have an answer for this question, but I'll ask. In your experience, what criteria does the State use to establish a qualified expert witness in Indian Child Welfare?

BJ: I'm not sure of the criteria.

ME: Okay. [00:39:45.29] What State Child Welfare policies, practices and events influenced your work with Wabanaki children and families?

BJ: ICWA, obviously. Um, I think, big question ...

ME: Um hm.

BJ: [laughing] Um,

ME: And you can take as much time as you need to think about it.

BJ: I mean, I think ICWA is kind of the overriding policy but then there is you know, policies underneath that. The Family Team Meeting Policy where we collaborate with you formal and informal supports to create child safety. I think, the Kinship Care Policy would be another one that certainly provides a lot of guidance, and then going back to the ICWA policy about, the initial guidance around how we do that work with Native families. You know, I think a lot of the experiences that I've mentioned, the meetings that I've had with the Tribes, the um, opportunities to collaborate and build relationships, the presentations that I've been a part of, and I was thinking of another training when were talking about termination of parental rights, that, and I think it was part of the Child Welfare Conference that I was able to go to and hear a presentation that was done about that topic. And, I think my own relationships and experiences with members of Tribes. I think my experience being part of the Youth Leadership Advisory Team where we have some Native youth or young adults who are connected to that. And, um, you know, one did, [00:41:54.24] one young lady did her story and talked about her experience and so those certainly have impacted my perspectives about the work that we do. And um, the

importance of those connections and being a part of that culture, ongoing. Um, and really for this young lady, not having that for many, many years feeling like there was this big hole and something that was missing for her and so, getting to talk with her about what that meant to her, I think has shaped my practice.

GK: Hmm.

BJ: And I think our specific case experiences, you know and a lot of times we learn from the challenging ones and they were challenging, but, on the other side of that was a lot of new wisdom about the work that we need to do. So, I think those are probably the big things.

ME: Um hm, okay. Um, [00:43:01.08] how did State Child Welfare policies and practices change during employment? How did this impact your work with Wabanaki children and families?

BJ: I think, that it became, I think that the way that they changed over the years, is that they have become more recognized and utilized. And I think, through the State moving in that direction, it's impacted my practice. You know, like I said, early on, asking about Native American heritage was more of a hit-or-miss type of thing. And now it's required. I just reviewed the Family Team Meeting policy that, the final Family Team Meeting policy and there was a piece in there, so it's been embedded into more of our policies about partnering with the Tribe and um, about what it means to really work ICWA the way it is intended to be carried out in our practices.

ME: Okay. Over the course of your work in State Child Welfare, uh, [00:44:19.29] what do you see as barriers to the successful implementation of Maine's Indian Child Welfare policies and could you describe those barriers?

BJ: Yeah, I mean I think that, I think, you know, more recently, like within the last couple of years we have a lot of new staff. And I don't think they understand ICWA or the history. Um, and, so I think that's a barrier. And I certainly have had staff, you know, say to me, 'Uh, it's gonna be challenging to have the Tribe involved, so we're gonna do this.' And I'm like, 'No, no, no, no, no, we're not. We're going to contact them right now.' And, and that's the intention of ICWA, so I think you know, [00:45:05.02] from a, a management point of view, I think sometimes it's education. I think it sometimes, continues to be biases, stereotypes, those sorts of things that individuals bring to the work. And not understanding the history and why it's important? Um, I think that there, I think, some of my own experiences and it's a challenge for me at times, [tongue clicking noise] (pause) how do I want to say this? [00:45:42.08] I think that there, at times what I've experienced and I try to obviously, check myself is, some defensiveness from the Tribes? And so, trying to be really respectful and work through that can be a challenge sometimes.

I had an experience about a year ago where one of the Tribes was struggling with some of my staff. And we'd had some changeover in our administration and so, myself and another PA had been told that we were gonna be the ICWA liaisons and so, um, you know, this Tribal member had an issue with that and was saying, you know, 'How can I talk to you about your staff when



you're the Tribal liaison? It seems like a conflict of interest.' And, I mean we were able to work through it, um, but I think sometimes, that's been a challenge. And so, how do I kind of hold, mmm, what do I want to say? So trying to be respectful and working through that and there's times when I think you know, we get it right and we get it wrong and there's times when I think the Tribe gets it right and gets it wrong. And it's, and if you don't have a relationship? To be able to work through that? Um, that's been a challenge.

And so, there's some new, I think within the State, there's some new Tribal Child Welfare staff and so it's, a part of it is about how do we build those relationships again. That I had with some of the former staff that I don't have now. And how do I, you know, I need to have a meeting with one of the Tribes and so for me, I'm thinking, 'What is the best way to approach having some difficult conversations about how we work together?' You know, and one supervisor came to me and said, 'I got this call, they said, we're not collaborating, we're not including them.' But then on that same case, the Tribe just went out and made this separate plan without including us. And so it's like, 'Alright, so how do we have that conversation about everyone should be included?' And it's not good that my staff didn't but then it's not good when you're going and making other plans without including us either. And, so, I've contacted, we identified, a more neutral Tribal Child Welfare liaison so I reached out to that person to say, 'Can you be a part of this?' She has relationships with the Tribes because she was the Tribal Liaison and worked with them for many years. So, that's been my approach, is I want someone that they trust to come to the table um, to help facilitate that conversation, but it's been, it can be a challenge.

ME: So this person that you have identified that you describe as more neutral is kind of like, almost in a like a liaison or a mediator role?

BJ: Um hm.

ME: Is, is that person in the role as a volunteer or are they paid to do the work or ...

BJ: She is a Program Administrator in another district.

ME: Okay.

BJ: And so um, I think the Northern Districts so, my district, Washington, Hancock and Aroostook tend to work more with the Tribes. Um, and so this person is in another district in the central part of the State and she also has done, — She was a Tribal Liaison before so she has done a lot of the work. And she has built those relationships. But she, she's a Program Administrator like I am.

ME: Um hm. And she's seen as a, kind of a, a trusted person by both.

BJ: Yes.

ME: Yeah.

BJ: Yeah, and I think that's important.

ME: Okay. Um. [0:49:42.05] 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?

BJ: So I think, starting with intake, trying to identify if the child is Native or not and then during our assessment process, partnering with the Tribe, contacting the Tribe if they are, and including them in that process. I think whenever it starts there, that we can do that identification, it goes much more smoothly. Um, so I think that's kind of the biggest place where we've embedded it.

ME: Um hm.

BJ: And, you know, I think, from on the other end, kind of from a resource perspective, I think accepting, when a Tribe licenses a family, we accept that. I think um, you know, making efforts to include children, although, I think it's a challenge too 'cause I don't think we do it well for non-Native children, as far as continuing to keep them culturally connected. Um, I actually think we probably do it better for Native children because there's a policy and guidelines about that. I think, we don't always do that well for non-Native children either, whether it's you know, a religious connection, or a cultural connection, or you know, culture can be defined broadly in many different ways and so, I think we do that okay. I think we could certainly be better at that.

ME: Okay. And so that, the, the flip side is, what weaknesses does State Child Welfare possess in ensuring compliance, and what could the State do that it's not currently doing to promote compliance?

BJ: I think the biggest thing is building education and understanding. I think those are the places where the State could do the most work. And I think it's different to have a policy put in front of you that you read than it is to understand the history and the background and why that policy is so important. Um, and so, until somebody has lived it and with the number of new staff we have I think that's a challenge and I think, and I do know that like in our pre-service training, I don't know exactly what the training looks like, but they partner with the Tribes to have Tribal representatives come down and talk about that. I don't think that's enough, you know, just based on my own experience and ...

ME: And so, when you say, um, education specifically for um, State workers?

BJ: Yes.

ME: Or for other parties as well?



BJ: Well, probably for other community partners as well, but I was talking about specifically about Child Welfare staff.

ME: Okay.

BJ: And [00:52:56.25] I don't think it's easy, you know, when you're in a child welfare system and you have ASFA and all of these laws that guide your work, I don't think it's easy for staff to understand why it's different, or how it's different for Tribal families? And so to be able to increase that piece, too. You know, about, why we might not end up at termination of parental rights with this child when on, you know, 12 other of your cases, that is where you're, that is the direction you potentially could be heading in. So.

ME: And what strengths do Wabanaki Tribes possess in working with the State for ICWA compliance?

BJ: [00:53:46.24] I think, one of their biggest strengths is their willingness to come to the table and share their experiences and have the difficult conversations about how do we work through these situations. Um, and for me that's been invaluable. In promoting my practice. I think the other strength is, you know, their experience and their knowledge about the State Child Welfare system. Because they have enough knowledge about our system to be able to talk about how it's different or to be able to talk about how it's the same and to, increase the understanding of staff. [pause] What else would I say? I think their advocacy.

ME: Um hm.

BJ: I think that they're strong advocates about why it's important and what we need to do and so, um, you know what I've encountered is people who will contact me and say, 'Bobbi, what's going on? You know, this isn't really working out the way it's supposed to, or, your staff didn't include us.' And I think that happens at the district level and also at the State level.

[00:55:11.07] I'm not sure that we would be where we are today, if it hadn't been for the advocacy of the Tribes, saying, 'This is important, and, you need to respect our rights and our history.' And, um, so I think that's another big strength that the Tribe brings.

ME: Great. And, the flip side of that is again, are there weaknesses that you see and what more could Tribes to do ensure that ICWA is followed in every case?

BJ: Ummm. [pause] What are weaknesses? That's a tough one 'cause really when I think about the challenges, I think about systemic challenges more than challenges that are specific to things that the Tribes, you know, I mean the only think I can think of is, many years ago when we were talking about resource issues for the Tribes, one of the Tribal directors was saying, 'You know, we really need to figure out and advocate for the Tribes to be able to claim

for any funding for kids that are involved in their Tribal Courts or Tribal Child Welfare systems.' I mean, so those are things I think about. And I mean the only other thing I can think about is, and I don't really know how you undo this for someone but for, you know, assuming good intentions I guess, and that when we're coming together, the State has good intentions or, like I talked about this meeting that I have to have that I have a little bit of anxiety about because I don't want it to be difficult, I don't want to offend anybody. So when I go to these meetings, I assume we all have good intentions and that I can respect that background and their history. So I don't know if it's a challenge, as maybe a suggestion about how we can collaborate, continue to collaborate well together?

ME: Um hm. And, and you've touched on this but if you have um, more to say about the importance of caseworkers learning about and having knowledge of Indian family, uh, American Indian family structure and culture.

BJ: Yeah, I just think it's critical to anyone who's going to work with a Native child and family to understand. You know, we talk a lot now about anyone's trauma history instead of why is this person behaving this way? What happened to them, what are they bringing to the table that we need to try to be mindful of when working with individuals? And so I think about that, you know, that history is long, um, and in many ways painful for Tribal families, so to be able to respect and honor that, I think that's important.

ME: Great. Can you talk about the importance for an Indian child who is placed in out-of-home care to be placed within reasonable proximity to his or her birth family or community?

BJ: That's certainly something that Child Welfare tries to do in general for all children. I think that, culturally, it's of critical importance for Native children because it allows them to stay connected not only to people who are familiar but to customs and traditions and the cultural pieces that the Tribal members or family members bring to that child. I think it's important for any You know, we try to keep children connected to their school and what's familiar and that's what you, you know, and culturally, what they may have, but for Native children to be able to — it's a little bit different. Because if they were living off Reservation but connected to what was going on, the activities, the events, um, the individuals that were living on Reservation and what that community brings them, you know, that's important.

ME: Absolutely. Um, and, and I think you spoke to this a little, but, the importance for an Indian child who is placed out-of-home care to participate in his or her Tribal events, spiritual customs and social activities. Do you have anything to add?

BJ: I don't think so.

ME: Okay. You, I know you spoke of that a little bit.

BJ: Yeah.

ME: *[01:00:12.15]* In what ways do you see Maine's Indian Child Welfare policies and the Adoption and Safe Families Act working together? And in what way do you see the two

policies not working together?

BJ: I think I probably touched on this a little bit, I mean I think the importance of assessing child safety, the importance of kinship care, the importance of keeping kids connected culturally to their families and their supports and where they come from. I think, you know, having, I think the differences are the time lines to permanency, and whether that's reunification or some other permanency options and then the termination of parental rights and adoption and, and I do know that the Tribes have adoption, it's just different than what the State Child Welfare system has. And so, you know, I think those are the biggest differences that I see. I think there are a lot of places where ICWA uh, and the Adoptions and Safe Families Act really converge and are very similar and the expectations are the same.

ME: So, I just have a few closing questions for you.

BJ: Okay.

ME: Okay? Um, *[01:01:43.19]* 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 that be?

BJ: I think it would be to, again, increase education and understanding. I think it would be the opportunities for Tribes to have the resources available to them that they need to do the work that they want, to be able to do or they believe they should be able to do. And certainly the Tribes would have to define that for themselves. I think that the, the TRC process is just so powerful, um, and I would support ongoing efforts to support the work that this process is trying to do, as far as the healing between the State and the Tribes. And you know, I think that takes, owning responsibility for what's happened, I think that that takes developing a plan about how do we move forward towards healing and towards working most effectively together and for the children and the families that we become involved with um, and I think it's about being willing to understand and listen to what those traumas have been. And, you know sometimes what I'll hear is, 'Well I'm not the one who perpetrated them. You know, I didn't do this to them.' And that's true, you know, I might not have been but, I can be part of the solution and part of the healing and part of not causing any more traumas or hurts. And sometimes, we do so unintentionally. So I think those would be my visions about how to move forward.

ME: That's very powerful, thank you. How could the State Child Welfare System improve in terms of Indian Child Welfare policies and practice?

BJ: *[01:03:59.09]* I think in one way, would be to build in better um, accountability measures. So, you know, my staff could be working with a Native child and I might not know about it, so I'm not watching along the way to make sure that we're following ICWA. So, I think building

in places, either within our, you know, data management system our MACWIS system or within other practices and policies where we are ensuring that we are following ICWA as it's intended to.

ME: Okay. And finally, is there anything else you want the Maine Wabanaki TRC to know about your experiences working with DHHS and child welfare cases with Native American children. Anything we didn't ask today that you would like to share?

BJ: I don't think so, I think that, that's, you've touched upon my experiences or thoughts.

ME: Okay. Thank you Bobbi. Ahh, gkisedtanamoogk, do you have anything that you would like to ask or to add?

GK: Thank you very much for uh, for doing this, for coming in. *[clears throat]* I have a couple of observations, maybe for, for your comment.

BJ: Okay.

GK: Um, just basically, uh, coming off of what you were talking about earlier, but before I get to that, did you have a, did you have a personal statement that you wanted to make prior to, prior to these questions, you know?

BJ: Um, I don't, what do you mean by personal statement?

GK: Well I mean, sometimes uh, uh, we come to here we have some thoughts that we wanted to share outside of the questions, kind of thing, so I was just thinkin', I was just wonderin', if you had something.

BJ: I don't think so, I mean, I think I have woven in, I had said to Barbara, you know, I thought it was gonna be more open kind of narrative, like, 'What are my experiences?' And I think that I've been able to weave in, you know, a lot of the experiences that I've had or, I think those powerful moments for me, when it's you know, an interaction or an experience within a case or with, someone has really touched my practice related to ICWA.

GK: Absolutely, and I think you've mentioned that particular — uh, uh, I was interested in the term, um, uh, genogram? I never heard of that before. What did you — Explain that to me for a little bit?

BJ: Yeah, so basically it's just where we map out a family's relatives.

GK: Yeah.

BJ: And we call it a genogram and, we use circles, and we try to also, it can get really in-depth as far as who's Mom, who's Dad, who are the relatives? But it can also map out, you know, who had substance abuse issues? Who was a great support to the family?

GK: Hmm.

BJ: So it can get a little bit more in-depth.

GK: Sure.

ME: It's like a family tree, *plus* lots of other information.

BJ: Yeah. Yeah. Thank you, I couldn't think of that term.

ME: *[laughing]*

GK: Well, yeah. I-, it was mapping the landscape basically.

BJ: Yes.

GK: Yeah, yeah. I found that really uh, intriguing ...

BJ: Thank you.

GK: ... uh, process. Ah, uh, a couple of things, um. Personal legacy? And historic legacy. Right? And so, in, in terms of personal legacy, and I think you've named it, uh, maybe not so much a concern but you're describing lessons that you've learned, experiences that you've learned um, uh, relationships that you've developed, uh, personally, that incoming staff don't have.

BJ: Right.

GK: You know, so that, and they're coming to this with, you know, already a programming kind of thing, and biases and so forth in that, it just, it led me to wonder, is there some way that as, as you're providing ICWA training for them, that you include that, you know since, since you have a sense of, of where the agency has come from.

BJ: Um hm.

GK: What would you like to see in, in the future. And, that now you know, well, gee, we could use a little more strength in this department.

BJ: Right.

GK: And this area. Maybe that could be inclusive in developing a deeper reach of a training.

BJ: Yeah, yeah, I think that would be critical.

GK: Yeah.

BJ: I think it's hard to for me, it has definitely had an impact and it's hard to describe. It's hard to have someone else have that same impact. But I think it's, I think it's key to be able to have somebody not just get what's on paper.

GK: Yeah. Or start over again.

BJ: Yeah, yes.

GK: And have them figure things out in a, if we can kind of make the process a little more fluid.

BJ: Yeah.

GK: You know. That kind of thing. And, the idea behind the historic legacy. I think you mentioned that too, that uh, um, people, and I think very generally, don't have a well understanding about the history behind all this, you know, why ICWA, you know, and, that's somewhat related to not really having any depth of understanding about what has happened here

BJ: Right.

GK: To begin with, you know. Um, and I, I think that was really crucial, um, and insightful as you were describing it, you know, and I agree with you, somehow we need to put that in the trainings too and maybe even having, I don't know if it's possible, a retreat kind of thing where people can experience some parts of the culture, not necessarily everything but, I think on one testimony had, alluding to that. It might be really instructional for staff to actually be in the community, see how the community operates, you know.

BJ: Right.

GK: And some of those, because there's this, I guess, for lack of a better understanding, a, a missed opportunity, but it's not really that, uh it's well, the, the difference. It's a nuance kind of thing, you know, sort of a difference of, say of you being here as opposed to you being in your own space. You in your own space, you take for granted how you know, everything works and it, it works to your comfort and you don't really think about it most of the time, and I think that's how culture works, you know.

BJ: Yeah.

GK: So, for, for someone completely out of the culture like, a licensed, by the agency, foster parent who doesn't really get it. Might think that, 'Oh, we've gone to a Pow Wow, that should

do it,' kind of thing.

BJ: Umhm.

GK: But it's that, that real nuance of when you're in the space, it's completely different. You know? Uh, um, and, I guess, to drive the point home, if you're in that space long enough, you pick it up, you know? But to intellectualize it, you know and to read about it on paper doesn't quite get it there, you know? And so, uh you know, I'm kinda thinking that historically, that really has a tremendous um, a tremendous influence on what we're trying to do here and what we're trying to do with the TRC, and what you're trying to do in your agency, you know, and so I think, somehow we need to figure out how we put that in the program.

BJ: Yeah, I think that would be powerful.

GK: Hmm.

BJ: 'Cause I've certainly done some different activities at the trainings that I've been at, you know? A smudging, and, we had um, a Tribal member who helped facilitate our youth leadership advisory team and so she would bring some different activities and events, but it's not, that's just a small piece of seeing what happens in that culture and the experiencing of it, but it's not being immersed in it or getting it at that greater level.

GK: Yeah. And that takes time, that's part of the developing of a relationship. Oh, and one final thing, actually it's not a final thing 'cause I gotta whole kinds of things that just pops into my head and, and in listening to you but, I, I think it's kind of crucial and this is part of, I guess, the ongoing developing relationship with the communities and, I think you mentioned it. You did mention it, about not being able to determine the expertise of um, Native American human resource. And also somebody who's an expert in something, how do we determine that?

BJ: Um hm.

GK: And I think that's kind of crucial uh, and if the, the, the State and the communities can have uh some, I think a deeper development in how we can find and how we determine a level of expertise, I think is helpful.

BJ: Um hm. Yeah, and I don't know, I mean, I know that we have an expert witness, but I'm not sure you know, how she got to be in that role or — I certainly value that she's an expert,

GK: Yeah.

BJ: You know I've worked with her for a long time, you know, and I think that is important.

GK: So, I think it's kind of a personal concern that, you know, how does the State determine who is an expert and who isn't?

BJ: Right.

GK: And sometimes if the State determines a certain personality is not an expert, we consider them an expert kind of thing. So, that, you know it's part of a fundamental relationship.

BJ: An intention that might be there around that. Yeah.

GK: And I really appreciate what you had to say about, 'We all come to the table with good intentions.' That should be the presumption and we work from there.

BJ: Yeah. Absolutely. Hmm.

GK: Thanks so much for, for doing this Bobbi, really appreciate meeting you and hearing about your thoughts.

BJ: Thank you. I appreciate the opportunity and I appreciate your feedback, too.

GK: Thank you.

ME: Yeah, Bobbi, just wanted to reiterate that I know it's taken a lot of courage to come here and articulate, and share your, your statement with us. It's been a very powerful experience for me personally, and I know it's a really important part of this process and, and so to have you participate in it is, um, is, is very valuable and just reiterate, thank you again for doing that today.

BJ: Well, thank you.

ME: Okay. I'm gonna go ahead and shut off the recording then.

BJ: Okay.

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