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11-4-2014

### Statement by Therese Cahill Low collected by Rachel George on November 4, 2014

Therese Cahill Low

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### General Information

**Private or Public Statement?** - Private

**Statement Provider:** Therese Cahill Low

**Date:** November 4, 2014

**Location:** Bangor, Maine

**Previous Statement?** No

**Statement Gatherer:** Rachel George

**Support Person:** Angie Bellefleur

**Additional Individuals Present:** N/A

**Recording Format:** Audio

**Length of Recording:**

### Recording

**RG:** Ok, it is November 4, 2014, we are here in Bangor, Maine. My name is Rachel George, and I'm here today with...

**TCL:** Therese Cahill Low.

**RG:** And...

**AB:** Angie Bellefleur.

**RG:** And the file number is ME-201411-00129. Therese, have you been informed, understood and signed the consent form?

**TCL:** Yes.

**RG:** Great. 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, including death, to an identifiable person or group, including yourself, that that information not be protected as confidential.

**TCL:** I understand.

**RG:** Ok. Is there anywhere you would like to start or would you just like me to jump into the questions?

**TCL:** No, yeah. Why don't you start.

**RG:** Ok. Can you tell me briefly about your current employment?

**TCL:** Sure. I'm the director of the Office of Child and Family Services for the Department of Health and Human Services in the state of Maine. And I've been in this position for about three and a half years. *[00:01:04.27]*

**RG:** That's fantastic. And when did you first learn about Maine's policies related to Indian child welfare?

**TCL:** Probably about three and a half years ago when I became the director, and became I wouldn't say familiar, but began to understand them a little further. But more familiar as the past few years have gone on.

**RG:** Mmhmm. What was your job before you took this position?

**TCL:** I was a child care administrator. So I oversaw a grant for the department.

**RG:** Oh that's fantastic. And when you took this role, did you receive any training about the Indian Child Welfare Act?

**TCL:** No. *[00:01:44.08]*

**RG:** Ok. That's quite all right. Could you describe a situation in which you or your staff felt very positive about your work with Wabanaki children and families? Generally, so not to indicate a specific case.

**TCL:** Yeah. I would say from my experience just any kind of interaction- I've had several interactions with social service representatives from the tribes- and have always found them, for the most part, very open and understanding. Not really judgmental for the most part. And just trying to appreciate the challenges that we have, but at the same time, they're very good advocates for the tribes. So, so that's been my kind of experience. It's been very positive.

**RG:** That's good. That's really good to hear. Is there a situation that you can recall where you felt less positive or your staff felt less positive about their work? *[00:02:51.03]*

**TCL:** Yeah. It was towards the beginning of my time and we had a meeting with tribal leaders -- or not tribal leaders, but leaders of the social services agencies within the tribes. And staff were sitting in the room, I was there, and it was my first meeting with anybody from the tribes formally. And there- that was the only time that there was a lot of negativity, a lot of mistrust.



It was about the time that we were going through some changes in our office and potentially changing the person who is the tribal liaison for our office, which created, I believe, which was the reason for a lot of the mistrust and the problems. I hadn't established a relationship with the tribes yet and [00:03:45.14] I don't think that- I think they treated me like they would anybody who they didn't know and didn't trust. So, that was -- didn't feel as positive for me but I completely understood it. And staff were in the room and it was- it was a difficult meeting just simply because we weren't- this group of staff were being accused of not doing things within accordance to the law. And so that was a challenge. But- and then when I said things, it was not always well received. But that was really early on, and it has changed significantly.

**RG:** Do you recall what year that would have been?

**TCL:** It would have been in 2012.

**RG:** Ok.

**TCL:** Right at the time that we started- that they- that the mandate was signed. Around that time.

**RG:** And can you tell me a little bit about how that relationship has changed over time over the past two and a half years? [00:04:42.11]

**TCL:** Well I think, so, one thing that we did was we honored the tribe's concerns and did not change the person who was the liaison initially and have- are trying to work on that because this person's in a different role and it doesn't fit in her role now, but have been working on building a relationship with someone else prior to saying, "this is now your liaison to the department." I also think some of the players in the tribes have changed, and a little more openness too- and again that understanding piece that though our staff may not always do things the way that people in the tribes would like, it's not malicious intent. And I think that's- that's the understanding I think that we have now, which is a much better understanding than we did three years ago.

**RG:** You'd mentioned that you didn't have a very good relationship or that you hadn't established a relationship with the tribes in the beginning. How would you describe your relationships with the tribes now?

**TCL:** I think it's pretty good. I think- I think they- some of them still have questions about me, and- but I think in - I think... they for the most part see me as someone who is trying to support the efforts of both the Truth and Reconciliation Commission as well as our work with the tribes. So I think it's getting better. I think it's always gonna be room for improvement because I'm not- you know, I didn't have a relationship with them before and I didn't have any

understanding of- I had the general public understanding of what happened in the last many, many decades, but I didn't have the in-depth knowledge. And so just, I think as I learn that- as they- as they teach me that, it gets better. [00:06:27.28]

**RG:** Yeah. Before I ask the next question which is about the kind of inner workings of the Indian Child Welfare Act, you'd mentioned that you hadn't received any training surrounding the Indian Child Welfare Act. Can you tell me about what the department does now to educate caseworkers and how that has shifted in your time?

**TCL:** Well, I think caseworkers have always gotten the training, and I know now they get the training in-depth. And we've done that well with our training unit. So that's changed in our time. For me I don't think anybody thought about what I needed for training when I took this job. And... I think a lot of it was initially people tried to protect me from- or tried to just let me know enough to get by every day. And the tribes weren't on the top of the radar just due to the crisis every day didn't happen to be tribal-related. [00:07:28.04]

So... but I think we've got- I do think we do a good job training caseworkers. I think we need to do a better job of revisiting that training every couple of years or every year to get that refresher. Cause if you don't use this- if you don't abide by this act on a daily basis, I don't think that- I think it's tough for caseworkers who may get a child who's tribal maybe once in three years and try to remember what they were trained on in that ten years ago. So we need to do a better job of updated training and more intensive training and Angie runs the training the unit so she's -- keep writing that down. [00:08:09.01] But it is that kind of - and I think and I would hope that if someone new- when someone new comes in my position whether it's, you know, six months or six years, that there is some thought to training the director. I had to do- I had to find the act and my assis- the attorney general that I was working with- the assistant attorney general- Janice Stewart was fabulous at helping me, but if I hadn't had her, I would have really been trying to do it all on my own. Which is a difficult task.

**RG:** Absolutely. [00:08:44.11] Ok so this next question is kind of lengthy. I'm going to ask you about a number of different interactions with the Indian Child Welfare Act about your experiences and challenges that you have found. This I'm sure is gonna come as one of those instances that you've heard about and not necessarily had direct experience in, and that's ok. And if you don't have any experience or any thoughts on it- the piece I'm asking you of then we can just move on. So could you describe your experiences in or challenges you've found in initial identification of a child as Native American? So things that have come to you from your staff?

**TCL:** Yes. I think my -- I think staff have difficulty sometimes remembering the question. Again the whole not using it very often. There are a couple of districts but we have- there are districts in which we know there are probably people living in that have tribal connections that aren't on the reservations and so aren't living in the two or three districts that we would identify as having ICWA needs. [00:10:00.10] Which would all be- which would be completely southern Maine. I mean the three districts are up here further North and further East. But, so just asking the question, but I also think some of the challenges is I'm not sure people always know whether or not they're- I think they may know, but some of the families we're dealing



with now don't have a very good sense of where they come from or their roots so it's difficult for them to... I'm amazed that people- when I was growing up one of the big things is that you always knew your heritage. You know, I knew I was Irish and French. So I knew that. And I'm amazed at the number of people who don't know. And I think, so I think that's the challenge for staff because I think they ask the question, people don't know, we find out later, and it looks like we're not- we're not following the act. And so- and I have heard that as a challenge.

But I also don't know- I've also heard the challenges from program administrators, just basically what it means. So, you ask the question, then what do you do, who do you connect with? Again these three districts in the Bangor, Machias and Houlton region have a better use- have a better understanding because they have more people in their population that they're dealing with that have tribal connections. *[00:11:30.07]* I don't think that the rest of the state really understands or know what to do with it after- after they- after the parent or the, you know, guardian may say oh yes, we've got some connection. And then what do you do from that. And I know we've left cases hanging with that answer yes, and then we haven't followed through with the rest of the things that we're supposed to be doing, according to the act.

**RG:** How about in notifying tribal child welfare, kids that come into DHHS care or you guys become aware of a child that might be-

**TCL:** Yeah. We're not very good at that. And I think that that- you know, we struggle with that. I think it's, again goes to the training and the practice and who you reach out to. And there has been on the other end- there has been some turnover in the last couple years. Even in the last six months or so I believe in the Houlton area. So it's hard to know who to contact. And- but that's- we should be figuring it out. So we should be doing more research to figure out who it is. And it doesn't take that much to pick up the phone and call up somebody that we know and at this point, you know, Martha would be that person, but anybody else who may know or... that- who the contact is. But I think we do struggle- we definitely struggle with that. *[00:12:54.15]*

**RG:** Yeah, that's fair. How about in determining jurisdiction over cases? So I guess in-

**TCL:** Oh who gets- yeah.

**RG:** Yeah...

**TCL:** I think that's problematic. I know that there have been some concerns in the- in one of the areas of cases that we- that it's come up in the past year or so- cases that we thought would be in tribal jurisdiction have been deferred to our jurisdiction. And it's- so it's been- sometimes it has seemed fairly inconsistent lately. Which sends a message to staff, I think, that we don't intend to send which is you do- you don't really have to follow up with this because I don't

know if it's placement issues in the tribes, which we can relate to too. But I do think that that's been a struggle particularly lately. And maybe it's been a struggle for a lot longer than that, but my awareness has been really in the last year or so that we've been really challenged with the opposite. So normally we would assume that they are all in our jurisdiction and now we're struggling with- well we thought that that was a tribal jurisdiction. So that understanding probably could be better. More clear.

**RG:** Yeah. When a case stays within state jurisdiction that theoretically should be in tribal jurisdiction, do you know what the reasons are for that?

**TCL:** Well [00:14:28.22] I know that in some cases where there's no tribal court that it becomes an issue and I- that's something that we've talked about with the courts in terms of trying to support the tribal courts that do exist and then looking beyond that. But, you know, I can think of some cases in particular last year where the tribe, the tribes basically said, you guys take this one. They were inundated maybe. And I'm not sure what happened, but there were a lot of drug-affected babies born at one time, and some of them coming from tribes and we were told to take them into our jurisdiction even though we normally would have assumed that it was a tribal jurisdiction. So... it's not consistently practiced and I don't think that- I think that we all need to work on that. I don't think we have a good understanding. I'm not sure- I think it could be clearer if the tribal jurisdiction isn't the answer- a clear answer as to why would help us for future learning. [00:15:27.24] So...

**RG:** How about in cases where a child is identified as Native American but doesn't fall on the tribal census so they don't meet that? How does the department handle those kinds of situations?

**TCL:** Well I believe the department handles that by not involving the tribes at this point.

**RG:** That's good to know.

**TCL:** Which I don't believe is the answer, but I think that that's... I think that if we don't see them on the census, that we assume that they don't have enough heritage to- and I think it's like what one sixteenth or something like that, or maybe even less than that?

**RG:** I think it's more than that actually.

**TCL:** Really?

**RG:** My understanding is that it has to be- you have to be one quarter--

**TCL:** One quarter. Ok.

**RG:** --to remain on the census. Yeah. So that's a good question.

**TCL:** Really. Cause I know for... I know for... reimbursement for tuition and things like that is, I think that's one sixteenth so that's interesting. Yeah. So I was thinking it was one-sixteenth

because I had come from education and that was my, but- so one quarter, that's not- that really decreases the population.

**RG:** Absolutely.

**TCL:** No wonder we struggle with it. *[00:16:43.11]*

**RG:** It's a very hard situation to navigate. And I think that it's one that not only the Department has struggles navigating. I think it's something that the tribes struggle navigating as well.

**TCL:** I think I'd like to- what I'd like to see is some more open conversations. We had one planned this afternoon and I'd like to see those kind of continued because we're not violating it on purpose. But we know that we're not following it either. And so it's the understanding and the better communication between the tribes and us.

**RG:** Absolutely. How would you like those communications to unfold?

**TCL:** I think they have to be face to face.

**RG:** Yeah. Absolutely.

**TCL:** I don't think the relationship is strong enough between the department. I don't know how long it's going to take. It could be decades. But I don't think the relationship is strong enough between the department. I think there's some individuals that it's strong with, but I don't think it's strong enough with the department yet to have it be via phone converse- I think we have to sit and have meetings maybe on a quarterly basis to find out... it's much more frustrating for me to find out we're not doing something appropriately months later, than at the time that we can actually do something to change it before it impacts a child's life significantly. So.  
*[00:17:54.07]*

**RG:** Absolutely. What are your experiences in or challenges that you've found in child custody hearings?

**TCL:** I haven't heard a ton of that. I've heard, you know, there's been cases that have gone- there was one that went national in terms of we... approved an adoption for a child who's father as it turned out- cause we don't do a great job of finding fathers- it was- it ended up getting settled in Oklahoma, I believe, where the child was returned after three years with this adoptive family. It was returned to his biological father or her biological father. *[00:18:40.18]* And I just- I think that if that's as good as we're doing, then that's incredibly problematic for the people who take this child in good faith and thinking they're going to adopt this child. For the father who's biologically- and has been ignored. But mostly for that kid, you know, who- who's

identity is really messed up I'm sure at this point trying to figure out who he is. So that's for me the biggest concern. I haven't, like I said, I haven't heard explicit cases. I don't know why that is because I hear a lot of the reasons- I hear a lot of the front end when we don't involve them initially or- but I don't hear much about the end of the cases.

**RG:** Ok. Then the next few questions might be a little more difficult. How about in arranging foster care placements.

**TCL:** Oh I've heard about that. *[00:19:39.09]* So, again I think that and maybe it's my misunderstanding and I hope that if it is that somebody clears this up for me, but my understanding is that tribes are finding- having as much difficulty as we are finding placements, and so sometimes we've been asked to place tribal kids in our foster care settings because the placements weren't available in, within the tribes. But outside of that, I don't think... I think sometimes we take kids into care and we have -- our policies sometimes allow for waivers of thing, like a family team meeting or if you do a PPO it- there's that whole waiver process of you got to find a family immediately. And again not doing the due diligence or having the time to do the due diligence to find out whether or not there are members of the tribe who could take this or whether or not they even have family that might be living, you know, within the reservation or not even- just anywhere. We don't do a good job of that.

What we do do a good job of is waiving these things that again end up getting us into difficulties. So- but my understanding is- has been, which is good for them, the tribes have been very... vocal in letting us know when we've screwed up. And so... we usually fix- we try to fix those, but it's the ones- it's the impact on the child still, because that's another placement for that child and another connection that they may or may not have made with another person. And it's just not good. *[00:21:14.05]* So- so we need to for a number of reasons we are looking at the waiver process and some of our policies and determining whether or not that's appropriate cause it puts these kids at risk.

**RG:** Yeah. How about in family team meetings?

**TCL:** That's--yeah. I don't think we do a good job of that. *[00:21:32.09]* We actually have data right now that we're sharing with the program administrators about the lack of involvement people feel in the family team meetings, let alone the lack of family team meetings. So our policy's clear, but again we have that little waiver piece in there and as long as we allow people to waive things, and that's on the district level, it's really hard at the central office level to know that's happening. So we're really looking at trying to improve our family team meetings and reworking the structure maybe of them. Because I think we tell the parents that it's their meeting... but it's not run like it's their meeting. So... we need to figure out whether or not it really is their meeting and be more open and honest about that. I don't know- my understanding is that we don't do a very good job of inviting tribal support to those meetings. If we haven't connected already with the tribes, we don't by the time the team meetings happen. So we're struggling with that. And we need to improve on that for everybody's sake. *[00:22:45.13]*

**RG:** Mmhmm. How about in arranging family visitation?



**TCL:** I haven't heard a ton of that. I haven't heard a ton of that which may mean that it's going better than the other things. It may not be going perfectly, but it's going better than the other things. We're struggling statewide with visitation. Mostly because, you know, if it's a baby or a young child, they get visitation several times a week or several times a day in some cases. And so if that happens and, you know, I'm thinking about some drug affected baby cases that were in... in the area that has about a high tribal population... I know that we did not do a good job of supporting the family and getting to the visits. So you can add it to the list of things that we need to continue to improve on.

**RG:** How about kinship care? [00:23:42.19]

**TCL:** Is there anything that we're doing well? Let me see. Kinship care. Well I think the problem with kinship care is that the federal government tells us that thirty six percent is good. And so we rest on our laurels around that because we're always hovering around thirty-six percent. I don't believe that's good, and I would throw dads in the same category. We don't do a good job of mining out kinship placements. It's the same issue as it is with ICWA in terms of whether they're tribal or not, we place them and then we mine, and then we try to –you know, we family mine, and then we look at the child and say, “oh but they're already bonded with their foster family.” [00:24:30.13] So no we're not doing it, that - I mean out of all the things that we've just talked about, that to me is the most concerning one. Tribal, non-tribal, all the way around we don't- we don't reach out to kin that aren't readily available.

**RG:** How would you like to see that change?

**TCL:** Well- we're chang- we are going to change it. So we're investing in a - a database which other states use - thirty some odd states use it- I don't know why we never did, but it's Lexis Nexus and so it- it basically allows that kind of search without a lot of manual effort. So when we- the reason- one of the reasons why staff will say we don't do a good job of mining relatives is they don't have time. It's very time consuming. This database will be held centrally and there'll be someone in the central office who will be working on all of these families. So it will be one or two people within the central office and that's all they do is mine for families through this Lexis Nexus. We're going to start that up. I need to find out when because I've approved the expenditure and tomorrow we're going to announce where the line is coming from. And so I would expect that that would be up and running very soon. [00:25:42.10]

**RG:** That's really exciting.

**TCL:** I hope that it's connected to the registries... the, I don't know if it is or not, but that's a really good question to find out if that's connected to the tribal registries, the census.

**RG:** That would be very good to know. Yeah, that would be very good to know. If not I would suggest I would suggest a way of linking them in.

**TCL:** *(Over.)* Hooking them in yeah. [00:25:59.24]

**RG:** Absolutely. How about in termination of parental rights and adoption?

**TCL:** I haven't heard a ton of... concerns around that lately. I know that was a big issue in the last couple decades, or before that. But lately I haven't heard a ton about that. It's usually the upfront- like I said it's usually us not identifying someone as qualifying under ICWA initially and hopefully we haven't gone to- even though we did- we obviously did in this other case that went national around an adoption, but we did that, so I can't say that it doesn't happen. So. But I haven't been aware of that. It really is for me I think- we struggle up front. And [00:26:57.16] we may struggle down here but we don't recognize it because the tribes haven't made us aware. And so we don't have that awareness on our own or we don't look for that awareness. And so we need to rely more on the tribes to try to help us continue that upfront thing. Because that would be an awful place to find out that the ICWA Act was not followed.

**RG:** Absolutely. What do you consider active efforts to prevent the breakup of a Native American family? Could you describe how the state conducts active, remedial and rehabilitative efforts to prevent the break-up?

**TCL:** Well, um, I think right now we don't do as well as we're going to do in the future, but right now we try to support families in service cases and I know we do that in the areas where we have a lot of Native population. I [00:28:01.19] ... I think that, you know, we pay for a lot of services during the reunification process. We pay for a lot of services in the reunification process. Some people would say that we pay for way too many. That we provide many, too many chances.

And I'm hopeful, and no one has made me aware that it's any different with a family that comes- that has a Native background. So I'm hoping that we didn't, that we're not discriminating there. I haven't heard it. So that makes me a little hopeful that it's not- that we're being consistent with whether the person is white or is Native that we are being consistent with our practice. So- but we do, we provide a ton of support. We pay, you know- if it's substance abuse related, we pay for substance abuse treatment, if it's- they lose their insurance as a result of us taking their kids in care we support them in efforts to try to get them any kind of treatment that they need, provide parent ed. But we don't do- it's not a really coordinated effort at this part- at this point, and that's something that we're- we are moving toward a Title 4-E waiver. We've put a demonstration project in that would address keeping families together even better at the front in terms of supporting them with substance abuse treatment and parenting ed at the same time that they're still with their kids. We're trying not to take- and that will be- that will be for any family that we get involved with. [00:29:48.09]

So it really is trying to look at the- maintaining that system that's in place just improving it and making it more stable for the child to be safe. So that's where we are. I mean, I think that's one thing the state has done- my former chief deputy at the Attorney General's Office used to tell



me that's why we never- that's why we don't get sued very often like other states do is because we do practically anything we can to reunify. And sometimes go on too long or very long to try to make that effort happen. But I think that for our perspec- from our perspective it's incredibly important because the child will always want their mom and dad or they'll always want to go back if they- if there's a romantic vision of what that was like when they're later- when they're older children or young adults or in the middle there. [00:30:49.18] I think we just- I think we believe our focus is that - to keep families together as opposed to rip them apart.

And I don't think that that's the perception that the tribes have of us. One of the – you know, there's a lot of things that I could have said around the negative interactions, but I try to gauge those based on what I know and what people- but you know I did have a judge from one of the tribal courts tell me that we were baby snatchers. And used those terms. And so trying to, you know, we don't try to take kids into care regardless of where they're coming from. But I know that that's not the perception of many particularly those who are Native. [00:31:37.23] So... we'll keep working on it.

**RG:** I think that's one that is going to take a long time to overcome because even if that's not the way things are now, you're bumping up against this very long past history. And that's hard.

**TCL:** Right. And right now those people who experienced that awful time period- before ICWA, they're parents now. So they may have been kids when all that was going on. They're parents and so that negativity that negative- I get- we- it's culture. And they're going to be grandparents eventually and some of them are grandparents and it's just kind of - until - until that's purely history and for people who are still alive, it's not history. So until it's purely history, I think it's going to be a problem. So we're talking decades of trying to get past that. [00:32:29.28] And I'm hopeful things like this help move it past that.

**RG:** I'm hopeful too. To the best of your knowledge has the state ever declined to transfer a child custody case covered by the Indian Child Welfare Act to tribal court?

**TCL:** I'm sure we have, but I don't-- can't think of one. But I would, I'm not one of these people who has a rote-- has a Pollyanna view -- I'm sure we have... more than once.

**RG:** Well then my next question was to the best of your knowledge what are the reasons for that decision?

**TCL:** I think sometimes we think we know better. As blunt as that is. [00:33:10.26] We know better and this child has already been connected to the foster family that they're in so we're not going to remove them and send them to the tribes. It's in the best interest of the child. That's the reason. That's... but.

**RG:** Have you had experience working with an expert witness for Indian Child Welfare?

**TCL:** I don't know, have I? No, I don't think so. No, I mean I, I've- I've, you know- I've talked to youth who have been through that but no, I really- I mean I've listened to the stories that have been told publically. You know Denise and... but no I haven't.

**RG:** I've already asked you this one but I'm wondering if you can elaborate a little bit more on how state child welfare policies and practices have changed over your employment or if they've changed?

**TCL:** I think practices have I hope. There used to be a fear about taking children into care prior to... my being in this position, which has likely shown up as a result of the extra five hundred kids that are in care today than were three years ago. [00:34:46.10] And I, I'm hopeful that my communication with staff has led to have- them having better relationships with the tribes. And me being at the table and them seeing me participate in all the Truth and Reconciliation events or them, them seeing me- and I can remember some of them being at some of the events... I think just simply tells them that this is important. And I'm not sure- and I think that was always important, but I'm not sure that the present- the representation of the department was always there. But I think we always believed that it was important to do. And which was why you know I think the department- I think the department had really started to shift at the time- at the time that this, that the first signing happened, which was before my tenure. [00:35:44.14] But I also think that staff -- hopefully staff are better at saying "I messed up." And realizing that that's not anything they're going to be punished for or there won't be any retribution or- that we just need some honesty. That has been probably hopefully the biggest change, but something I think I've seen in terms of just openness. Openness to not being perfect.

**RG:** That's great. What do you see as the strengths and weaknesses that state child welfare possesses in terms of ensuring ICWA compliance and working with the tribes for ICWA compliance?

**TCL:** I think the biggest strength is that we want to do it right. [00:36:27.07] Biggest weaknesses is we don't know how, or we sometimes get afraid to ask questions so we know that it's always ok to ask questions, but the ability to ask questions is not easy for some people. And so we need to know more -- again it needs to be - I get struck sometimes by the things as state employees that we need to know on a yearly basis. Sexual harassment policy, OIT policy. But there's nothing like that for practice so we don't have a annual, you know, training or an annual meeting on "we're going to revisit ICWA" or "we're going to look at our policies and see if there's anything that we need to change differently." Instead we're very reactive to the crises. So I see that as our biggest weakness and I think one thing I hope that's happened that's changed is that staff don't take things personally anymore when a mistake was made. [00:37:38.18] But I'm not sure that we're completely there yet. Which is the biggest - the ability to say as I said, "ok so I missed that. I didn't know that. I didn't do that." And be able to accept that and then move on. I don't think we're there. But we're getting - I hope we're getting there.



But we have a lot to learn. I just continue- I mean I think that if I were to ask... outside of these three districts, if I were to ask about the ICWA policy or the ICWA act, or the policies that we have around it, I don't think that many people would be able to tell me much because they don't practice it. Which is concerning because as we've talked about, people with the Native heritage aren't just on the islands or in the reservations they are- they're everywhere. So we need to be open to that idea every time. And you can't look at someone and know. And I think that's what we assume. Cause I think that's one of our weaknesses too is we assume. We look at someone, they look white, so they must be white. So, we don't even - it's not even conscious effort. It's just so -we just move on to the next thing. And hopefully that's something that we can move past is assuming those kind of things.

**RG:** Yeah. What do you see as strengths and weaknesses that the Wabanaki tribes possess in terms of working with the state for ICWA compliance?

**TCL:** There's a lot of great advocates. I think that's a big strength. I think that there's a lot of people who are strong and vocal. And [00:39:24.23] I think that as long as people like them are representing the tribes, we're not gonna be able to forget. I think sometimes the presentation that they give is difficult for people to hear. And if we're not hearing it, then it doesn't matter what they're saying. And I've seen that. I've seen that in practice. I get the judgment. I get the seemingly hatred. Sometimes that comes out, but we're at the table so we're trying to make it better. I think that's their biggest weakness. I think that it's difficult to establish relationship with -- not all of them -- but some of them. And I mean I - my first two years I would walk in a meeting and I thought- I could feel the distrust and the hatred. And I don't take that personally, but somebody in my position could and it could have a major impact on the practices and the policies. [00:40:32.09] So I just caution that a little bit. And, you know, we're coming to the table. We want to do better. And we're not saying that we're doing everything perfectly. And I think, I'm not sure there's a lot of understanding around that.

**RG:** That's a very fair assessment, and I appreciate your honesty. In what ways do you see Maine's Indian Child Welfare policies and this Adoption and Safe Families Act working together? And in what ways do you see them not working together? [00:41:05.17]

**TCL:** I haven't thought about that. Umm. Well one way they're not working together is I don't believe we pay adoption subsidy for any child who's in the tribal jurisdiction. And I don't believe tribes are paying subsidy either. Maybe they are. I'm not aware. But that would be one thing that would be clearly different from the... ASA. That stands out to me as probably the biggest piece. [00:41:51.04] But I haven't really thought about comparing the two. But I do know that providing the appropriate supports for families to continue supporting their children that they've chosen to adopt is a huge part of the Adoption Safety Act and subsidy is considered a big part of that. But again I'm not sure where the - where the funding would come from for the tribes because it does come down to money. The idea is great, but wondering what

role the state- and I've questioned this and I've been told -- don't question it. But I've questioned it in terms of what is our role as people - as an agency that believes in the welfare of all children regardless of the jurisdiction -- to offer that kind of support. Because that may break- may break- make or break a permanent placement as an adoption. [00:42:45.29]

**RG:** 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?

**TCL:** If I could- I think if I were to go Pollyanna, it would be great if we could all just get along and have it not be about us and have it be- or not be about the past but have it be about the future and the present. The kids who are currently in care. Keeping in mind the history so that we don't forget and make the same mistakes over again. But it would just be- it would be nice if we could find a way, and I'm hopeful with the meetings that we're gonna have to get past some of the roadblocks that I think are, that are in front of us that aren't about the kids. They're ours and they're not helpful. And so I think until we can get past the non-helpful parts of the way we interact, we're not going to be benefiting the children and the families in either jurisdiction better. [00:44:02.12] And so that's my hope and my hope- my role in that is to be able to be at that table and to hear the things that need to be said. And to do something about it.

**RG:** Is there anything else that you want to see change or anything that you are hoping comes out of this process with the TRC?

**TCL:** I hope a better understanding. You know, one of things that I hear and that I heard growing up - I think there's a lot of jealousy. There's a lot of... and it's not just with child welfare so it's betw- I think just a better... and again it sounds like kumbaya-ish but I really would just like to see us sitting at the same table having conversations about the real stuff. [00:44:58.18] And child welfare would be one of those things, but, you know, we're all struggling with substances - substance abuse. We could probably pool our resources together and deal with that problem better than the way we're dealing with it now. I think that anything that impacts socially - I mean I - I - I'm not sure - I wish that the - that whites would have more compassion and understanding about the Native culture as well as the Native history. I believe I'm realistic and I'm not sure that we're gonna get there. I do think that we're talking just like we were before, decades down the road when the history - the people who lived the history are no longer are around. That we'll be able to look at it and say that was a horrible time. Look at what we've done, and let's continue to work together to make it better. [00:45:51.09]

I think that there- my concern about when this - when the report comes out is, just like anything else, there are always gonna be people who have some really hateful things to say regarding the tribes and child welfare. And I think that we're opening ourselves to that. And I - what I'm hoping is that we can evolve from that into something better. Because we're all gonna get it. It's gonna be negative, there's going to be a group of people who are gonna be incredibly negative towards both the department and the tribes and so how can we -- rather than going in our own bunkers -- how can we work together and showing that this is important, this is meaningful, this isn't something that's going to sit on a shelf, this is something we're going to need to continue to move forward with and improve? But I... and I'm hopeful. Yes, I'll just

leave that I'm hopeful that that can happen. [00:46:53.15] But it's a long - it's not going to be in my lifetime.

**RG:** It's always a long process. Reconciliation does not happen over night unfortunately.

**TCL:** And we can't take away what happened. I mean that for me - I'm - as many times as I've heard Denise's story, it always still gets me and - but we can't take that away and so how do we live with it.

**RG:** Absolutely. Is there anything else that you would like to add? [00:47:28.18]

**TCL:** No, I'm just really grateful that you're doing this. I'm grateful that you've stuck with this process, and I am looking forward to supporting whatever comes out.

**RG:** Excellent. I want to thank you so much for your time and that what I'm sure is a crazy busy schedule.

**TCL:** Today? *(Laughter.)*

**RG:** I know, right? And for you honesty. I really, really appreciate that. And I'm here if you have any questions. If you want to listen to things back, but I want to express my deep gratitude to you for being here.

**TCL:** Thank you. And I appreciate - it was comfortable enough for me to be completely honest. And so I appreciate - I hope that that's taken, not personally, but as this is just the way it is.

**RG:** No. Yeah. Thank you.

**TCL:** Alright. Thank you very much. [00:48:15.14]

[END OF RECORDING]