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Statement by Lisa Montgomery collected by Rachel George on May 2, 2014

Lisa Montgomery

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General Information

Private or Public Statement? - Private

Statement Provider: Lisa Montgomery

Date: May 2, 2014

Location: Indian Island, Maine

Previous Statement? No

Statement Gatherer: Rachel George

Support Person:

Additional Individuals Present: Adam Mazo, Ben Pender-Cudlip

Recording Format: Video

Recording Length: 01:33:46

Transcriber's Note:

This is a non-anonymous statement. However, any alternations to the video or redactions have been made at the request of the statement provider in an effort to protect the identity of an individual.

Recording

RG: Alright. So it is May 2nd, 2014. My name is Rachel George and I am here with... would you mind stating your name?

LM: Lisa Montomgery.

RG: And...

AM: Adam Mazo.

BPC: Ben Pender-Cudlip.

RG: Fantastic. We are here at Indian Island, um, and the file number is P-201405-00044. Lisa, have you been informed, understood and signed the consent form?

LM: Yes.

RG: Perfect. And I have to let you know that if at any point in your statement today you indicate that there is a child or an elder in need of protection, or if there an identifiable person or group including yourself that is in imminent risk of serious bodily harm or injury including death, that that information may not be protected as confidential. Do you understand?

LM: Yes.

RG: Perfect. Do you feel okay going forward?

LM: Oh, yes.

RG: Alright. So I will open up the floor to you to start wherever you feel the most comfortable.

LM: Okay (*laughs*). Um, I guess just how I made it to this point um, I was aware of the TRC and had been attending the events that were put on to just tell the community what was going on. And I think—I went and saw—they did a viewing of a movie with the residential homes. So I've been to quite a few of the events. Until I don't remember the date, but I remember it was here in the conference room. I think it was when we were meeting the statement gatherers and the Commission, they were coming. And so—and I got this brochure (*holds up brochure*). The “Sharing Your Truth” brochure. And so I'm just kind of, you know we're hearing about why, you know, how you came into the work and your background. And, um, I'm reading, and basically the first paragraph was—you are welcome to share any part of your life that has been impacted by Maine State Child Welfare or its policies. And what role it's had—played in my life.

And that's kind of when it hit me, because I didn't think I was connected to the TRC directly. I was trying to understand it because I didn't have, um, I didn't have family members that were taken and I didn't really know if, um, my mother had family members that were taken. So I didn't really see myself giving a statement, but just knowing about the process until I read that paragraph, and then remembered—I mean how could I forget? You know, being investigated by Child Welfare in the state of Maine in 2012.

So, and I shared briefly and it was emotional for me and, um, at the time I couldn't remember the woman's name and I had to actually look back. Which was good and bad. I couldn't remember so I had kind of processed it out and gotten over, you know, what had happened and wasn't holding onto it anymore. But then I was like, “What was her name?” And when we had a talking circle, at a different event, I remember wanting, you know, kind of seeing, okay—I would like to just understand why—maybe not just her, because she didn't really have, um—she wasn't really in charge of whether or not she came and visited me. She was told by her supervisor and by the intake people that she needed to come, so. But I also wanted to hear why she acted the way that she acted too. Because she did have control over how she approached me. And right off the bat it was confrontational.

So, um, I just, you know, wanted to—that really hit home to think that in 2012 after all this, that I felt like I was—just being associated with Indian Island made me a target for



discrimination and, um, I wasn't treated with dignity that I thought maybe—you know, and I could be wrong, maybe they treat everybody that way. But I remember thinking she got this call, or she got assigned and she saw Indian Island and she automatically thought, “Oh its some Indian child that I'm going to come and take out of this horrible situation,” that my ex-husband made it seem like it was so horrible.

So, um—and you know, I don't have a problem sharing that I was, um—I wasn't substantiated for abuse, I was indicated. And, to the point where it wasn't even... *(takes out papers and looks at them)* like in a record where anyone would know. So I wouldn't pop up on any list saying you know, you can't work in a day care, you can't do that. Um, so I'm really disclosing this just—just, you know—people will have their opinions and that's fine, um, but more of a procedural and process point of view that I felt that I went through this for no reason. Because they had processes and procedures in place that should have prevented this false—well I mean. It was his, it was basically my ex-husband's subjective opinion. And they had processes that should have ruled this out and it should have never gone to an assessment. It should have never even—I should have never known that it was called in. So its what they would consider “inappropriate.”

So that's mostly why, um, and whether or not they flagged it inappropriate because it had to do with Indian Island, I don't know. That's something I would like to know, I would like to peel back and see. And if they can say, sure, “No, we do this, we harass every cultural type of people or race or communities,” then, I mean that's still not okay, but at least I can feel like it wasn't directed specifically because of the, um, prejudicial view that they may have of Penobscots or Natives in general. So, I guess... where to start?

(Looking through papers) So, and I even appealed it and my appeal was turned down. I knew my husband is, has been abusive verbally, physically, has threatened to call child services numerous times and I never felt like I had anything to worry about. Um, my son was nine at the time. And he's eleven now. We had just got into a car accident in February of 2012. So my car was totaled. And, um, I was working at the health center here on the Island. So I just decided—I own a home in Milford. Um, and um, we were staying here at my—on and off at my father's house so I just decided we'd stay here, you know, permanently because I didn't have a car really to get around and it was easier to—for *[REDEACTED]* to walk to school and for me to be able to walk to work.

So we moved back into my father's home and because of the tension and everything between my ex-husband and I, he felt that, um, I should have gone to court and asked permission to move across the bridge. You know. I had custody—you know, it's a big custody—just to give you some background: we got married in Japan. We got divorced, and this is on the record, we're both in the military, we got divorced in Ohio. When I got out of the military in 2004 I moved back up here, registered my decree. I was awarded full custody in our divorce and he

had visitation. But um, I registered the decree here, but the first time I brought action to court, in Tribal court, I was trying to take a job in Louisiana, so I had to—even though he didn't live up here, he lived actually in California I think at the time. Any time you move out of state, or, you know—and he was also trying to get custody.

So we went to court and he gave me permission to move but in that order he put something like, “She will remain the custodial parent but this does not give her exclusive prerogative,” which translated to me losing full custody. I guess Maine does not believe in one parent having full custody. They believe in joint custody regardless of, if you know, the father has done really bad things and beat up the mother, and regardless of—if you can communicate with the other parent, they're going to force you to be joint custodians with one having residency. So, at that time I thought I still had full custody which kind of led to some back, you know—power struggles, between my—and I'll admit that, you know, between my ex-husband and I. That I'm like, “I have full custody, says I'll consent with you.” And I always kept him aware of medical stuff and school stuff. But anytime he tried to challenge me I'm like, you know, “I'm taking care of this. You're not paying your child support.” You know, just all, just dysfunctional stuff. And I realize that. Um.

So as things—as my son got older, he started to spend maybe once a year with his dad and his dad is, um, he won't admit it, but you know, he wants to turn my son against me. So he'll say things like, “Your mother is trying to keep you from me,” and this and that. And so it obviously is going to lead to some tension between my son and I. And through this whole process, I realized that um, I had never dealt with the abuse, you know, the physical and mental abuse when I was married, when I was pregnant, after we were divorced. I mean he beat me up in California, and we were divorced then. So I just dove into being a mother. You know, nurtured him, and just put all my energy into him as a baby. And when they're little, they're easy. You know (*laughing*)? I guess some people have a hard time when they're babies, but I had, he was the best baby. No issues, he slept great, I could take him anywhere; he was just so easy.

So as he got older, and really started to display characteristics like his father, that's when I started to emotionally detach and have issues with being able to parent, you know, the way that I felt, feel that you should parent. Providing structure and boundaries. I mean, he's not a wild kid, so it wasn't crazy, but um, he walked all over me. Just like his dad did. And I, um, as he got older, even like my family would be like, “You know,” he would get aggressive towards me. “We're afraid if you don't deal with that, when he gets older and he gets bigger than you...” And I was afraid of that too. So, um, I didn't realize until going through all this and dealing with this that it was impacting me. And, it didn't make sense to (*sighs*), for lack of a better word, reward my ex-husband by giving him custody to raise—because he can discipline him better, reward him because now my capacity to discipline him is diminished because of the abuse I suffered at his hands.

So, it really is... (*waves hands over her face*) when you think of it, it's really hard to work around that and you have to be really aware of stuff. And you know I had health issues too. I had hormonal issues so on top of the stress of single parenting and the stress of dealing with, um, abuse, I was dealing with hormonal issues, so I was irritable. You know, I would snap. If



he doesn't—if he didn't want to listen, didn't want to do his homework, didn't want to take a shower, you know it ended up being a yelling match.

So um, those were the problems I was running into. And I would call my ex-husband and be like, “Can you please talk to him?” Because he is always like, you have to respect your mother. He put on a good show, you know? “You better respect your mother.” But, you know, “You're not respecting me, so what example is he going to pick up on?” So, he would be like that's your problem. I want to raise him, if he's giving you a hard time, then that's your problem. And he would undermine, you know, times with him, he would say things. It made him happy that he was coming and giving me a hard time. Because you know, at one point he was waiting for that one day when I would, um, drive him away and he would want to go stay with him. Because, you know, (*deeper voice*) “Your mother's crazy. Your mother has mental illness. Your mother this.”

So dealing with all that, I knew what was going on, I knew I had trouble um, you know, saying no, putting my foot down, following through and being consistent. I mean what parent doesn't? Um, so I was reaching out for supports. I had put him in counseling. And I got him a case manager. And, you know, going to therapy. And those different things. To deal with, um. You know, I wasn't going so he could be diagnosed with ADHD or whatever or oppositional defiance disorder, even though he was. But, you know, I was going for coping skills for me, and strategies. But my ex-husband didn't like that. He thought, “There's no problem with our son. You're the problem. You're ... you have mental defects, and you're the problem.”

Because at that time—my son is having trouble in school. He has a processing disability, um, deficiency. So, he's been a year behind in his reading. And um, he's very smart, but as school got progressively harder—I mean, we saw it in first grade, we saw it in second grade. And I advocated for him to get services and they—he had working memory issues so he had an IEP, and so he was getting help. And um, one of the big things was homework. I mean, we would get into, I mean first and second grade and he's, we're almost going to get into, we're in a yelling match over homework because he doesn't want to do it, and he's struggling reading, and I can't help him. And I can't understand where he's coming from, so I'm reaching out for help.

And um, my ex-husband wants to use that against me as proof that I'm a bad parent. So, um, this goes on for a while and then I think what broke the last straw for him was that we moved back to my dad's. And we didn't ask his permission. And he tried to say my dad was an alcoholic, a drunk, you know? He's been two years sober now, in July. But at the time he was drinking heavily. And he knew that. So, um, he called DHS and made a complaint. And um, this (*flipping through papers*)—until I got, went through the whole thing and actually got... I asked for all the records—I found out that this was back in March, March of 2012. He called March 13, 2012 and had a report but at that time, they said, its not appropriate, we're not going to do anything.

And what his complaints were, I know it's going to sound so stupid, but I mean. The first complaint was that he was failing and doing poorly in school. Which was not the truth. He was passing. He was not failing, but he had an IEP, he was special education, he was struggling with reading. But he was not failing. And the second one was that he wandered around the Island unsupervised. And you've been here. You see kids walking in the community. And he was nine. Um, and the third one was that we had moved back to my dad's and he was an alcoholic.

So, on March 13th, actually that's my dad's birthday, um, he made that call and um there was no action taken. So, um, but on March 28th he called again. Or no, a little bit earlier. Well, somewhere around there he called a second time. With the same exact complaints, and for some reason, now all of the sudden it was appropriate to take action. So, um, that started the introduction of Miss Katherine Tungst into my life. So I get the call. And I remember distinctly. I was driving the clinic van at the time and she calls. And um, she says who she was and she called my personal cell phone. And I said I just answered because I didn't recognize the number. I can't talk right now; I'm at work. I'm about to go pick up a patient. Can you please call back and leave me your contact information on my voicemail. Which she did. But she was, "I need to talk to you," and I was like, "Listen, I already told you I can't talk right now."

And so um, when I did finally call her back I said, "You know, I know it was my ex-husband, I'm telling you." And I'm like... well, and they can't even tell you what it is until they "meet with you" (*gestures with quotes*). She's like, "I need to come meet with you, I need to see [REDACTED] at school," and I was like, "Fine. You know you can come meet with me at my dad's house." And we figured it out. And I wanted Brian Galipeau, at the time, was the Child Welfare, I wanted him present, even though they told me my son didn't qualify for protection under ICWA because he's a descendant. He's not on the census list, so that's why it was a state case versus... so I'm like, "Why isn't this a Tribal thing?"

And I actually happened to be meeting with his case manager and he also—besides case management we got a BHP. So we're meeting with a clinician and um, we were doing family functional therapy. I mean, we had all the supports in place, you know. So I was, I said, "I'm meeting with them anyway, you can come and see that you know, there's no abuse, there's no neglect and I have the supports in place." Because you would think that Child and Family Services is there to support families and children and if they don't know how to access resources or supports that they would help them, instead of just writing a paper saying, "Oh, we've indicated you for emotional abuse," and that's it. So she shows up and, you know of course, no one is happy to see—talk to Child Welfare, especially when you know it's complete bullshit. And um, 'cause I pretty much—she hadn't said but I knew—but I knew there was nothing. You know? Nothing that I thought would be appropriate. So, I served in the military. I'm an educated person. You know, I don't have to talk to you. I will let you into my home, to make sure—because they have that thing in the statute that says if they think a child is at risk then that gives them open access to do whatever they want. So I'm like, "You can come in, you can see, you know— yes my dad is an alcoholic, but I don't leave my child in his care. I'm not an alcoholic. I don't have any problems with substance abuse, alcohol abuse, anything and he's not failing school, so just come."



So, um. But of course, I'm not going to—I don't know what she expected me to do, but I didn't do anything, I think what she expected. Um, so, she came in and um, she told me what the allegations were and I told her, you know, that he's not doing poorly in school. And he's not failing. I even told her about an incident where my ex-husband called and was hollering at my son over the phone saying he's getting bad reports from the school, and it really upset my son and he was crying, you know, about this, because you know he didn't know what he was talking about. And I'm like he's not getting bad reports.

So (*sighs*), the second one. And I said he walks around Indian Island school. He goes to, at the time it was Boys and Girls Club—he goes to the building after school. He has a cell phone all the time. And I think that allegation came from one time um, Jason my ex-husband called [REDACTED] and he was like, “Oh, what are you doing,” and he's like, “Oh, walking around the Island.” You know? I mean my kid, you know, how do you tell your son “Be careful what you say to your father because he's gonna try and get Child Welfare after you?” You know? I don't have anything to hide, so um, he—and then the fact that my dad was a drunk. And my dad was there and I even said you know, you're a drunk. And he was like, “Well I do drink!” (*Laughs*) And so, but I'm like, “Do I ever leave my son with you?” and he's like, “No.” You know? So.

(*Sighs*) So basically I don't think I told her—basically I was like, “Okay, you know, I'll answer your questions.” Um, I think what, when she tried to go through her script. They have to go through this whole thing and they try and tell you, “Oh, its better for you to talk to us, because we're going to make a determination regardless, based on whatever, and it will help you to talk to us.” But anything you say they twist around. And so, um, she got to some questions about alcohol abuse and drug abuse, and I was like, “No I don't have any alcohol problems or drug abuse problems.” But she had brought up—or I had disclosed to her as well as my son's case manager—I said, you know, that I had struggled with depression. And I had, um, at the time, ‘cause they had given me prescription depression drugs, and anxiety, for years and years... when they were, and it ended up being hormonal issues and I had a hysterectomy. I had my uterus out last March and my ovaries out in September. So all this time I've had hormonal issues and they've been treating me with depression issues, or anxiety because of my irritability.

So um, back around that time I decided that—it had been like nine, ten years of this, and I was not going to take any more depression drugs or any more anxiety drugs. So I was, you know, with my physician at the clinic I was dosing down off—and I can't even remember what it was called—but I was dosing down off of it, but um, I had some adverse reactions to it. And I had gone to work one day and I was shaking and crying uncontrollably. And this was after I had had a car accident too, in the last couple, you know, the month or two before. So um, I talked with my son's case manager, and I said, and you know—I brought my son to my mom's and I said, you know I really need to get some help, I'm really falling apart. And on top of the

stresses of being a single parent. So I went and I um, you know I was afraid that I would do something to harm myself. So I'm very in tune with myself and I just didn't feel safe, and so I sought out help.

And um, the case manager let the Child Welfare person know that, and then automatically (*snaps fingers*) that's like a red flag to them. You know? And I think what happened was—so I went to Acadia for two days. And um, and told the doctors, you know I'm coming off of these. They tried to give me more anxiety pills. I said no I don't want. I just want to be in a safe place so if I have any more medical reactions, that I'm okay. Um, so and then they give me a brochure for outpatient, 'cause they're like you don't really need any help, you need to be in your own therapy, you know, whatever. I was like looking into therapy options, and they gave me a brochure for what they called IOP, Individual Outpatient Program? Anyway, IOP. So, when you read the brochure, it looks like it's for everything. Mental illness, everything. But in reality, it's like a drug and alcohol program. It's a group therapy and most of the people have drug problems—pill problems and alcohol problems.

So I went one day, just because from the brochure it sounded like you know, its group therapy, you know. So I went one day, and I said this isn't for me, because I don't have drug issues, thankfully. I don't have addiction issues with alcohol or drugs. So, I was like this isn't for me. But because my case manager had said she looked into IOP, that automatically, you know. Even though there was no allegation from my ex. You would think, you know, if I had a drug problem, an alcohol problem, my ex-husband is going to use that and say, “She's a drunk, she's a pill head,” and he didn't even... So for her to react that way—I have my own, I have my own suspicions on why she reacted that way, and then came at me that way. But um, 'cause you know, I did a little Google search on her after, 'cause I was getting ready with my um, with my, 'cause I thought, “Oh whatever,” with my appeal. And she— she wasn't even a social worker. Like, she didn't even have any social work training. She went to, like, New York College and she had a criminal investigating background... a criminal whatever. And she did work for some, like, child welfare criminal investigation office or whatever, but she wasn't trained as a social workers or family support anything.

She was a criminal investigator, coming in—you know I think I was probably one of her first cases. And um, so, you know, the way that she came at me, I just—already I didn't think it was appropriate for her to be there, and I told her, “There's no reason for you to be there.” Even though at the time I didn't have any documentation to say, to prove you have no right to be here. Just my intuition. So, even though, they could say, oh any time they suspect child abuse or anything then fine, they come check it out and that's what I was having them come check it out and giving them just what they needed, but that's it. Um, so, part of her checklist was to ask me if I had drug and alcohol problems. And I said no to the drugs and alcohol, and she brought up Acadia. And IOP. And that's when I shut down. Because um, that's my business. And I don't need to answer to her. And that wasn't even in any of the complaint. Well, you know I'm surprised my ex-husband didn't say, “Oh, she has mental illness,” as part of the complaint. But maybe he did and they can't put it in because that just shows that they're discriminating against a protected class.

And I felt that you know, I had—as a recipient of mental health services, that I don't—and you know medical stuff, you know, I don't have to tell you. So that's when I shut down and I said



that's none of your business. But I did address that it wasn't drug or alcohol related. Move on.

And it wasn't good enough for her. And I don't remember how, but it ended up—we ended up leaving and she wanted to, um, wanted to interview my son. So I was like, “Alright, we'll go to the school.” And she wanted to interview him alone, and I said, “No.” (*Shaking head*) I said, “You're not interviewing him alone. You're not going to traumatize my child. After what you just did to me? You know, there's no way.” And then what's ironic is that she wanted to pull him out of school to interview him. And I'm like um, “Isn't the complaint that he's failing school? So why would you pull him out of school?”

So, I know its just ridiculous. I thought it was pretty open/shut that they would be like, okay. But I get this letter in the mail that says that I did abuse or neglect my child and I think they also indicated my husband at the same time basically. And I don't disagree with this—that we are dysfunctional and we cannot communicate with each other. And we can—our court documents even say, like, it's kind of appalling that these two parents can't get over their own drama to focus on the best interest of the child, but they—what is their idea of best interest is not what we think is best interest. So, um, he's consistently used the court system to continue to abuse me. So why would I, you know, care about what they think anyway, because you know, he's continually dragged me into court and not paid child support and then tried to bring up mental illness as some kind of defect and... um. So I agreed but its, for my son it sucks. But is it abuse? Is it neglect?

My son might overhear us arguing on the phone, but it's never anything—I mean my son doesn't know that he—that he's beaten me up. He doesn't know that he's threatened to kill me on numerous times and put a gun in my mouth and pulled the trigger. He doesn't know about protection orders against his own father. You know? I'm not going to tell him that. Um, so, if anything I'm protecting him. So, but yes, it's not—we can't have a discussion, so it's pretty much, which should be evidence that we shouldn't have joint custody. And that's what I said. “I said just rule one of us have the control, and the other.” ‘Cause it's not working. You know? To the point where last spring he again petitioned for custody and again the court said he was better off with me. And even though he has strengths of being able to discipline him more, you know, I'm more of a nurturer. But in the future, if like he got into juvenile trouble because I wasn't disciplining him enough— then they would consider, you know, other avenues. I um, I ended up giving voluntarily residency to my ex-husband. Because it got to a point where I needed to be able to deal with the abuse and um, I couldn't do that parenting full time single, as a single parent. Um, so, they indicated me for low to moderate level emotional maltreatment to my son. You know? And, you know, its just another label, that's fine. But because I'm—just the way my brain works, I'm like, “Let me see what they define as emotional maltreatment.” And Child Protective defines it as “severe and chronic attacks on a child's development and self and social competence. Patterns of psychologically destructive behavior such as rejecting, terrorizing, shunning, isolating and corrupting. Parental substance abuse or mental health

issues which are likely to result in serious mental or emotional injury or impairment. Which now or in the future is likely to be....” (*Waves hand*) It’s just on and on. Um, “pattern of coercive behavior. Domestic violence.” So there was a presence— so maybe that's what they're saying, because of the presence of domestic violence, that somehow it, you know, emotional maltreatment. But I don't have any control over someone else’s abuse against me. And I'm going to be punished too? So I didn't think it rose to a level of emotional maltreatment.

So, I would like to know, you know, why they think pretty much arguing over the phone in front of your child—and it wasn't swearing. You know, it was just—he knows. He knows his parents hate each other. So, I guess if that's emotional maltreatment, fine. But what are you going to do to help us? If you're going to label me an abuser (*tears, voice breaking*), then what are you going to do to make sure that it doesn't continue? And the fact that they did nothing, I mean... it pretty much says that, you know, “We don't feel it rises to the level of any intervention. But it rises to the level of us calling you an abuser.” You know? (*Wipes eyes*) So, of course I'm going to appeal it and go back to the fact that it should have never occurred.

And I looked online and I found their intake, and I found their handbook of how they're supposed to train their workers, and part of it was like the workers should be able to listen and write out what they heard and have it be pretty much closely match what they said. And if—I requested all of the documents. And some of the stuff, it’s like how would she even get from there to there, from what I said? So she didn't demonstrate any capability of being able to understand what I was telling her and then you know, pretty much she twisted it. And she also did that with the, with my son's counselor. Cause what she wrote of what my son's counselor told her, was like, whoa. You know, I never gave permission for her to talk about me. But my ex-husband gave permission for the counselor to talk about [REDACTED], but she was talking about me. And um, saying all this stuff. So, I questioned the counselor, and she was like, “I never said that. It was misconstrued.” And she even wrote a letter as part of my appeal to say, “You took it out of context. That's not what I said.”

And the fact that she didn't call in herself—as a mandated reporter. You know, I'm bringing my son into her every week, and he's saying things like, you know, “My parents fight all the time, it makes me feel sad.” You know? So he's saying things to her, that if she felt at any time—it’s her job to call, to turn me in. So, I don't understand how, I don't know. You know, I'm putting myself out there, and I'm saying we need help, and then she's the professional, but an intake worker and then some other person who is—whoever this person who wrote this, is saying that I'm emotionally maltreatment of him, when a professional stated, if I thought there was abuse, if I thought— she actually said I was bordering abuse. And I acknowledged to her, yeah I agree with you. I agree that because I haven't dealt with my own issues with the abuse of his father, and now he's displaying characteristics of his father, and being aggressive towards me. I, of course I'm going to detach. That's not my child anymore. I'm just going to protect myself. So of course, you know, if my kid you know, threatens me, I need to protect myself. So whether that's running away from him, whether it's restraining him, or, you know, calling the police. Because I’ve also worked in, um, I've worked with children. I've worked in a child group home. So I was trained in safety care restraints. You know?

But I saw that this could lead to situations where— I don't want to call the cops on my kid. But when he's jumping on me, and when he's threatening—he’s threatening to hurt himself, too.



You know, I'm worried, does he have, you know, issues? So um, I found in the, on the internet, the state of Maine, and it was actually a Maine Department of Health and Human Services Office of Child and Family Services, Child Protective Services Annual Report on CPS referrals for 2011. So this was the report on all the referrals that they got in 2011. And it was prepared by Joyce Giguere — G-I-G-U-E-R-E. And she's the manager of the Child Protective Intake Unit.

So, that's who takes all the calls and decides what to do. You know, does it get put out to go get investigated or not? And um, so that was like, my biggest defense you know — was that they didn't even follow their own intake screening process. And, um, basically their policy says that the intake screening is a process of focused fact gathering from the reporter and gathering other readily available information to determine whether the problem presented is appropriate for a child protective services assessment. So, when he called on 3/13, whoever took the call said it was not appropriate for an assessment. But whoever took the call on the later date decided it was, for the same exact — and I know the same exact, because when I looked at the case file I found a note on March 28th by Katherine Tungst, the one who sent out where the purpose, or her purpose was stated to explore — because before they come out and do an assessment, they explore prior CPS history in their backlist, in their system. So I have all the hours spent on pre-stuff before she came out, and pages and pages of tons of tax dollars on this assessment that — you know, the hours that she spent on this case, and the hours of me obviously appealing it and talking to the supervisor.

So there's a lot of tax — I'd like to put a dollar amount to this assessment. And say, "This is what our tax dollars are paying for." (*emphatically sets paper down on table*) You know — how much did it cost to harass me? Because that's why I feel like that's the only reason I got this letter (*holds up letter*). They had to find something to justify all that time spent. So — because they decided it was some Indian child that they, that need their help, you know. (*Laughs*) Or whatever. So (*sighs*) the list of — they actually have a list in their report that says "Reasons why assessments would be inappropriate." And, um, like every single one of their bullet points for inappropriate assessment was about what he called. So what they consider inappropriate is: parent child conflict — children and parents in conflict over family, school, friends, behaviors, with no allegations of abuse or neglect. So pretty much — he didn't even allege any abuse or neglect by me when he called this in. he just had complaints about my parenting style, complaints about my son's school performance, and complaints about my dad being a drunk. And complaints about my kid, you know, having a little bit of freedom on a very safe reservation that — I worked right there, and a cellphone, and everyone's looking out for him. I — so. There was, that was what floored me the most. Is that it's right there. Just open up their own stuff and read it instead of just prejudging me and bias or political motives or whatever it was. It even said inappropriate would be adolescents who are runaways or who are exhibiting acting out behaviors that parents have been unable to control (*pointing at document*). Even though he didn't say in this complaint that "she's unable to" — maybe he did but it wasn't one

of the reasons—and then another something inappropriate would be non-specific allegations or allegations of marginal physical or emotional care which may be poor parenting practice, but is not considered abuse or neglect under Maine law.

And then another thing that would have been inappropriate for an assessment to occur was conflict for custody and/or visitation of children, which may include allegations of marginal or poor care. Or family crisis due to financial, physical, mental health, or interpersonal problems, but there are no allegations of abuse or neglect. So this is all stuff that they say is inappropriate to even have an assessment (*hitting paper*). So that—I think that’s just what pisses me off the most. So why have a frigging guide to say what’s—why not go out and investigate every single call you get in.

So, um. And this is coming from their manager of it. And that’s what I put in my appeal and they even denied my appeal. So that was what burned me the most, is that the assessment should never have occurred. I—even I called up, and I called up the line myself, and I said—‘cause I couldn’t find this anywhere, I said, “Is there anything that says after you get five calls about the same thing then you have to respond?” And they said, “No, it’s not like, you know, a certain number would trigger it.” But the fact that it said, um—in the case note that I mentioned before where she was exploring CPS history—her summary that Katherine wrote before coming to see me even said, “There is no prior CPS history with Lisa or Jason Montgomery, besides an inappropriate report on 3/13 made”—and they redacted it—so made by Jason but they redacted it when they gave me the records—“with the same concerns in this report regarding [REDACTED] not doing well in school, moving a lot, and living with Lisa’s stepfather. So they just admitted that there was no history and the only other history was an inappropriate report a couple weeks before with the same concerns of this report.

So why, why is it appropriate now? So that is my question. That’s what I would really— that’s—I want to hear their truth because my truth is that I did everything, you know (*moves hands in a “lining things up” motion*) and I. I agree that even the smallest thing, they should protect children. That’s why I was forthcoming in saying, “Come into my home.” Well, my dad’s home. I’ll tell you—yes I have issues and struggles, but they’re mine and personal and I’m dealing with them. But I have supports for my son and she met every single person. So I tried to explain, “There’s no reason for you here. If I’m having all these struggles and you can connect me to these resources that I haven’t already found, fine.” But don’t come in here and harass me unjustly and then hold onto it because you need to prove why you spent so much time. And just because—I really think that they didn’t expect an educated Indian woman. To give them any—to say, pump the brakes. And the fact that I’m educated kind of makes me even—makes it even more scary of what they do to women without high school educations. That, you know, that they just come in and it’s a big power struggle. So the fact that, I think—the fact that I said, “No, these are my boundaries, these are my rights,” I think pissed her off.

So, um. They’re gonna find something to indicate me—obviously it wasn’t even a substantiation. So that’s pretty much my truth. So I got the letter and they said, you know, you can ask for paper—so of course I’m going to ask for a paper review. And I wrote the, like, 14-page paper review. And I even, you know, I outlined what emotional maltreatment—the fact that even what she wrote in here was not even true. Because they said as reported by my son. That—they never even spoke with my son. How do you indicate me for low/moderate level of



emotional maltreatment to my son, due to my ongoing verbal medical and emotional abuse as reported by my son. Well you didn't even speak with him. Because you came—I went to the school with her and I said, "You can interview him, but you're not interviewing him alone." And she's like, "Well, I need to call my supervisor." I'm like, "Go ahead." But then she's having a conversation with her supervisor in a public area so I came out and I said, "You need to go in the other room and, you know, talk quietly—or at least protect my confidentiality."

Yes, the school knew what was going on but they didn't need to listen to you talking to your supervisor about, you know, "this crazy Indian woman will not—is not listening to me. You know, I'm a white person and she needs to listen!" You know. (*Laughing*) I'm sorry to say that but that's really how it was. So, um, you know—you can't be a strong, educated, outspoken Indian woman; you're defiant, a troublemaker, whatever. You know? And I reject that. That's—I'm sorry. That's—you don't have your stuff together to be able to know that, you know, fine, show me where it says that you're allowed to interview my son by himself. But you can't. You know? And everything that I did with her was voluntary. But they wanna say, "Oh, you don't have to, but we're going to write what we think if you don't."

You know, so. I didn't—I wonder if it would have been better if I had just not talked anything. But then they would have just taken everything that my ex-husband said as gospel. You know. And so at least I got to tell them that he was abusive to me. And actually, in fact—while this whole investigation was going on he called me drunk one night and actually told me to start recording him. And, so I did. And then said that he was gonna—that basically he would gladly put a gun in my mouth and pull the trigger. And, you know—so I sent that to them. I'm like, "He's calling, he's threatening, you know, making references to," um—someone, a friend of his, you know, whatever, like I don't know if he put a hit on me or what. But it was enough to get a year protection order against him. And, um, and so at least I got to tell them that. So at least if anything they indicated him, too.

I mean, does that make us bad parents? I mean, we're—there's no such thing as the best parent. We do the best we can and I think I'm a very good parent. I mean, my son is incredible, he is—even with his reading difficulties and his struggles in school, everyone I—he's loving, he's empathetic, he's very intelligent. He's a great kid and I haven't heard—I don't think anyone's ever said anything bad except maybe he was talking a lot in class or something. You know, he's a great kid. And he struggles, but who doesn't? And—they also even put in there that when they asked me about his school performance I said, "Yeah, I know he's—I'm on top of it, I'm at school meetings, I'm trying to get him some supports." And then I also told her, you know, boys, you know—it's science that boys develop slower than girls. And boys have a hard time sitting in class and concentrating so maybe he didn't pick up all the phonetic structure early on because he was daydreaming or whatever. But she put in her report that I "minimized his learning disabilities." And I'm like, "Minimize it? I'm his biggest advocate!" You know.

And when your son struggles with reading and hates to go to school and calls himself stupid, I

tell him, “You’re not stupid!” You know? “You’re very smart, you just process things different, and we just need to find a strategy that works.” So I wrote this appeal, this 14-page appeal, and I had, um, his counselor— ‘cause I got the records and she took stuff out of context and I even had letters from his case manager and the counselor that said, again, “If I’d have thought there was any abuse going on I would have reported it.” And basically she misconstrued and twisted, took things out of context, and worded in a way that she did not intend. You know she did say I was bordering on abuse and if I didn’t deal with issues that were—she could see the potential. (*Gestures to self*) I could see the potential. Obviously I’m bringing him to counseling and I’m trying to get the support someplace.

Because I’m open and transparent in saying, “Look, parenting isn’t a picnic.” You know, my kid is a jerk to me sometimes. That’s child abuse? You know? And I’m sorry, but some things, you know—some behaviors aren’t acceptable. When he’s being disrespectful to me, maybe I need to do it in a better way, but I try to be, “No, that’s” —I didn’t hit him, I tried to ground him, but, you know. I need skills on how to get out of the coercion model into the more, you know, praise so that he wants to do it. And it’s tough. It’s hard work, you know? Very hard. And when you have people harassing you when you’re trying to work through stuff, it doesn’t make it any easier. And you have an ex-husband that is pushing your son to push your buttons. On purpose, so you’ll snap. You know, that’s not easy either.

It sucks. We got divorced, and he doesn’t have both of his parents. If that’s emotional maltreatment, then I think we have a bunch of abusers everywhere. So I think there just has to be a reason why they did this. I don’t know what it is. But I’d like to know. And I’d like to know why Katherine Tungst—I don’t know, why does the State have criminal investigators as Child Welfare—or I mean, fine, yes you need investigators, but bring a social worker with you. Bring someone that’s going to empower somebody instead of, I don’t know.

I had this other thing that I was reading over that made me think back to this. That the risk model versus the resiliency model. So they go with the risk model like highlighting the—all the bad things, instead of seeing what my strengths were. And I think maybe they—I don’t even know if they did credit me for—I think they did, “We credit her for seeking help and case management,” but everything else was negative. You know, don’t talk about the strengths of our family. Just talk about the bad—that my dad was an alcoholic. But don’t talk about the fact that I came back to a community that is helping to support me and raise my child. But that’s bad, because my ex-husband believes that, um, that his Indian side is bad. That his family, you know, that we’re weak because we have mental health issues and we have drug and alcohol issues, that—and, he’s a minority. He’s black. You know, so—that he didn’t see the value of being in my community and he sided with an agency that also didn’t see the value of me being able to come back and raise my child in the community. Even for just a short time because I didn’t have access to a vehicle. And because my dad drank, you know. And I think I said, I’m like, “We live on an Indian Reservation,” you know (*laughs*), “Everyone’s a drunk.” You know, so. Which isn’t true, but you know, just to—just to illustrate the point that, you know, if you’re going to come and do an assessment on me, you better do one on every kid walking around here with a cell phone with a drunk grandfather (*sighs, puts face in hands*).

And I think that’s why it’s important for me to, you know—if they want to have that view,



have that view. I don't care. Just don't use it to find a way into my home or a way into my child's life that's not appropriate. Even at—it's a stretch but it seems like, and I know you can't trust everything on the Internet, but I think that report is real. That—that I got the information from. So that's what I'd like to know is why (*shuffling through papers*). Why they felt it was appropriate. And then why, yeah, why Katherine Tungst wrote a lot of the stuff that she wrote. Because—and I even put in there—that there's a thing here, I think it's a training that says that our Child Welfare people are supposed to be able to properly receive information, communicate, and describe factual conversations. You know, that's part of their training before they go out to do these assessments. And I just felt like she didn't even have that. And if she did have it, she had it from the lens of a criminal investigator and is that conducive to helping families? I don't know, I can't answer that for her. But. I don't like her very much. And I think she knew that because I'd say, "I'm calling your supervisor" (*laughs*).

And they have—I called everybody. I called the Governor's office. I called the ombudsmen, I'd like to sue the State of Maine. I know I need to get special permission, but one day I'll get around to it, because, you know, punitive damages. My traumatic experience with Child Welfare. And, you know, and I've moved past it. And then just learning about this work kind of brought it back center stage because it kind of was like—that "ah ha" moment for me, because I support what they're doing obviously—removing Indian children from the community had a very profound impact. Not only on the children themselves but on the family and the whole makeup of the community. Um, so I thought it was important work that you guys were doing and I tried to learn about it and be educated about it.

And you know, even to the point where I'd like to—and I asked one of my relatives, "Do we have any people were taken?" because you know, if for some reason they did and they had children, like, maybe there's family out there. So I thought that was my only connection to, you know (*holds up TRC brochure*) this brochure (*smiling*). Then I was reading and I was like, "You know, it does." 'Cause the framework that was set up then to kind of, I don't know what the objective was, and maybe they thought they were doing good, but not in the unintended consequences way—they're still using that framework, that lens, when they look at us as a community. To the point where they don't even look at their own stuff. Like, how do you just not even follow your own policies and procedures and just go back to this, whatever? You know? If they would just acknowledge that it was a mistake, then I think I could feel better. In an apology. But, you know. We all make mistakes, and the ways that our brains operate, and people react to things, and my ex-husband may have made it sound like it was very horrific. I don't know. But it didn't sound—and maybe I'm being to blasé about it but I didn't think failing school and walking around Indian Island and living with a drunk was like the worst things that could happen to a child and would open an assessment. But I don't know.

I don't want to sound, you know—I've already probably sounded really, what do you call it (*laughing*) dramatic about it. But I took the time and wrote this 14-page paper review and I asked them, and then I did it chronologically. And even, um, just her whole attitude, because

she had actually, had actually accidentally called me thinking she was calling Brian Galipeau, Child Welfare. And, um—oh wait, actually, when I told her to call back and leave me her contact information, I kept the phone records and then I transcribed it. And she said—she’s like, “Hi Lisa, this is Katherine Tungst, I’m a Child Protective Case Worker. And I just spoke with you on the phone umm before you hung up.” You know, so like her tone was already, like, “I just spoke on the phone bef--” — ‘cause in her notes she said I hung up on her. When I said, “I can’t talk right now, I’m driving.” Even though she said—she even acknowledged in her—she contradicts herself throughout all of her notes—she’s like, “I said, call me back, I can’t talk,” “I really need to talk to you,” and I’m like, “Okay, I’ve already told you, please call my voicemail back,” I hung up, maybe I wasn’t polite, but it’s like being on the phone with a telemarketer when they keep trying to sell you something, you just have to hang up. They’re going to try and try.

So she’s like, “I just spoke to you, before you hung up. And I’m calling, like I said, because I need to speak with your son [READCTED]. And I’ll be going over to the school to speak with him. (*speaking in frustrated voice*) And I really need to speak with you and I need to see you today. Umm...I’m not sure where you are living, so if you give me a call back my number is 299-6950, and that’s my work cell.” I know I’m doing a valley voice, but that’s what she sounded like. “And you can reach me on that, ummm please call me as soon as you get this message. Thanks.” So I did return her call and let her know that he’d been threatening me with this—I wasn’t worried. And I also questioned jurisdiction based on ICWA and but Brian told me, you know, he’s not on the census.

Like I said, after that, she thought she was calling Brian Galipeau the Child Welfare here on the Island but she called me instead and she was like, (*reading*) “Hi Brian, this is Katherine Tungst over at DHHS in Bangor, Lisa called me back ummm, and she is refusing to give me any information.” Which I was like, “Didn’t I tell you—I told you I was living on the Island, you know, I told you you could come meet with me, whatever. But to her, I was refusing to give her information. I said, “I don’t want to talk over the phone,” but I was—“She’s refusing to give me any information, she wants to—she will only speak with a case manager from the Island so I don’t know if you’re there. If there was something maybe you could talk to her. She mentioned you and Sonya”—because I mentioned, you know, I know Brian, I know Sonya, I’d feel more comfortable discussing and alleviating any concerns about her son with those people. And not some judgmental person that can’t even follow their own stuff. “So maybe you could talk with her and see what we could do as far as coordinating interviews. Give me a call back at 299-6590. She no longer wants me going to the school to interview. So I will wait to hear from you to see how we can coordinate this. Thanks, bye.” Because you know, I told her, “You’re not interviewing my son. So (*exhales*).

So in my statement with my appeal I said that she made inflammatory statements that made it clear that she was incapable of the ability to hear what I was actually telling her without some prejudiced and preconceived notion. About me, because I’m Indian, and you know, coming over to the Island. So—because I gave her information but, “I’m refusing information” so—(*shakes head*). Doesn’t make any sense. So how does that even set up a good relationship where we can have a conversation when no matter what I tell her she’s gonna think whatever. So it’s a waste of time talking to her.



So—‘cause I told her, I made it clear the reasons why I would not discuss the matter with her over the phone and gave her my follow-up information to speak—oh and I told her she could call the case manager, too. So I “gave her no information,” I “refused to give her information.” I told her my son’s case manager name and number and I said call her, but I refused to give her any information on the safety of my child or whatever she needed. Um. So yeah, when she said I was trying to refuse, it didn’t set up a good relationship for me to trust that, you know, she was seeing my best interests. Because clearly she was not trying to see my best, or my son’s best interest. Because she wants to go interrupt him in school. To interrupt my child after the complaint is he’s doing poorly in school. It just—a comment pops up in my head every time from Lt. Col. Henre who did the Katrina stuff. He said, “You can’t fix stupid.”

Because you’ve gotta use common sense. I mean, there’s policies and procedures, yes, but I mean they didn’t even follow those. So she did call Lori, and then she called me back and said (*reading*), “Hi Lisa, this is”—March 28th at 11:41 in the morning, she said, “Hi Lisa, this is Katherine Tungst. I wanted to let you know that I spoke with Lori Green and I have a much better understanding of everything that’s been going on now and it sounds like you’re doing a lot of good things to address some of the problems that you are having with [REDACTED]. And I need to meet with you today to kind of discuss, you know, some of those things and concerns that you are having. And if you call me back I can discuss, kind of, give you an overview briefly of what was in the report. I spoke with Brian, he said that you talked with him and if you want Lori—said that she’s going to be home around 1:00, I can be there at 1:30.” So I told basically, I’m going to be home around 1:00, you can come over. So I said, “Talk to Lori Green,” she said she felt she had a better understanding. “I can be there at 1:30 to meet you guys if you feel more comfortable having Lori present. So if you can give me a call back at 299-6590, I’d like to discuss meeting with you at 1:30. If not, I told Lori I’d be at the home around that time to try to speak with you in person. Please call me back.” So she did, she came to the home at 1:30, but I don’t have much patience for someone who—I know she had a checklist but, you know, tell me what’s in the report, I’ll go through, whatever. But you know, if I feel like I’m not being heard or I feel like my rights are being violated, I’ll shut it down. Because I’d already given her, you know, I shouldn’t even have let her—I shouldn’t even have acknowledged any of this and, like, whatever, because in the end they would have indicated me anyway.

So it was a big waste of my time and their time and taxpayer’s money. But it illustrates the lens that they see Native people and children, and single moms, and you know. It’s not—I mean we all have these struggles, whether you’re Native, whether you’re not. Whether you have alcoholism in your family or whether not, whether you’ve got mental illness in your family, whether you don’t. So I—part of me wants to believe that they do this to everybody. Not just us. But. The fact that they do it period is probably even more concerning. So.

I feel pretty good. I’m not as emotional as I thought (*smiling*). I think I got it all out in the other events. Because, um, I just—I do—I want to know why they felt justified opening an

assessment. Based on their own stuff. And I know people don't like to be told they're wrong and my delivery to her and the supervisors weren't—like I should have said (*in meek voice*), “Please would you read your policies and then decide that you don't have to come,” but no, I was firm and I was assertive and they didn't like that. They wanted to disempower me, and I would not allow that. And they didn't like it. And what good does it do?

I mean, am I responsible—do I have to have manners when I'm being opened for an assessment for child protective when I thought it was inappropriate? Even if I thought it was appropriate—I think people who really—I don't know. I don't have that much experience with any of this, and I know—I do know some other people that—they had run ins with the Child Welfare people too to the point where they're like, “I don't care. Substantiate me for child abuse.” My friend's like, “I'm not opening a daycare. I don't care.” Her child has issues and he gets aggressive with her and she's like, “I'm locking him out.” She'll call the cops on him. And she tried for a long time, and she's like—they wouldn't help her. She's like, “Come get him. Come take him away from me. I want you to, 'cause I can't do it anymore.” But they'd rather spend their money on stupid stuff like this than providing supports for families to empower families to take control and be in the resiliency model. The wellness model. Not the deficiency model. The risk model. I'm going to tell you x, y, and z why you're a risk for this. Well, I know. I know. You don't have to tell me. I'm harder on myself than, you know. That's nothing, you know. I'm way harder on myself as a judge of my own parenting, you know?

Because. It's my responsibility and when I feel like I need to call the police on my own son because I feel like my safety is in jeopardy, it's not a good place to be. You know, we did family functional [?]*—*but it's—and I'm not only working against my son, I'm working against his dad. And for them not to see that, you know, he uses the court system and he uses the Child Welfare System as a form of abuse, and for them not to see that they're an extension of that—of the abuser. He's manipulating them. And I know—I know that there's good Child Welfare people, and you know they save children from horrible things. You know. But a lot of times they put them in places that are probably worse than the place they came out of. So I don't know what the answer is, but that's my truth. And I would like to one day know their truth, her truth, you know. I just wanna understand. I mean it wasn't report, it was 2011, it was the year before mine. So I don't know. I don't know.

I did what I could. I called and complained so many times to the advocate or whatever at LePage's office they're probably tired of hearing from me. And I should have appealed my appeal but sometimes you've just gotta move on and get back to work. Raising my son and doing what I need to do for my community and myself. So (*laughs*).

Not too bad. No tears. Well, a few. But I appreciate this process and try to trust the process. I try to trust this process and maybe one day. I mean, the response back from when my appeal was denied. They said—I asked for a review and based on the review they did a review. I don't know if they—whether they read my stuff or whatever, they said that's it's still upheld. (*Reading*) “And as a result of their review they concluded that there is sufficient documentation in the case record to support the finding that was contained in the letter. And judging the level of risk that her children are in”—and see, it's a template (*whacks paper*), it's a boilerplate for everything. They can't even personalize—because they did—they never talked



to my son, and they probably sent the same thing to my ex-husband because, um, there was one part of his counselor's notes that said, um, "providers attribute his acting out behaviors to psychological abuse by me (*gestures to self*) by yourself and his father and the unrealistic expectations you both have for your son given his age." Because my husband, you know, expects a lot from him. Expects him to be a straight A student, reading at his grade level, you know, regardless of any difficulties.

And if anything I'm like, unrealistic? My expectation is for him to just behave himself and treat me with respect. I don't think that's unrealistic. And then, you know, like I said it's boilerplate: "children." (*Reading*) We have determined that the risk is not severe enough for us to make information about this available to employers or licensing agencies. So basically they're gonna uphold it because we have to have justification of why we spent x amount—and I could go through because I've got case notes because they put hour, hour long—x amount of hours, we're gonna uphold it. Because if we overturned it basically we'd admit that we wasted taxpayer money. But we're not going to put you on the bad list so that you can never work around children or open a daycare. "The information about this decision will stay in our records for our use if we ever receive another report about you, but will be released only in very limited circumstances, usually if we receive later information that shows that the risk is higher or if a court orders us to provide our records to it. We call this kind of situation an indicated case. Therefore if an employer or licensing agency in a childcare field asks us whether you have any child protective history we will not report this determination. If you have been reported for abuse and substantiated in the past we may still report those..." So they're basically not going to tell anybody that they said that I emotionally mistreated or maltreated my son. "Our determination that the situation isn't serious enough to warrant reporting to employer or licensing agencies does not mean that we believe that your family does not need help. We hope to be able to work with you to ensure that the problems we discussed are resolved and to ensure that the situation does not get worse."

You know, I never heard from them again. They never—they never contacted my son's providers again. Bethany Berube, Assistant to the Director. And then Cc'd the Director Bobby Johnson, Program Administrator. She was the person I called a few times—they hated me down in Bangor, I'm calling all the time. They gave me a hard time about releasing the records, too, and I wrote them, like, "I am entitled to review these records." And yeah, so they want to help me and make sure that these problems that—the emotional maltreatment that my son is suffering is resolved and they don't get worse, but we're never gonna call you again. We're never gonna—you know, they didn't even do a cape referral, which is pretty standard for most—I think, because if they do a cape referral and you're family functional, I'm already doing it on my own. Because I know that there's issues. I'm trying. You know?

So. Doesn't make any sense except to justify their time and—I wanted her fired. I was well like, "She needs to be fired." (*Laughs*) Which she's not—maybe she could go work for the police. Investigate crimes, whatever. Where you don't have—where you can be subjective and

make, you know, biased whatever. But this kind of work is, you know—I wonder if she’s still a caseworker. I think she was pretty new, I think I might have been her first one. Maybe I scared her off. so—but most people, most people just take whatever they give and don’t speak up (*laughs*).

RG: Is there anything else that you would like to add?

LM: I think that’s pretty much it. Well, I know you’re going to do a report and findings and I think—finding of a better model for outcomes that, you know, if you’re going to do an assessment and not follow your own stuff with inappropriate, then explain, you know? To give you this little brochure and say, “This, this and this”—it doesn’t make any sense. And if you’re going to say, “We’re still gonna uphold it, but we don’t think it’s severe enough to tell anybody that, you know, we’re still going to let you work around kids and this and that.” It’s all just for—it’s all lip service to say, “Oh, we’re protecting children. We’re protecting Native children but we want them resolved and hope it doesn’t get worse but we’re not going to do anything else. Or check in with you and say, you know, how can we help you?”

A better—if you’re going to do it, do it.

RG: You just answered my question but I will ask it again in case you want to add anything. What would you have needed or wanted to have made the situation better?

LM: For it to never have happened (*laughs, throws head back*). For them to have followed their rules. But you know, they didn’t follow—I wonder what—what were the rules that allowed them to come and take Indian kids out of their homes back then? Are they still the same rules that they have today? I don’t know, but maybe they just have a—have demonstrated in cases when it dealt with Indian children that they throw out their rules. Anything goes (*throws hands in air*)! We have to tame those savages! And educate them on how to be good parents because their way of doing it from—since time immemorial—pre-contact, you know, was not—it just doesn’t make any sense. You know (*laughs*).

RG: I want to thank you for taking the time to sit down with me.

LM: I’ll thank you more if you’ll give me some feedback on what they say. I know it’ll be a few years or whatever before—I don’t know if you can talk to, you know, her, or—I mean I’ll sign releases for you guys to get access to everything. I mean, I have copies of everything. But it’s funny, you know, they wrote right on the top when they released it to me, “This is all confidential. If you release this information, it’s in, uh, you’re breaking some law.” I should’ve brought it with me—I had a binder of this stuff. Because they probably thought that I was going to go and use it in court or use it against them and then they can turn around and say that I violated some law by revealing whatever.

So even to the point when I couldn’t even give the stuff—she had the interviews with my son’s counselor—I couldn’t even give her the copy to say what Katherine Tungst said she said. I had to—I sent an email where it said, “Katherine documented”—to you know, ‘cause she recommended—so this is to the counselor, (*reading*) “Katherine documented—so this is his



counselor—that she asked you if you felt that this was more than typical behavior of a divorce.” So when Katherine called his counselor and talked to her on the phone she said, you know, part of her assessment was “Is this more than typical behavior of a divorce child?” She said that you said that this is definitely more than a typical behavior. And then she said, *(reading)* “Yes I recall this question and yes my professional opinion of [REDACTED] behavior as reported by his mother, and as witnessed in counsel sessions is indicative of issues beyond divorce.” So, you know, that’s why I’m trying to deal with them.

(Looking through papers) There was one where she said that she misconstrued—well basically at the end it says *(reading)* “It appears to me that Katherine Tungst misconstrued my meaning and intent and took my statements out of context and put her own twist on how she sees things. I was also not informed that I was being audio taped and I am not still unsure if this is the case. I believe that to be audio taped one must be notified. Therefore although some of my statements have validity the majority was misconstrued and definitely taken out of context.” And this was mostly what they based their decision on, you know, providers or whatever. What my son said to his providers, because even though they made it seem like they spoke with him, but they never did. *(Reading)* “I also, I must also reiterate that if I felt that [REDACTED] was being abused, I would have made a report to Child Welfare myself.”

So, you know, when you have a counselor saying that she didn’t think it rose to the level to even be reportable, but they decided it was reportable based on I guess information from my ex-husband that shouldn’t have been appropriate on their own stuff. And only when I was belligerent or uncooperative that they decided that I must be an abuser. Or something, I don’t know. We’ll see if anything changes. And if anything does change, and if they can get better people or better training. I don’t know why they would hire criminal people. And if they do, like I said, at least have somebody who works with families and can see things in a more well rounded view and work from a family’s strengths, not their weaknesses. And be about wellness instead of, “We’re just going to call you and abuser and keep doing a file, and that’s it.”

Because I don’t see any reason why I have to have all these papers in front of me, or have had to waste hours and hours, and stress and stress, over this, you know? ‘Cause I don’t want to be unjustly—my reputation tarnished. I mean, they didn’t do anything, I put it out myself that I have been indicated. You know, but. I think if they used that criteria of how they indicated me than every single person is guilty of emotional maltreatment of their children. And I like I said their own—if they’re going to call it that then at least be able to use the definition, you know? So I don’t think—severe and chronic attacks on child’s development, social confidence, you know? I don’t know.

I know our dysfunction affects him, but we’re divorced, and I don’t know what to say that I can’t make somebody have—best interests of the child—what I think is best interests of the child is totally different from what my ex-husband thinks his best interests—because our

values are different. Our entire, you know, upbringing is different. So how they can determine what's best interests without even understanding the context of where I'm from and what we have—you know, suffered. You know about all of the intergenerational trauma and all that. I didn't—same thing with all that, that I don't realize how all that impacts me until I realize that some of my dysfunctional coping strategies. You know. And it really comes down to—we've been disempowered and people who are disempowered try to find power in destructive ways.

So if they're disempowered because of some system, to take back their power they do it in any way that they can do it. Sometimes that takes the form of drugs and alcohol. So. I mean, luckily I don't have those struggles but I know a lot of people that do. We have to find ways to empower people to not have destructive ways to try to—hopefully this is a constructive way to take power, is to, you know, not just accept because they say it is. I know it's not true. And in the end, that's all that matters. So. And in the end, you know—my son is no better because of their intervention or whatever you want to call that, what it was. So. And that's it.

RG: Thank you so much.

LM: What time is it? I've been blabbing away.

RG: 5:35

LM: Oh, not too bad. Was that good?

RG: Yeah!

LM: I know you can't tell me what other people talk about and stuff.

RG: Thank you. I really appreciate you taking the time to sit down with me. And I'm wondering if you might be willing to let me have a copy of the things that you brought today.

LM: Yeah, yep.

RG: Perfect.

LM: And I have more. I have, like—I'll give you my whole binder.

RG: Okay. If you'd be willing, I would love to take a look at them.

LM: Yeah. Especially all the case notes. I mean, just—that's why when that lady was the social worker at the university, I'm like, I want her to look through and see what—maybe she didn't teach her and maybe she didn't even have to go through—Katherine Tungst never got any social work training from that person. But if I was a teacher and—you know you read what somebody goes into the field and does, I'd be like (*looking at papers*), how is this not translating into—I don't know? So really want that lady to read all the stuff.

RG: Absolutely. I will—I can make sure that Gail takes a look at all that.

LM: I try to step outside myself a lot and try to say, “Okay, would a normal person like, think



that this is outrageous?” And I think people—even, actually, probably someone who is very, I don’t know, doesn’t normally get riled up about this stuff would probably be like, “What?” So yeah, I’ll get it all to you. Like I said, I probably showed my cards a little if they know I want to sue ‘em, so they might try to squash that, but to the point where I—throughout this process I spoke with Wayne Mitchell, our Tribal Representative, and told him what was going on, and he was, “What?” And I said, “I’m gonna sue them,” and the only way you can sue the State is to get—you have to go and ask permission to sue them. You have to ask the State, “Can I sue you?” So I wanted to do a bill through the legislature, through him, that he would present and have them vote for me to sue. And I was going to sue for whatever it’s called when you cause harm to people. You know, for no reason. And punitive damages and all that stuff, so. I fell like I’m stronger for this. And that I’m not going to give them the credit. “Oh see, you got something good out of it.” No. I took it as a teachable moment to myself, and if anything, you’re not going to take this away. You know? You don’t take credit for this (*laughing*).

RG: Do you want me to stop this real quick?

LM: Yeah!

[END OF RECORDING]