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6-25-2014

### Statement by Lucille Atwell collected by Rachel george on June 25, 2014

Lucille Atwell

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### **General Information**

**Private or Public Statement?** Private

**Statement Provider:** Lucille Atwell

**Date:** June 25, 2014

**Location:** Ellsworth, Maine

**Previous Statement?** No

**Statement Gatherer:** Rachel George

**Support Person:** N/A

**Additional Individuals Present:** N/A

**Recording Format:** Audio

**Length of Recording:** 36:11

### **Recording**

**RG:** Alright. So, my name is Rachel George. It is June 25, 2014. Would you mind stating your name, please?

**LA:** Yeah, my name is Lucille Atwell.

**RG:** Fantastic. And we are here in Ellsworth, Maine. The file number is ME-201406-00063. Lucille, have you been informed, understood and signed the consent form?

**LA:** Yes.

**RG:** Perfect. And I have to let you know that if at any point during this interview, you indicate that there is a child or an elder 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. Do you understand?

**LA:** Yes.

**RG:** Do you feel okay going forward?

**LA:** Yes.

**RG:** All right. Ah, so, to start off, would you mind telling me about your past employment with State Child Welfare?

**LA:** Well, I worked, uh, as a caseworker. I went back and forth between the Ellsworth and Bangor office. I started out in Bangor in 1985 as a caseworker, (*clears throat*) then I transferred to Ellsworth, and then I went back to Bangor in 1987 as a supervisor. And I then came back to Ellsworth as a supervisor and worked as a supervisor from '87 to 1996.

**RG:** Um, and in your time working with DHHS, how many cases did you have that involved working with Wabanaki kids and families?

**LA:** Well, actually I'm not sure they were ... Wabanaki. I know we had some Micmacs. And, what is Indian Island – Passamaquoddy?

**RG:** Penobscot.

**LA:** Penobscot. And, what about in Washington County?

**RG:** The Maliseet Tribe?

**LA:** Yes, okay, so then we had one family there as well.

**RG:** Mm-hm. Um, can you tell me a little about what those cases were like?

**LA:** Well, the first one was actually in Washington County, and I do believe that we reunified, the boys went back with their mother.

**RG:** Mm-hm.

**LA:** Um, we did, did some, the one specific case I can remember with the Micmacs, there was an adoption, an adoption with a Micmac family ...

**RG:** Mm-hm.

**LA:** ... but it wasn't a relative of the children. And then, there were several cases with the Penobscots. Um, and those, those children were not, I think the baby was reunified with the mother, but the other siblings were adopted by non-Native families.

**RG:** Mm-hm. When did you first learn about Maine's policies related to Indian Child Welfare?

**LA:** Well, I think those were presented to us when I started in 1985.

**RG:** Um, can you tell me a little bit about the training that you received around those policies?

**LA:** Well, I, I don't really remember.

**RG:** Mm-hm.

**LA:** Um, but, generally, training was done, um ... . It was probably part of the introductory training that I had when I started at DHS.

**RG:** Mm-hm. When you first started, can you tell me what those policies were in terms of Indian Child Welfare?

**LA:** I, I really can't remember.

**RG:** That's totally okay. Um, can –

**LA:** I know there was supposed to be efforts to re-unify with the parents and/or family members.

**RG:** Mmm. Could you describe a situation in which you or your staff felt *\*very\** positive about your work with a Native child and family?

**LA:** Well, I think the adoption with the Micmac folks was probably the most positive.

**RG:** Would you say that – I mean, the next question, you kind of answered it, but I'm going to ask again: What were the positive outcomes of your work?

**LA:** Well, the (*clears throat*) at least the child was put in a Native home, rather than a non-Native home.

**RG:** And during that case, what was your working relationship with the Tribe?

**LA:** Ah, well, I was the supervisor, so the caseworker had most of the interaction with them.

**RG:** Mm-hm. Would you say that the relationship with the Tribe helped contribute to the positive outcomes?

**LA:** Yes. And along that same line – this might come up later – but, I did have a good relationship with, ah, the social work on Indian Island, which I think was John Silvernail at the time?

**RG:** Mm-hm.

**LA:** I might be wrong there.

**RG:** I'm not sure.

**LA:** Right, but I mean, and we did work together and spoke often.

**RG:** That's good. Could you describe a situation in which you or your staff felt \*less\* positive about your work with a Native child and family?

**LA:** Um, with specifically the, the family, not the representative of the Tribe?

**RG:** Mm-hm.

**LA:** Right.

**RG:** It could be with the representative of the Tribe.

**LA:** Right, so, I mean, the family, I mean (*clears throat*) the biggest problem with the one \*large\* family that we had was that both the, the – actually the father was Caucasian – but they both drank too much.

**RG:** Mm-hm.

**LA:** I mean that was, you know, we just, we felt that the, or the \*court\* felt that the, the baby was probably better off but, it was ... otherwise, they didn't feel it was best for the other children.

**RG:** Mm-hm. Ah, what specifically contributed to that situation being \*less\* positive than other situations?

**LA:** Well, the drinking that wasn't under control.

**RG:** Mm-hm. And, thinking back, what do you wish had been different in that situation?

**LA:** Well, that the parents and their, along with the drinking was, uh, I believe, physical abuse, probably both back and forth – I don't think it was one or other. And it just was \*sad\* that they couldn't stop drinking, and, you know, maintain a healthy home.

**RG:** Mm-hm. What was your working relationship with the Tribe in that case?

**LA:** Um, the woman was from the Island, and I think they let him live there. What was the, what was the best part of it, did you say?

**RG:** What was your working relationship with the Tribe in that case?

**LA:** Well, I mean, we were trying to work together to get the family sober.

**RG:** Mm-hm.

**LA:** And, so, I think they were involved in programs on the Island. Well, probably, you'll ask this later, so I won't go on any more than that, so —

**RG:** Um, and you mentioned that the other children were placed into foster homes?

**LA:** Yes.

**RG:** Were those foster home on-reservation or off?

**LA:** Off. There was only one Native foster home on the Island at that time, um, but it, it wasn't available, for some reason. I know that we didn't place there. A lot of the reason was that the mother \*was\* living over there, and we thought that she would interfere with the placement.

**RG:** Did your relationship with the Tribe in this case contribute to the less positive experience?

**LA:** No.

**RG:** Is there anything else you want to add about that case, in particular?

**LA:** No.

**RG:** (*very softly*) Okay. Um, so, there's a couple — . Well, there's many facets of working with Indian Child Welfare, as I'm sure you know, so I'm going to ask you what your experiences were with working with each of these. If you don't have any experience with it, um, or any challenges that you found with it, then that's okay. Just let me know.

**LA:** Mm-hm.

**RG:** Um, what was your experiences in, or challenges you found, in initial identification of a child as Native American.

**LA:** There weren't any challenges ... um, because, they were —

**RG:** What was your experience working with the initial identification?

**LA:** Well, I guess none, because I think, all of them, even like the Washington County one, I mean the families were on the on the reservation.

**RG:** Mm-hm.

**LA:** There you go. And, so, and, that we just knew from the beginning that they were, well, all of them, except for the baby and the Penobscot one were full, uh, Native American, but then the baby was half, because he had that Caucasian father.

**RG:** Mm-hm.

**LA:** But the boys, ah, in Washington County were from the reservation, and the same with the Micmac, they were all ... We just \*knew\*—that, that – we must've been told that, at some point, but I don't recall the specifics on that, that they were full Native –

**RG:** –That's good to know. Uh, what were your experiences in notifying, um, Tribal Child Welfare when a child came into –

**LA:** Well, they were initially involved, so I don't think I had any contact with them.

**RG:** Um. And they were initially involved, so I guess the next question doesn't really – isn't relevant, which is: Who would you usually call within Tribal Child Welfare?

**LA:** Right, and as far as, (*clears throat*) I would talk to the social worker, who I believe was John Silvernail. I mean, he's the person that I communicated with.

**RG:** Mm-hm. Um, what were your experiences in working with the Tribes to identify Native children?

**LA:** Well –

**RG:** – Or any challenges.

**LA:** Rrrright, um. I didn't have any challenges with that. And I, it must have been the AAG's office that did that. Or maybe, ah, 'cause I was in the foster care end of it, and I bet child – the child protective end of it – must've made the contact with the Tribe.

**RG:** And, um, what were your experiences in determining jurisdiction or residence of Native American children?

**LA:** Well, I had none, really.

**RG:** Um.

**LA:** Again, that must have been part of the, before the custody hearing, the preliminary work.

**RG:** So, when that preliminary work comes to you, all that information has already been –

**LA:** –That's correct –

**RG:** – established –

**LA:** – established, yes.

**RG:** Um, and how about in child custody hearings experiences that you've dealt with, in that case, or in any challenges that you have found in dealing with child custody hearings?

**LA:** \*Well,\* they, they really \*weren't\* a challenge, I mean, of course, the family wanted the children on the reservation, um, and so that was usually the biggest challenge because a lot of the problem was that the reservations are small, and so, if, you know, it was just hard to place.

**RG:** Could you elaborate a little bit more?

**LA:** Well, it was hard to place the, I don't think in the Washington County case, there were any foster families on the, the reservation, so the Indian Island situation ... . So, the biggest problem was placement. They wanted the, they wanted – of course – placement with Natives, but there weren't any that we felt were available that would be able to protect the kids from their mother and/or father because they would interfere.

**RG:** And how about in family team meetings?

**LA:** Um, (*tapping the table*) those meetings were – they weren't called family team meetings back then, they were called, ah, case planning, I think. And, case plan meetings. And, the families were invited to those by the person that was having the meetings. And the, the biggest challenge again was still, where the children were going to be placed. And we probably didn't really work as hard as we could've to place with Native families.

**RG:** What experiences do you have in arranging family visitation or challenges you found in arranging family visitation?

**LA:** Well, there was family visitation and the biggest challenge was making sure the parents were sober when they came to the visit.

**RG:** Mm-hm.

**LA:** And, then, you know, the, the children, um, you know, wanted to be with their parents, and so that was hard, when the visit ended to ...

**RG:** Mm-hm. Were those, um, supervised or –

**LA:** –Yes– [*simultaneously*]

**RG:** – unsupervised visits? –



**LA:** –Yes, they were supervised.

**RG:** Did the family ever get to the point where they had unsupervised visits?

**LA:** Well, I know they did with the baby. Um, I can't recall.

**RG:** Can you explain a little bit about why the baby was moved or reunified back with the family and not the older kids?

**LA:** Well, that's what the judge chose to do. I think we did not agree with that.

**RG:** Mm-hm. And did that go through the Tribal Court, um, at the Penobscot Nation?

**LA:** No, it was through the District Court.

**RG:** Can you tell me a little bit about what that experience was like?

**LA:** (*pause*) Well, ah, you know, it was, is a, initially, I was the case worker on this particular family, and so then I would have to testify to what the re-unification efforts were and how those were progressing.

**RG:** Mm-hm.

**LA:** .So, I mean, that was, was just, ah, stating the facts, and then the judge would rule.

**RG:** Mm-hm. And how were the re-unification efforts going?

**LA:** Well, the biggest problem was the drinking, and the parents would not stop drinking.

**RG:** I was going to ask another question, but that's further down the list, so, ah, (*soft laugh*) what experiences do you have in kinship care, um, or challenges you found with kinship care?

**LA:** Well, there (*hesitating*) was no kinship care at that point, again, using the reason that we felt that the, the reunification efforts with the parents would be a problem, I mean, that it wouldn't work out right. And some of the family wasn't happy that the father was Caucasian, and they'd, been through, the family, I believe, had been through the experiences with the older kids and just, they would not have, it would not have worked very well, because of their attitude about the parents, for one thing. And, also —I almost used the name — her, the mother's, ah, would probably, wouldn't follow the order. Like no contact, if she wasn't supposed to have contact beyond the visits.

**RG:** Were there conversations about going — ah, conversations with the family about using kinship care as a solution?

**LA:** –Well, I believe, I believe there was, early on, I ... can't remember anything specific.

**RG:** That's okay.

**LA:** *(soft laugh)*

**RG:** That's all right. Um, what experiences do you have in or challenges you found with termination of parental rights?

**LA:** Well, the parental rights were terminated on the other children, and they *\*were\** adopted. Termination of parental rights hearings were always very difficult for me, no matter what. It just was emotionally challenging for me because, the thought of doing that is just— I mean, it's sad. It's very sad. Even if, you know, I knew it was in the best interest of the children, it still was very sad.

**RG:** Can you tell me a little bit about, about, ah, or could you *\*walk me\** through the policy and procedures to get to the point where you have to approach termination of parental rights.

**LA:** *(overlapping)* Well, again, this was *(clearing throat)* 20 years ago.

**RG:** So to the best that you can recall.

**LA:** Right. Well, there were, you did, you had an order to do the re-unification effort.

**RG:** Mm-hm.

**LA:** And usually that included therapy or parenting classes and then, with this family, it was, you know, basically, the alcohol treatment. Um, *(clears throat)* and I think that probably the father went through, ah. *(patting a surface)* What was it? Uh, like, paren— *\*anger\** management — uh, to help with that, and, so the whole process *\*is\** that if the family abides by the order, then — basically, if they *\*don't,\** then, eventually it would be in the best interest of the children to adopted.

**RG:** Mm-hm.

**LA:** So, then we do the termination of parental rights hearing.

**RG:** And, when you were working with this case, how long was that period? To the best that you can recall.

**LA:** Yeah, I know, it seemed to go on quite a while. *(soft laugh)* Um, I don't know. I'm not exactly sure, but it did go on for quite a while. They, back then, the State spent more time trying to re-unify, I feel, than now —

**RG:** [*simultaneously*] –Than they do now?

**LA:** – Well, I thought they, they, I thought they had like a six-month limit now –

**RG:** Mmm.

**LA:** – I don't, I haven't kept up on those laws, but I thought they, they, a lot of them went on for a long time, and then the children are getting older, and ...

**RG:** Mm-hm. So bridging off with that: experiences you have in adoptions? Challenges you've found to adoption?

**LA:** Well, kind of an accumulation. I mean. (*clears throat*) Whenever you place children in a foster home, and they stay there a long time, then it's, um, some of those families want to adopt and some of don't. Um. (*under her breath*) So, where was I going with that? But, I mean, it's harder when it takes a long time, because the children get attached to the foster home, and if those people will adopt, that's fine, but then, if they don't, then they have to be placed in another, in an adoptive home. Um, and I don't think, back then, as many folks, um, foster parents adopted.

**RG:** Mm-hm.

**LA:** And I think there's a little more of that today.

**RG:** Mm-hm. Is there anything else you want to add on these topics that we just talked about?

**LA:** No, other than what I said is I think that, that efforts were not made, as much as they could've been to place with family, or with Natives.

**RG:** Mm-hm. What would you consider \*active\* efforts to prevent the break-up of American Indian families? Uh, please describe how the State conducts (*distant sound of baby cry*) active, remedial and rehabilitative efforts to prevent the break-up of an American Indian family before ordering an out-of-home placement.

**LA:** \*Before\* ordering an out-of-home placement. Well, again, when I was working there, that they were already in a placement (*distant sound of baby cry*) when we got them, in the, in the foster care end of the child protective system. I don't, I don't think very much work was done (*clearing throat*) personally.

**RG:** Mm-hm. Can I ask why do you think that there wasn't much work done?

**LA:** Well, especially, then, I think, they were just, you know, removing the children, and \*then\* working on reunification, instead of (*clearing throat*) preventative stuff.

**RG:** Mm-hm.

**LA:** I think now they do do more preventative work.

**RG:** Could you speak to the active efforts? Do you know what those active efforts would be?

**LA:** Um, well, normally, you know, especially with the alcoholic parents would be to get them to go to some program, and, um, (*clearing throat*) and parenting classes, and (*clearing throat*) S'cuse me. And maybe things like with the anger management with the father could've been done \*before.\*

**RG:** Mm-hm.

**LA:** But this family had been involved with the Welfare, the Maine Welfare system for a long time, and I also believe the Native Americans were very involved with this family, from the first child, on.

**RG:** Yeah. Is the active-efforts standard used in cases involving Indian children different than the \*reasonable-efforts\* standard applied to cases not involving Indian children?

**LA:** Well, back then, I don't think they were.

**RG:** Mm-hm. That's good to know. (*soft laugh*) How are Tribal Child Welfare staff included in the development of the family case plan?

**LA:** There were (*hesitating*) conversations, but I don't believe they came to the actual meetings – the, at that time, but I, it was, between the case worker and myself, \*conversations.\*

**RG:** Mm-hm.

**LA:** And I think they may've been fed up with this family as well.

**RG:** Mm-hm. Do you happen to know why they weren't attending those meetings?

**LA:** Well, no, and I don't. And I don't know if they were invited or not, you know?

**RG:** Mm-hm.

**LA:** I'm not sure.

**RG:** That's okay. (*soft laugh*)

**LA:** (*soft laugh*)

**RG:** 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?

**LA:** I don't think I was ever involved with them not, with them declining.

**RG:** Mm-hm. To the best of your knowledge, when the \*State\* declines to transfer a child custody case proceeding – (*correcting*) ah, \*child custody proceeding,\* sorry – covered by Maine's Indian Child Welfare policies to Tribal Court, what are the reasons for this decision?

**LA:** Yeah, I can't speak to that \*either.\* Um, what I think with, with both the Washington County case and the Indian Island, I think there'd just been too much history.

**RG:** Mm-hm.

**LA:** And they must've then sent it over to the Maine District Court. I can't recall specifically.

**RG:** Have you had any experience in working with expert witnesses for Indian Child Welfare?

**LA:** No.

**RG:** What State Child Welfare policies, practices and events influenced your work with Wabanaki children and families?

**LA:** Well, it must've been the, the new law. I mean, when was the original law?

**RG:** 1978.

**LA:** '78.

**RG:** Mm-hm.

**LA:** So, it was relatively new in 1985.

**RG:** Mm-hm.

**LA:** So, I mean we were, trying to follow that but I, again, I don't think it was followed as closely as it could've been.

**RG:** Mmm. Over the course of your work in State Child Welfare, ah, what did you see as barriers to the successful implementation of Maine's Indian child welfare policies?

**LA:** Well, I think that, probably, the upper management wasn't pushing that as much and so then, it trickled down.

**RG:** Mm-hm. Mm-hm. Were there any other barriers that you saw?

**LA:** No, unless it was, you know, the whole attorney general's system which, you know, they work hand-in-hand —

**RG:** Mm-hm.

**LA:** — but, um. You know, I just, I don't think it was followed to the letter of the law, especially in the beginning years.

**RG:** What are the reasons for you thinking that it wasn't followed as well as it could've been?

**LA:** Just observations.

**RG:** Mm-hm. Are there any, um, moments that stand out to you as indications when it wasn't being followed to the extend that it could be?

**LA:** Not specific, but I think that it's, it's part of that whole (*short pause*) searching, you know?

**RG:** Mm-hm.

**LA:** You know, you don't search as hard as you could for Native families or Native foster homes. I mean, again, there weren't many, that — I just recall that one that we had in '85.

**RG:** Ah, what strengths does State Child Welfare possess in ensuring compliance with Maine Indian child welfare policies?

**LA:** Well, they might have some now, but they didn't seem to then.

**RG:** (*soft laugh*) All right. Weaknesses that the State —

**LA:** — I mean, we did do that adoption with the Micmac family, which was good. That was a few years later. That wasn't in the early —

**RG:** Mm-hm.

**LA:** That's probably more in the '90s than the '80s. Okay, where were we?

**RG:** (*soft laugh*) What weaknesses does State Child Welfare possess in ensuring compliance with Maine's Indian child welfare policies?

**LA:** —Well, I don't think they did a full effort at looking and trying to follow it to the letter of the law.

**RG:** Yeah. What strengths do Wabanaki Tribes possess in working with the State for ICWA compliance – procedures or practices does a Tribe have in place that helps facilitate ICWA compliance?

**LA:** Well, um. (*long pause*) Well, I, again, with the Penobscot, John Silvernail was just very easy to work with.

**RG:** Mm-hm.

**LA:** And, um, as I said, I think he gave up on that one family as well.

**RG:** Mm-hm.

**LA:** We did reunify. I don't remember dealing with a social worker for (*patting a surface*) the Washington County case.

**RG:** Mm-hm.

**LA:** I just don't even remember seeing someone. We just were doing the reunification with the mother, which eventually did work.

**RG:** What weaknesses do Wabanaki Tribes possess in working with the State for ICWA compliance?

**LA:** I don't know of any. (*softly*) I guess.

**RG:** And could you talk about the importance of case workers learning about and having knowledge of the American Indian family structure and culture?

**LA:** Well, I think it's very important for them to understand why any culture needs to have their own family, just to – I think people, I think they're *\*beginning\** to understand that more. That they need to be around their Tribes to learn *\*those\** customs, and, ah, culture.

**RG:** Can you please talk about the importance for an Indian child who's placed out-of-home – (*correcting*) in out-of-home care to be placed within a *\*reasonable\** proximity to his or her birth family and/or community?

**LA:** Well, if there is going to be reunification, it works best if they're close, and also, um, yeah, it works best if they're close, and even if they don't have, are unable to have contact with their (*clearing her throat*) immediate family, maybe they can have some contact with some others to get the culture.

**RG:** Mm-hm. Um, can you talk about the importance, ah, for an Indian child who is placed in out-of-home care to participate in his or her traditional Tribal events, spiritual customs or social activities?

**LA:** Well, I think any culture really needs to – whether it's Native Americans or not – to learn about the, the customs and the whole social network of the people that they're a member of.

**RG:** Mm-hm.

**LA:** I mean. Ah, yeah. *(soft laugh)*

**RG:** *(soft laugh)* In what ways do you see Maine's Indian Child Welfare policies and the Adoption and Safe Families Act working together? And in what ways do you see these two policies not working together?

**LA:** Well, again, I'm not involved now, but I think that they probably – what, from what I've heard from people who are still working, friends of mine – that they are working better at placing families – children – with Native families. Um. *(long pause)* And I really, I really think that they finally figured out that that's important for the child.

**RG:** Mmm. Mm-hm.

**LA:** *(soft laugh)*

**RG:** *(soft laugh)* So I just have a couple more questions for you. If you could change anything, or make anything happen at the Tribal, State or Federal level to improve the lives of children touched by ICWA, what would you do?

**LA:** Well, I think that, that was a good point that, I think, more training – for everybody involved in child welfare – about the needs of children to have the culture and experiences and just social life of their – the people, the people that they're a part of. They need that in order to grow up healthy.

**RG:** Mm-hm. How could the State Child Welfare system improve in terms of ICWA policies and practices?

**LA:** Well, I think education, as you said, and maybe – and I don't know how much communication there is at the higher-up levels to kinda work on that – but that's where it needs to start.

**RG:** Mm-hm. Absolutely. And is there anything else you want the TRC to know about your experiences working with DHHS and child welfare cases with Native American children?

**LA:** Well, I think that I said it. And hopefully they are doing a better job because it \*was\* kind of, you know, brushed under the rug back in the '80s and early '90s.



**RG:** Thank you so much ...

**LA:** (*laughs*) Okay.

**RG:** ... for your time. (*soft laugh*) And I'm going to stop the recording.

**END OF RECORDING**