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9-11-2014

### Statement by Anonymous collected by Rachel George on September 11, 2014

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### General Information

**Private or Public Statement?** - Private

**Statement Provider:** Anonymous

**Date:** September 11, 2014

**Location:** Machias, Maine

**Previous Statement?** No

**Statement Gatherer:** Rachel George

**Support Person:** N/A

**Additional Individuals Present:** Gail Werrbach and Sandy White Hawk

**Recording Format:** Audio

**Length of Recording:** Part One: 00:48.49; Part Two: 00:01.27

#### Transcriber's Note:

This is an anonymous statement. Any redactions to the transcript or alternations to the recording have been done at the request of the statement provider in an effort to protect his/her identity.

### Recording

**RG:** Okay, it is September 11, 2014. We're here in Machias, Maine. My name is Rachel George and I'm here today with:

**A:** [00:00:09] [REDACTED]

**GW:** Gail Werrbach.

**SWH:** Sandy White Hawk.

**RG:** Fantastic. [00:00:19] [REDACTED] have you been informed, understood and signed the consent form?

**A:** Yes.

**RG:** Perfect. Oh, and before I forget, the file number is ME-201409-00093. 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.

**A:** I understand that.

**RG:** And do you feel okay going forward?

**A:** Yes.

**RG:** Perfect. Is there anything you want to start off by saying, or do you just want me to jump into the questions?

**A:** You can just jump into the questions. And, you folks, I mean, you should feel free to call me [00:00:57] [REDACTED].

*(laughter)*

**RG:** All right.

**GW:** Okay.

**RG:** [00:01:02.09] Can you tell me, or tell us rather, about your employment as a Guardian ad Litem?

**A:** I'll do a, prior to being a GAL, I worked [00:01:14] for about 17 years at Pine Tree Legal Assistance in, actually, I was sort of all over the place. But in early 1996, I stopped doing that and became a Guardian ad Litem and so, since 1996, I've been a Guardian ad Litem primarily in child protective cases, um, mostly in the Machias, Calais and Ellsworth district courts. There was a time in the early 2000s where I also was a GAL for Tribal courts in Pleasant Point and *(sigh)* I can't remember the Princeton — around Princeton, that area. So, actually where Rebecca Irving was the Tribal judge. And I did that for a while.

**RG:** Can you tell me a little bit more about your experience working with the Tribes as a Guardian ad Litem?

**A:** Um. *(laughs)* What do you mean? What did I do?

**RG:** About your experience, any perspectives you have about the way the system worked.

**A:** Okay, yeah. I actually was pretty critical about the way it worked. I have to say at the beginning that I'm not a Tribal member, I don't want to pretend that I know anything about the needs of Native peoples or anything like that. My focus has always been on what's good for kids. To me, in some sense it encompasses the Tribes, but not in a direct day-to-day sense, so



my focus in dealing with cases has always been what's good for kids. The thing that disturbed me most when I was working as a GAL in Tribal court was the lack of accountability for parents. The case that I remember distinctly, which was the first case I was involved in, was a case which involved drugs and domestic violence. And you know, the parents never cleaned up their act and the kids were never removed from the home. I just felt like, um, there should have been more accountability for the parents for not following through. There should have been some better protection for the children. Um, I eventually stopped doing GAL work — I don't want to say I made a big stand about this because I didn't, but I felt like I wasn't providing any useful service and so that's why I stopped doing it. They stopped appointing people at about the same time. But it wouldn't have mattered because I wouldn't have taken cases anyway. I just felt that I was not providing any useful help to the system and definitely not to the kids.

**GW:** About how many Wabanaki kids do you think you were probably the Guardian ad Litem for?

**A:** Well the one case I think of particularly, there were five kids in that home. I'd probably say 15. Altogether.

**GW:** And this was like, early 2000s?

**A:** Yeah, early 2000s.

**SWH:** And did you feel like all of those cases were cases where the children's needs weren't met and the parents were unaccountable?

**A:** [00:05:03.15] Most of them. I think some of them, you know, things just sort of resolved. But any case in which there was an issue, I mean a serious issue — the parents really didn't do much of anything. The Tribal welfare department didn't do anything about the parents not doing (*laughs*) much of anything! That was a really serious issue for me — you know, trying to figure out how I could fit in and get something done.

**SWH:** What did you think should happen?

**A:** Well, that's a difficult one. It's a difficult one because, again, I don't understand the Tribal stuff and I try not to — you know, I didn't make a big deal about it because I wasn't sure of all of that. I felt like the parents were more important than the kids, that's the distinct sense I had. I know it is hard to remove kids from parents, and I know it's not a good idea — and I particularly know in the case of the Passamaquoddy that there aren't a lot of families and possible resource places to put kids, but I really felt that in the one case that I've talked about a couple of times, or referenced a couple of times, I really felt those kids needed to be out of the

home somewhere, whether with other family members or other Tribal members or even outside the Tribe. The oldest kid I was most worried about, the oldest boy. I was most worried about.

**GW:** What were the options that Tribal Child Welfare was considering? Did they, in the legal term, ‘find jeopardy’ in terms of the parents, or how did that work?

**A:** Yes. I believe they did. You know, *[00:06:58.24]* I wish I had these cases but I actually don’t even have them anymore. *(laughs)* I shredded them all because they were more than 10 years old. Um, I believe there were findings of jeopardy in all of the cases, um, that I had, although maybe not in all of them, but in most of them there was.

**GW:** What were the options that you think Tribal Child Welfare was ... ’cause you mentioned other relatives, other family members, other community members. What was your sense of how that worked with Tribal Child Welfare considering options for the kids in those situations?

**A:** I think that family members was really the only one that was seriously considered and again, this is just my sense, I don’t know what went on, um, but my sense was that there was a real reluctance to move the kids from the home. And, um, I understand that, but I also understand that there are times when that has to happen. So. But I think that the major thing they were looking for was trying to get the parents to clean up their act, but doing it by cajoling rather than by saying if you don’t do it something else is going to happen.

**GW:** Yeah, it sounds like they didn’t have a ‘something else’ at that point.

**A:** I think that’s right. And again, that may be a very good reason for why something else wasn’t done, because they didn’t have the, those kinds of resources. I don’t mean financial but just those kinds of resources.

**RG:** *[00:08:44.20]* When did you first learn about the Indian Child Welfare Act?

**A:** *(sigh)* It was probably about the same time. I have also had a number of cases that have stayed in the state court system that have involved Native children and that have involved the Tribal Welfare Department. And actually, my recent experiences with them have all been really positive, and I can talk about those as we go along. So, it probably, um, was actually after my involvement with the Tribal court system because I never really thought about it and never really had to figure it out. I’ve actually really only become most aware of what the Indian Child Welfare Act does and requires in the last couple of years, in the more recent cases that I’ve dealt with.

**RG:** Did you receive any training about the Indian Child Welfare Act?

**A:** No.

**RG:** So, just to clarify, was it all self-education that you did then?



**A:** Yeah. Yeah. I don't think that it's [00:10:01.03] an issue that has ever been addressed, certainly, in any of the trainings that I've been involved in. I was involved in the initial training that they require of all GALs in Maine and I've been to every one that's been focused on GALs over the last eight years, or however long it's been, and there hasn't ever been, to the best of my memory at least, something that focuses on the requirements of ICWA. I think it would be a good idea. *(laughs)*

**GW:** Yeah, that's pretty kind of amazing.

**SWH:** That's a big hole.

**A:** Well, you know, it is kind of amazing for people who practice here and in Bangor and in Houlton. I mean, I don't know how prevalent the issues are in other court systems but they come up often here. It just seems to me that it's enough of an issue that it ought to be part of something that GALs know to think about when they get any kind of a case rather than just, 'Oh, what's this, what do these letters mean?' *(laughs)* You know, it's on the court form that they ask, 'Are there any ICWA issues' but it doesn't really mean much. It didn't mean anything — Actually, I don't think they had it back when I started doing it.

**RG:** I'm having a hard time wrapping my head around the fact that they wouldn't provide training.

**SWH:** Welcome to the world.

**A:** I think the thing is all thoughtlessness, that's my thing. It causes harm. It really is harmful. But I don't think anybody said, 'Oh, let's not teach this.' I just think that people, you know, and my sense is that everything gets done in Augusta and Portland and they don't understand that there are vast other portions of Maine that have really different issues and really different populations than Augusta and Portland. So. It wouldn't surprise me, you know, if their people down there really had very little understanding of how much a part of the landscape the Tribes are here. Again, I don't know Bangor that well, but I assume that it's that way there and I think it is that way also in Houlton.

**GW:** Who oversees training for GALs?

**A:** It's the administrative office of the courts. They set the rules for us. They provide training and — but they don't provide all the training and there isn't anybody that I've seen that has provided any training at all.

**RG:** Could you describe a situation in which you felt very positive about your work with Wabanaki children or families?

**A:** Yes. [00:13:18.05] So, one of my recent cases — I think I can do this, sort of describing the situation and it's not going to be identifiable. The situation is, there were two children involved. The father is a Tribal member; the mother was not. The mother had serious, um, mental health issues. Father had serious substance abuse issues. So, when I first got involved the kids had been with the mom and they were removed from the mom's care. The Tribal Welfare Department got involved, some work was done, and the kids were returned to the father's care. Um, he was living in Bangor with his significant other. After a few months, um, it was clear that he had just been telling stories about how well he was dealing with his substance abuse issues, and it was really obvious. The thing I was really pleased by is a lot of that information came from Tribal, either Tribal Welfare people or the Wabanaki, Health and Wellness. They provided a lot of the information for that. And so the kids were then removed again from the home. One of them stayed with a Tribal member in Pleasant Point, his aunt. That one was easy.

The other part of the case was really hard because the other child, the younger child, had not been in a Tribal home, had just been in a regular foster home, and the Tribe had okayed it because they couldn't find an appropriate place for her. So she went back to that home. Then that didn't work out. *(laughs)* I'll just say that. But what I was really pleased by is that the Tribal Welfare Department and the Department of Health and Human Services actually worked really closely together to explore all family resources. All possible family resources. The Tribe looked to see if there were other Tribal members who might be appropriate. Everybody cooperated very well on that. Eventually they couldn't identify a Tribal person that would be appropriate, and the child was placed with another person, another foster home, you know, just regular foster home. I really like the foster home *(laughs)* because I've had a number of kids in the home, so I know that they're really good. So, I was pleased that she was there. But I was pleased that it happened with the Tribe's consent. Actually, they were — enthusiastic is too strong — but they were very positive about the placement. And so, that one I felt that the Tribal Welfare Department and the Department of Human Services really worked well together. There was a lot of interchange of information. I think everybody treated everybody with respect and proceeded along the path that I think needed to be proceeded along. And it reached the result. If the result would have been that she was placed with a Tribal member, that would have been okay, too. But, you know, I thought that one worked very well and again, everybody treated everybody with respect, which I really appreciated.

**RG:** Are there other situations that stand out as very positive for you, in your work?

**A:** *(sigh)* That was the most positive one. Again, there was another one with the Houlton Band but that one didn't really — everybody was on the same page by the time I got involved. You know, again, the Tribal Welfare folks and Department of Human Services had been cooperating and continued to cooperate, and everybody was on the same page of wanting the children there to be with the person that, uh, they were with. There was somebody else who wanted to be their guardians, but everybody was against that happening. *(laughs)* Again, it was a positive result. I felt that people worked together pretty well, but it wasn't the same kind of cooperation needed. The child wasn't moved, nobody was looking to move the children to another place or anything like that. So again, that was a positive result. People worked together well, I thought, but I don't think it had the same degree of, um, messiness that the other one had.



**GW:** And was that child placed within the Maliseet community? Did they have those resources available, too?

**A:** No, they didn't. *[00:18:36.21]* Again, that was a decision that got made before I got involved. This is one of those cases that started in Portland, *(laughs)* so it started out as a Portland case. All of the decisions about stuff were made, as best as I can tell — looking back on the record — the Tribe was very involved. The Tribes okayed and advocated for the foster parent to have the children, there were two of them. But again, by the times I got involved, it was just trying to resolve this other person that wanted to take the kids. But no, there weren't resources and I wasn't involved to tell you what kind of search went on. But the Tribe was supportive of the placement.

**RG:** Could you describe a situation or situations in which you felt less positive about your work with Wabanaki kids and families?

**A:** Yeah. I think most of the negative stuff is the things I talked about before, the Tribal court things, I think, were not very positive. I can't remember any other cases that there were any issues on, that I remember in which there was a Tribal kid or a Tribal member in the State court system. There probably were some, but there weren't any that I can remember that stood out to me one way or the other.

**RG:** In the cases where you mentioned, um, them being in Tribal court, I know that you mentioned it was the lack of accountability, but is there anything else that contributed to it being a less positive experience?

**A:** *[00:20:49.00]* Um, we sort of talked it through. Resources were a problem. I think particularly home resources, out of possible placement resources, I think that was the big issue, although, again, I never asked that question and I don't know that that's true. But I think those were the big issues. I do think that there's — I'm pleased that stuff has worked so well in my recent experience between the Tribal Welfare Department and the Department of Human Services, but I can really see the possibility of conflict in that situation and, you know, in some ways, and, again this is a resource issue. I think the situation in which a case involving Native children that remains in State court is much harder to deal with than a case involving Native children that gets removed to the Tribal courts. I think there's lots more potential for conflict.

I think that there's lots of people — me included, I admit that — that don't understand the cultural issues that are there. Um, and I think that there's lots more reasons, there's lots more chances for conflict in situations. If I know that there are lots of, there probably are plenty of financial issues and stuff, but if I had my way, I'd like the Tribe to take the case to Tribal court and deal with it there. I think it's a better system. I think it will take everything into account better than the State court system would. Again, I was lucky because I ultimately, in the cases



that I talked about, both the Tribe and the department were on the same page, and maybe that's because they worked together closely, but maybe it was just luck as well! *(laughs)* That's the way things turned out. I just think that the results would be more consistent if those cases went to Tribal court.

**RG:** There are a number of different aspects that I want to ask you about in terms of working within the Indian Child Welfare Act and I'm going to ask you about your experiences and any challenges that you've found, and if there are any that you don't have experience with or don't know, just let me know.

What challenges did you notice and what were your experiences in initial identification of a child as Native American?

**A:** *[00:23:47.27]* Um, the only issues that I've seen are issues where kids come from, or potentially come from, a western Tribe. Getting certification or getting information from the correct person, you know, whoever does the recording of Tribal membership is sometimes difficult. I think the department, at least the two offices that I deal with, um, make their best efforts to do that but it is sometimes difficult.

**RG:** How about the State notifying the Tribes of Native American children that have been brought to their attention?

**A:** I've never seen it to be an issue, but I don't know. I think that, that, um, my sense is that the department, now at least, takes that very seriously and that they do that. I've been doing this for a long time. I don't know that in the beginning that I would have said the same thing but I'm not sure that I would have been aware of it. Now that I know that, I know the department inquires, the court inquires in every case about possible Tribal membership for children and whenever it's identified, I know the department makes efforts to get the Tribe involved. Whichever Tribe it happens to be.

**RG:** And how about in determining jurisdiction or residence of Native American kids?

**A:** I don't even know what that is! *(laughs)* I'm not even sure what that issue is!

**RG:** That's okay. *(laughs)* In child custody hearings? Child protective custody hearings?

**A:** The Tribes taking part, in the couple of cases that I've been involved in that have had hearings, the Tribe's been actively involved in that, so I don't see it as an issue.

**RG:** How about, um, foster care placement?

**A:** You know, *(sighs)* I think that the department could do a better job of trying to find, um, Native families for kids. I can't think of a case in which that wasn't done but, I don't think it's a priority for the department to do that. That's just my sense. *(pause)* I guess that's all I can say.

**RG:** *[00:26:51.08]* How about in family team meetings?

**GW:** Are you involved in those as the GAL?

**A:** Yeah. I know that in the cases I've been involved in where the Tribe's been active, that the welfare people from the Welfare Department have been at most of the meetings that I've been at and taken part and people have listened to them, and they've been valued parts of the process, I thought.

**RG:** Family visitation?

**A:** I don't know that I have much to say about that. I mean, I've never sensed that there's any issues. If there are family members that want to visit, I know that that happens.

**RG:** How about with kinship care?

**A:** [00:27:50.23] Yeah. Again, I know it happens. I know that's the department's desired (*laughs*) placement for kids and I think appropriately. I don't sense it as being an issue. Except for identifying. That's the piece. I don't know how hard they work at identifying possible kinship placements. I also think that they've — I think this in general about the department, not just in cases involving, uh, Native kids — I think that their, sometimes their standards for kinship care are too high. I think that they expect more than they need to for families that might be foster placements for kids.

**SWH:** Can you give an example?

**A:** No, I can't! (*laughs*) I can't. You know, it's just, my sense is that they want everything to be as close to perfect as possible, and I understand that because if it's a kid that's in their care and if something goes wrong, it's their responsibility, but I just think that they go way overboard in making sure everything is perfect. I can't give you — I wish I could give you an example, but I can't.

**RG:** How about in dealing with termination of parental rights?

**A:** I've only had one case in which the parental rights have been terminated and that happened before I was involved. It was the case that I talked about before, that happened before I was involved. I think it was, I think the mother consented and (*pause*) I think actually the father may have ... The father was the Indian person, and I think he died before the termination happened, so I don't really have any experience with that. Um. Yeah. That's all I can say.

**RG:** And how about in adoption?

**A:** *[00:30:13.01]* I don't know that I have much experience with that, either. Um. You know, my experience has been, in cases involving Indian children, termination doesn't happen. So you know, in Maine we have this procedure that allows kids to be placed in homes without there being a termination of parental rights. Permanency guardianship it's called. You guys probably have heard of it. Um, that happens more often, and I think appropriately more often. Um. *(pause)* That's it.

**RG:** Okay. *(laughs)* I don't want to rush you. How are Tribal Child Welfare staff included in the development of a family case plan involving a Native American child?

**A:** I don't think I can really answer that very well. Again, in the cases that I've talked about before, I know that there was a lot of consultation between the worker and the department and the worker in the Tribal Welfare department. They talked a lot. They tended to get to agreements, not that the issues were difficult in the case that I was talking about. But, um, I think there was a lot of involvement early on, so it wasn't like the department coming to the Tribal Welfare folks and saying, 'Here's what we're going to do.' I think there was consultation. It was developed between the two offices.

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

**A:** I don't have any idea. *(laughs)*

**RG:** No problem. Have you had any experience in working with an expert witness for Indian Child Welfare?

**A:** What tends to happen, in the cases that I've been involved in, it tends to be somebody from the Tribal Welfare office, and I actually, in some ways I don't see the point of it. *(laughs)* *[00:33:05.01]* So I guess I don't have a lot to say about that.

**RG:** No problem. What do you consider active efforts to prevent the breakup of a Native American family before recommending an out-of-home placement for a Native child?

**A:** Could you ask that again?

**RG:** Sure! What do you consider active efforts to prevent the breakup of a Native American family before recommending an out-of-home placement for a Native child?

**A:** I don't think it would be any different from any of the other cases. Uh, I don't have any specific information about that. I think that the department does better than they used to, uh, generally, in trying to leave the kids in the home. Services are provided. The problem is that there aren't a lot of services in Eastern Maine. *[00:34:07.01]* *(laughs)* So, that can be a real problem. Uh, I don't know how else to answer that. The issues get identified; parents are given a chance to take part in services. That's what happens, as far as I know.



**SWH:** If you were to define active efforts, what would you say?

**A:** *[00:34:42.05] (pause)* Well, I think you have to identify clearly what the problems are. And you have to do that with the family. I think you have to do that, if the Tribe's involved, with the Tribal Welfare folks. Everybody needs to sit down, these are what the issues are, and you have to identify specific services to address those. You have to assist the parents to do that, because a lot of times you're dragging people who don't necessarily see what the issues are. Um, so you have to provide as much as you can, encouragement, support. I think there is — I wouldn't have said this 15 years ago when I started — but I think it's really helpful to have other family members involved. I think family members can be really helpful in pushing parents to see what their issues are, and to take steps to deal with them. So, those are some of the things I think are important.

**SWH:** Thank you. Can I ask one more question? So what are, in your experience, in what you see, what is the difference between reasonable efforts and active efforts?

**A:** I don't know. *(laughs)* If I had to, being a lawyer, I'd say active efforts are more than just reasonable efforts. Active means you try to do more. You put more effort into — I think it's always getting the parents the services. That's the big —

**SWH:** Getting parents the services.

**A:** And I think there are a lot of ways you can do it. Providing transportation, having frequent meetings so that people can do it, getting the family involved to encourage that stuff as well. Um.

**RG:** In what way, do you see the Indian Child Welfare Act and the Adoption and Safe Families Act working together and in what ways do you see them not working together?

**A:** *(laughs)* I don't ... I can't answer that. I don't have a real understanding. I sort of know what the state law says about it and I sort of have, this is what I look at when I look at kids and I try to do stuff to make sure kids are safe, but I don't know what the specific provisions of the Act are.

**RG:** That's okay. We keep these questions really broad because a lot of people have experiences from all over the place. So, it's okay not to have an answer. *[00:37:12.08]* Over the course of your work as a Guardian ad Litem what do, or did, you see as barriers to the State's promoting ICWA compliance?

**A:** Well, I think the biggest thing is blindness. I mean, it's like there's the Passamaquoddys are over there in Pleasant Point and it's like it's a different world. I really think that, um, the, it's

not active stuff. It's really passive stuff. It's just not understanding the cultural differences and you know, um, not even thinking that there are cultural differences. I think that's the biggest one. I've certainly heard stories through the media about stuff, and there probably are plenty of people who were actively hateful, but I think the worst part are people who did stuff that was really bad without thinking about it. Just, 'Oh, let's put the kids in Southern Maine,' you know? Just completely away from their culture, um, without even thinking about it. So, I think that was a real serious thing, for me at least. That's what I think happened. I think people generally act out of good motives, and the problem is when you don't see all of the issues, your good motives take only this little bit into part and not the whole other piece. *(laughs)*

**RG:** What strengths and weaknesses do you see Wabanaki Tribes possessing in working with the state for ICWA compliance?

**A:** *(sighs)* I don't know that I can answer this one either. I know, based on this case that I had, that the Maliseets worked pretty closely in getting an agreement about how to deal with child welfare cases. And again, it's only because of the particular case that I was involved in. As best I can tell, that seemed to go well. The result was a result that really was equitable. I think it was a good compromise to try to deal with the issues. I don't know that the Passamaquoddys have done anything similar, so I don't know that that really answers the question, but that's really all I can think of. That's the only experience I've had in seeing something that's come out of cooperation.

**RG:** Can you talk about the importance of Guardians ad Litem learning and having a knowledge about Native American family structure and culture?

**A:** Uh, I think that's a lack on my part, personally. I try to understand that I don't know stuff, so I try to listen to — I know one of the people that works in the Pleasant Point Tribal Welfare office, and so I try to listen to her about stuff, basically. But again, there's nothing comprehensive and it's not something anybody even mentions in any of the trainings that I've been involved in. Something that should be there, I think.

*(all agree)*

**RG:** *[00:41:08.08]* Can you talk about the importance of having a Native child who is placed in out-of-home care to be placed within reasonable proximity to his or her biological family?

**A:** Um, I think it's important. I'm thinking about the kid that I had — the case that I talked about before — the younger girl was in Lincoln and the Tribe was Pleasant Point Passamaquoddys. But I know that both of the foster parents that she was with made efforts to take part in activities on the reservation and did try to keep involved with, you know, the family that was still there. It wasn't a very active family. There were only a couple of relatives that were interested in having contact with the child so it wasn't — In Maine it's just hard. It's not just Indian kids who get placed far from their homes, and it's something that I wish we had more foster homes. It's really hard to do reunification when you're, even here to Ellsworth apart.



**RG:** Can you talk about the importance of a Native child who is placed in out-of-home care to participate in his or her Tribal events, spiritual customs, and social activities?

**A:** [00:42:47.15] I think it's really — it's certainly not the best if they're not in a, in a, home of people from the same Tribe, but I just think that there's a part of the culture that's just inevitably lost if they don't take part in that. And I respect that as a really serious loss, and it's a part of them. It's not just a part of their culture, it's a part of them that is in danger of being lost. So, I've been pleased with the cases that I've been involved with, again, where the children are placed in the non-Native community where the foster parents have made efforts to do that. They have made efforts to take part in Tribal activities and various things that happen to maintain those connections. But, I worry about how effective that is. You know, if you do it as a special outing three times a year, I don't know that is has the same effect as being right there all the time.

**RG:** Do you think the Indian Child Welfare Act does enough to protect the rights of Native children and families? And Tribes?

**A:** (*sighs*) Yeah. I'm not a person that can answer that question, I think. I think it's an effort. I think that when it works well, it does a good job. You know? But I don't know that it is all that's needed.

**RG:** How could the state Child Welfare system improve in terms of ICWA?

**A:** (*loud indrawn breath, laughs*) I think recently, again, I'm talking about limited courts, limited — I know Hancock and Washington counties, that's what I know. I think that it's done a pretty good job. I really do think that people are more aware of the issues than they were when I started working, certainly. I think that people generally have more respect for cultural differences and try to take those in to account. Not perfectly, but better than it used to be. So, I think that there has been an emphasis on making sure that ICWA is complied with, and I wonder about whether that was true when I started working. I think it probably wasn't true. I think somebody would have to have dug and said, 'Oh wait a minute! We have to be aware of ICWA here,' (*laughs*) rather than having it be something that is a check box that you have to make sure is okay.

**RG:** If you could change anything, or make anything happen for Native American children involved in the Indian Child Welfare Act, what would you do?

**A:** [00:46:02.03] (*laughs*) I don't think I can answer that. I mean, I guess what I'd like to see — and I can't speak specifically to Native children — I think there's a lack of services for parents which makes reunification really much more difficult. I think that it's, again, knowing what I know about this area, I think that it's even harder here to get appropriate services for

Native families just because they're another 60 miles from here (*laughs*) to get to anywhere! So, I think that lack of service is a real serious issue. I think that the lack of foster homes is a real serious issue. Again, that's across the board, not just for Native children. I would like to see, it would be great if the Tribe could develop some foster placements for Tribal members. I don't know that there are many, and I think that that would be helpful. So, those are the things that I think would be better. My focus, again, is on what's going to make things better and easier for the kids. Ultimately, I think those are the things that would make things better and easier for the kids.

**RG:** Are there aspects about your work as a Guardian ad Litem that you think it is very important that the commission knows and hears and understands that I didn't ask about?

**A:** No. I think —

**RG:** I know there are a lot of really technical questions in there —

**A:** You know, I think that everybody has to take kids, take the ... I don't want to ... (*laughs*) The kids are the most important resource that we all have. I just think that kids aren't valued enough, generally, in the welfare system. I think things are stacked more to parents than they are to kids. I think kids aren't, um, we care more about how the parents are affected than the kids are affected. So, that doesn't have anything to do with Native children or non-Native children. It's just generally what I feel about the system. So, um, I can't think of anything specific that would be different for Native kids.

**RG:** Are there questions that you ladies would like to add?

**SWH:** I think I asked mine.

**GW:** No, I'm good. Thank you so much for coming in.

**A:** Thanks. Thanks!

**-END OF RECORDING-**

## **PART TWO**

**RG:** Okay, this is Part Two of ME-201409-00093.

**SWH:** How many times — sort of, kind of — have you been in court on behalf of a Native child as a GAL?

**A:** [00:00:14.01] (*sighs*) Well, let me just ask —

**SWH:** If you've been a GAL for a Native American child —

**A:** Yeah —

**SWH:** And then did you have to go to court and speak on his behalf?

**A:** Boy, that is a really hard question to answer. You know, we actually — the State requires every case in State court to be heard at least every six months. So, cases involving any child, I'd be there that often. Uh, in court, in either Tribal court or state court, um, I'd say at least 40 times. You know, again, it would be multiple times for one child, depending on how long the case went. And not all of those are hearings, you know, many of those would just be, 'How are things going? What do we need to do here?' kinds of things.

*(thanks from everyone)*

**A:** Okay, good enough.

**[END OF RECORDING]**