UNDERSTANDING STATE CHILD WELFARE INVOLVEMENT IN WABANAKI COMMUNITIES

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In collaboration with the Maine-Wabanaki TRC Convening Group

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What you'll find in this presentation

There are 5 main sections.

1. Purpose: what we hoped to learn from this study
2. Background: what's the context of this study
3. Methods: how the study was designed
4. Findings: what we found out
5. Implications: how this study can be applied

PURPOSE OF THE STUDY

Purpose

To better understand how Wabanaki people perceive state child welfare involvement in Wabanaki communities.

To support future evaluation efforts for the Maine Tribal-State Child Welfare Truth & Reconciliation Commission.

BACKGROUND

The Maine Wabanaki-State Child WelfareTruth & Reconciliation Commission

- Joint effort of the Wabanaki tribal nations in Maine & the State of Maine
- A forum for people to tell their stories about what has happened and what is happening to Wabanaki children in the child welfare system
- This research project was done in collaboration with the group that convened the TRC (not the TRC itself)

Wabanaki tribal nations in Maine

- Aroostook Band of Micmacs
- Houlton Band of Maliseets
- Penobscot Nation
- Passamaquoddy Tribe at Sipayik (Pleasant Point)
- Passamaquoddy Tribe at Motahkomikuk (Indian Township)

History of state child welfare involvement in Native communities

- In the 1960s-1970s, 25 to 35 percent of all Native children had been separated from their families.[1]

- The rate of removal was so high it has been characterized as an act of genocide.[2]

[1]Unger, 1977
[2]Hansen, Westphal & Francis, 2004

The Indian Child Welfare Act of 1978

• Ensures a tribal role in all child custody cases involving Native children. This means that states and tribes have to work together.

• Stated *"there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children."*[3]

[3]25 U.S.C. § 1901(2), 2001

Today, Native children are still over-represented in the child welfare system

- Child welfare investigations of Native children are <u>twice as likely</u> to occur as for all children.[4]

- Native children are <u>3 times as likely</u> to placed in foster care as all children.[4]

[4]Hill, 2007

METHODS

Why is "research" is a dirty word?

"'Research' is probably one of the dirtiest words in the indigenous world's vocabulary."[5]

- Research has been used as a tool to justify the oppression and colonization of indigenous peoples.

- This study was designed to meet current standards of ethical research practice related to Native peoples.[6]

[5]Smith, 1999, p.1
[6]Denzin, Lincoln, & Smith, 2008

How information was gathered

We held 3 focus groups with tribal child welfare staff and Wabanaki people with personal experiences with state child welfare.

1. One with the Houlton Band of Maliseets & the Aroostook Band of Micmacs
2. One with the Passamaquoddy tribes
3. One with Penobscot Nation

All the participants consented to have the focus groups recorded and transcribed.

About the participants

- 11 participants total
- 9 currently working for tribal social services in child welfare-related positions
- 1 foster parent
- 1 tribal council member
- 9 were women, 2 were men
- 10 participants were Native, 1 was white
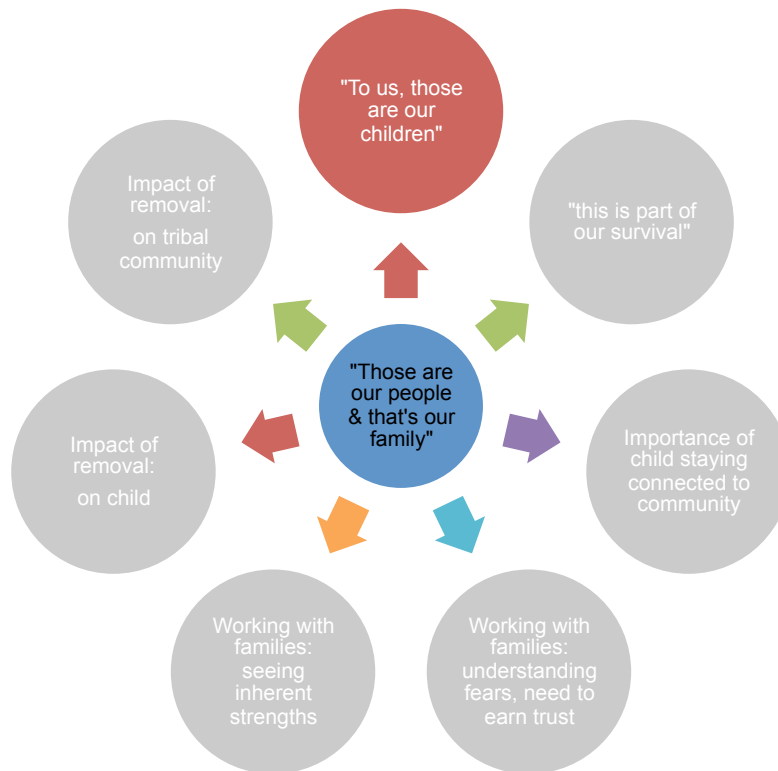
FINDINGS

How the focus groups were analyzed

This was a qualitative study, which means that the analysis focused on themes and patterns in what the participants said.

A qualitative method called constant comparative analysis was used.

This study provides useful insights but it is not intended to speak for the entire community or represent all points of view. It analyzed the perspectives voiced by the participants in the study only.

There are 8 major themes. Quotations indicate a participant's actual words.

Diagrams like the one below will sometimes be used to present information.

"To us, those are our children"

"this is part of our survival"

Impact of removal: on tribal community

Importance of child staying connected to community

"Those are our people & that's our family"

Impact of removal: on child

Working with families: understanding fears, need to earn trust

Working with families: seeing inherent strengths

Examples of the participants' own words and subthemes will be shared to support the findings.

1. State and tribes have fundamental differences that sometimes collide.

- The state is unsure how to share power with the tribes
- Different approaches to working with families
- Different interpretations
- Different beliefs and attitudes

State's and tribes' fundamental differences

"I think sometimes attitudes can come in on both sides because you need to get something done, or you're fighting for a certain type of justice for them, but they're taking, um systematic steps, and you're like, "Okay" we're coming from that Native perspective, let's do this this and this, so I think at some times that can clash"

--Tribal child welfare staff

State's and tribes' fundamental differences

"we're more trusting in people and we know people. . . it's like on the reservation we have to have a background check. And, I know what everybody does on the reservation. I know how they make their chili and how they take care of their kids."

--Tribal child welfare staff

2. Tribal staff's actions and beliefs are guided by a shared core value.

"Those are our people & that's our family"

Tribal child welfare staff's actions and beliefs were perceived to be *guided by a shared core value*

Shared core value:
"those are our people & that's our family"

"And there's no way to not have them in your thoughts because those are our people that's our family."

--Tribal child welfare staff

The tribal staff members' actions and beliefs, shown in the outer circles below, stem from the core value in the center.
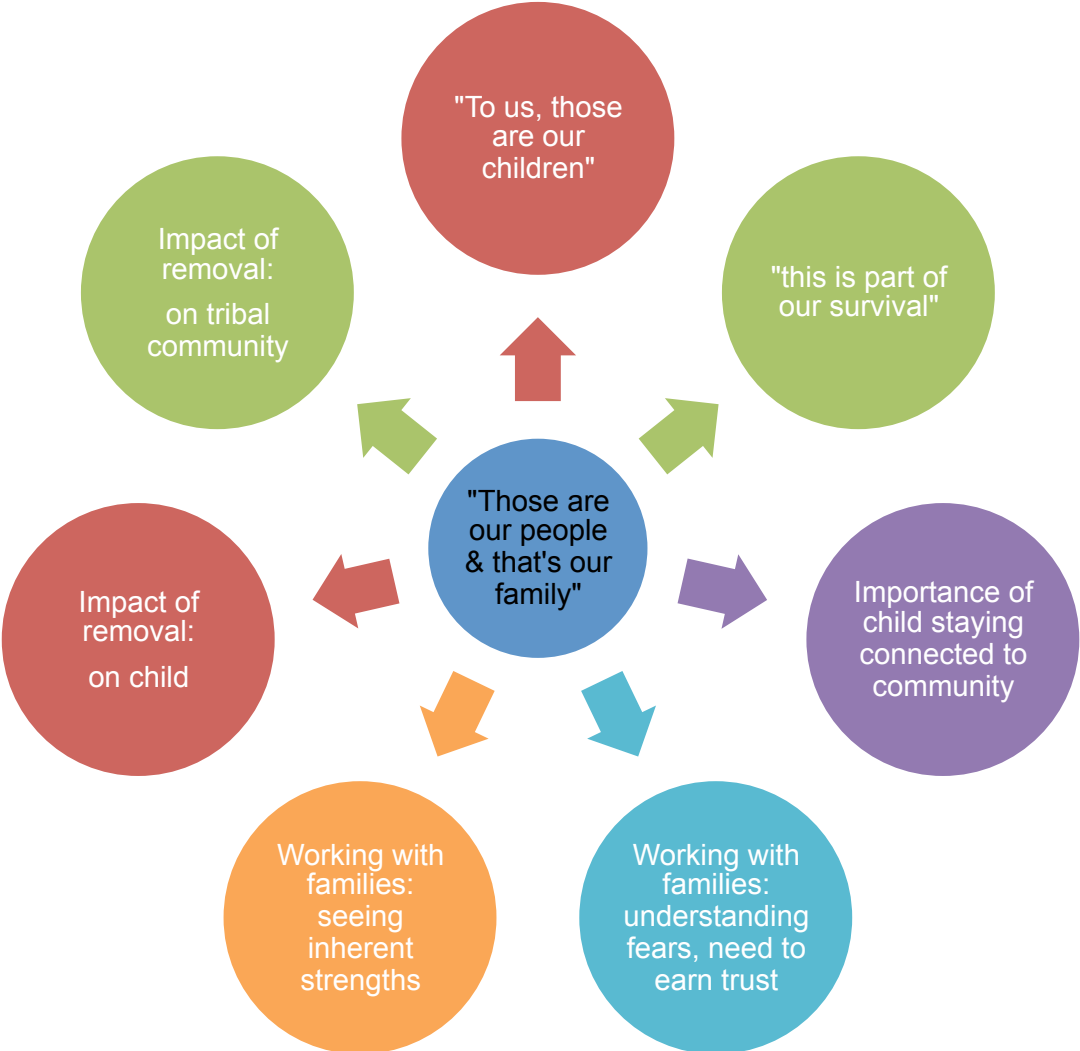
"To us, those are our children"

"to them, this is a case. To us, those are our children."
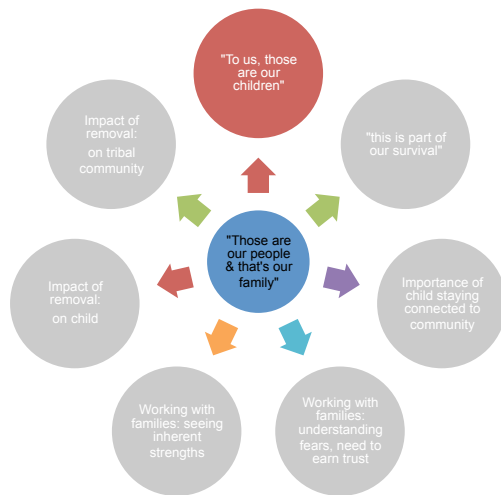
--Tribal child welfare staff

"this is part of our survival"

"and that it's our survival, this is part of our survival, we, we need this, we need to keep our kids in our home and find a way for those kids to be safe. . . or within the tribe."

--Tribal child welfare staff

Importance of child staying connected

"I've done dreamcatchers, medicine bags. They -- they do these things, they actually pay attention and they do what they have to do and they're so proud of it, and they hold onto these things, you know? Just from these activities."

--Tribal child welfare staff

Working with families

- Understanding fears & the need to earn trust of families

- Importance of relationships

- Child-focused

- Advocating for families

- Tribal staff as members of the tribal community

Seeing inherent strengths of families

"you know the state has their mandates, they have their guidelines, they have you know, X, Y and Z and. . . we work on a different philosophy which is you know, every family has within them what they need, let's just build on that."
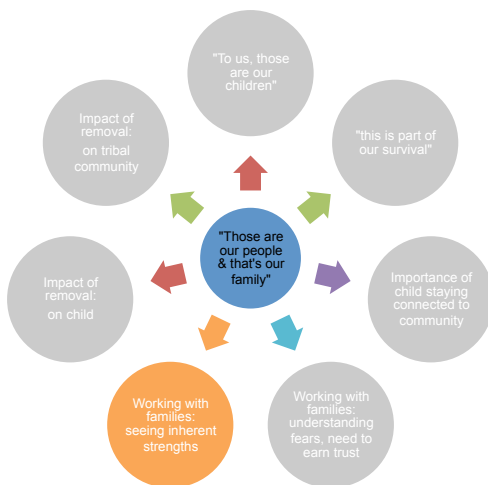
--Tribal child welfare staff

Impact of removal on the child and the community

Tribal child welfare staff were perceived to share a common understanding that there are distinct and profound impacts to removing a Wabanaki child from the community. The impact of removal is discussed in more detail in Part 4 of the findings.
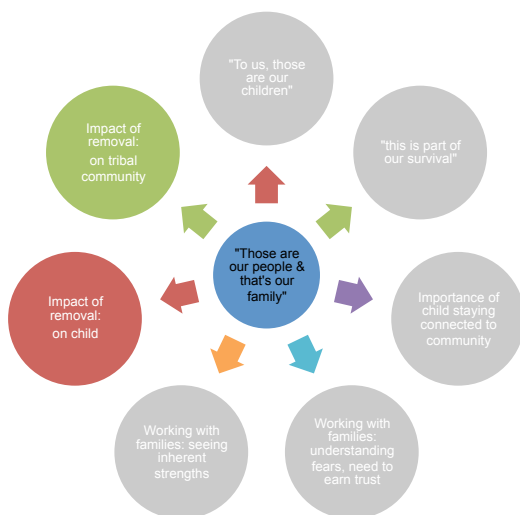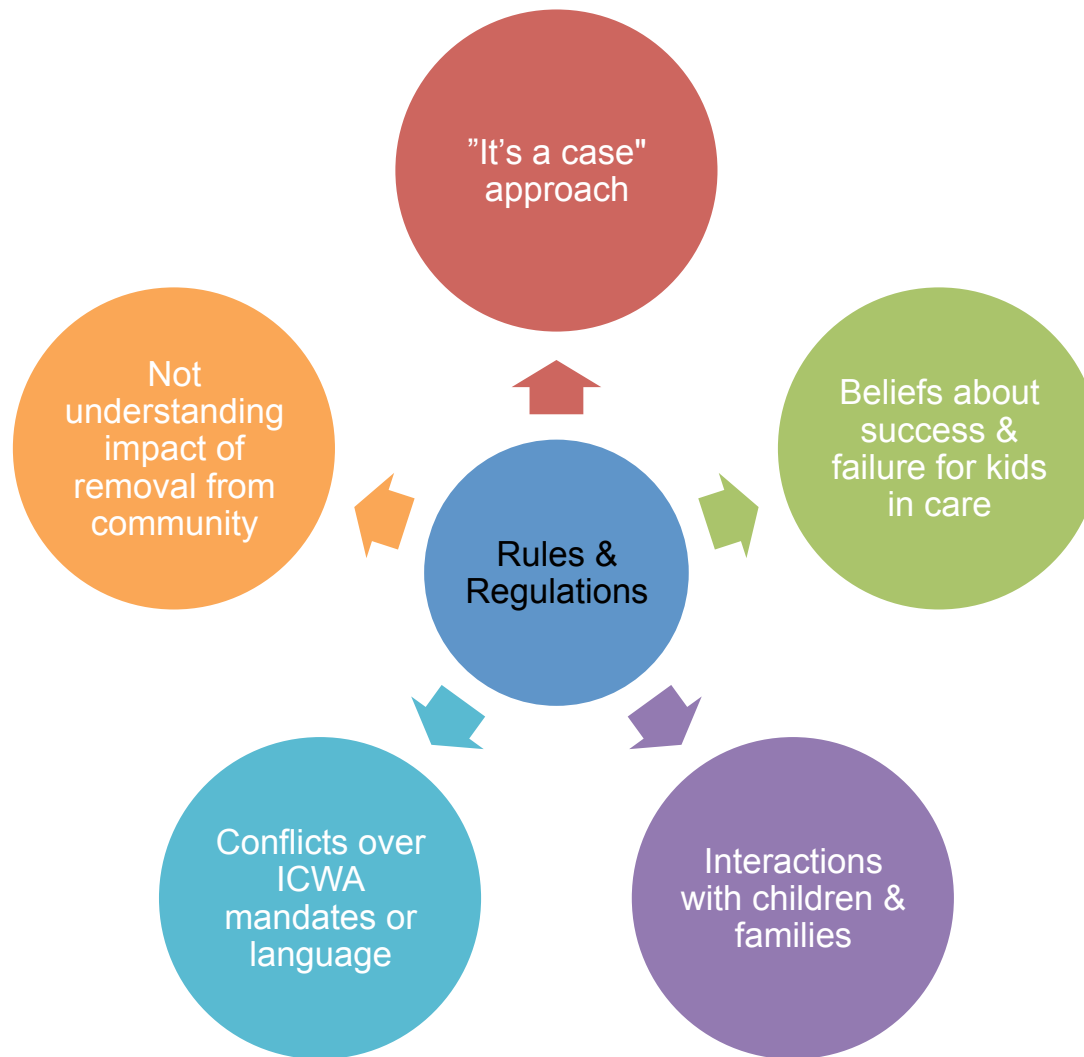
"Those are our people & that's our family"

Tribal child welfare staff's actions and beliefs were perceived to be _guided by a shared core value_

In contrast,
state child welfare staff's actions and beliefs were perceived to be *guided by rules and regulations*, rather than a shared core value
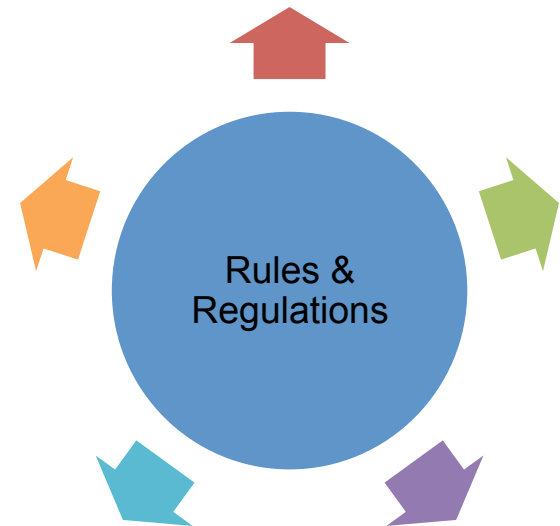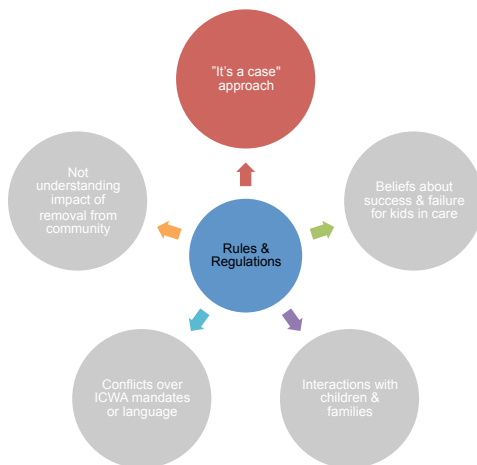
Rules & Regulations

3. State child welfare staff's actions and beliefs guided by rules and regulations.

"It's a case" approach

"You know, that is a major difference. It's a case to them, it's our kids to us. They have to follow rules, regulations, time frames because that is their mandate, that is what they have, that's their structure."
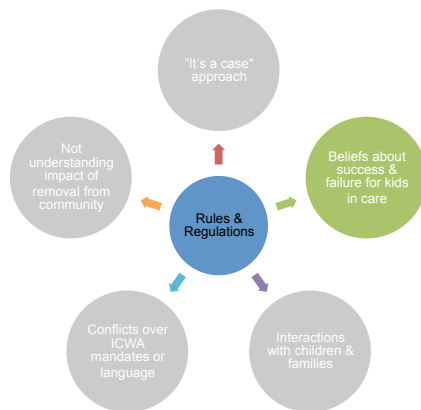
--Tribal child welfare staff

Beliefs about success & failure

"it's like, 'Did you even think about what you were going to do with them before you terminated their parents' rights?' I mean, they don't have anything to do with them. They go into this big adoption pool. How is that in the best interests of these children?"
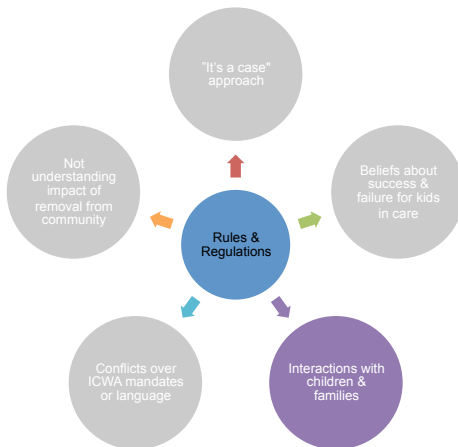

--Tribal child welfare staff

State interactions with children & families

- "Fixing" families not strengthening
- Process undermines family's ability to reunify
- Not respecting or trusting families motives
- Belief that some families will inevitably fail
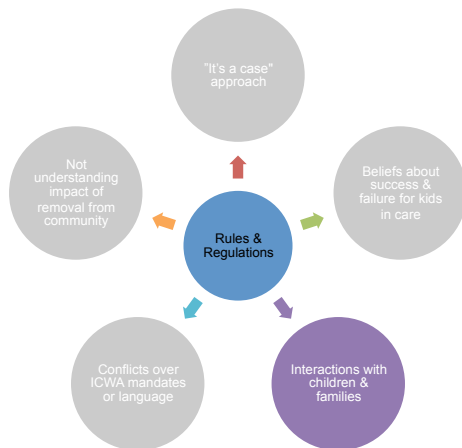- Focus on parents more than children
- Rushing the process

State interactions with children & families: Rushing the process

H: and them wanting to rush these kids into permanency guardianship. Rush to TPR, rush to get them in—

N: Rush everything

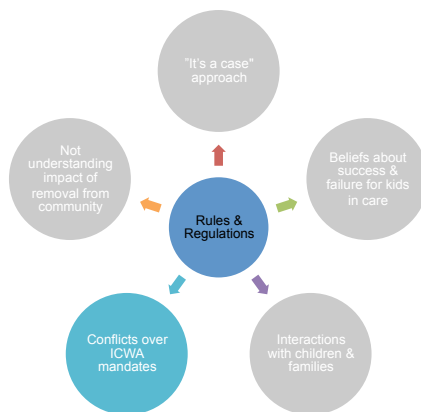*H: Yeah, as Native people, we don't work like that.*

--Tribal child welfare staff

Conflicts over ICWA mandate

"Well, yeah, and collaboration would be nice and I understand that they don't completely understand what 'active efforts' are and I don't… and we get that crossed because their active efforts are different from ours"
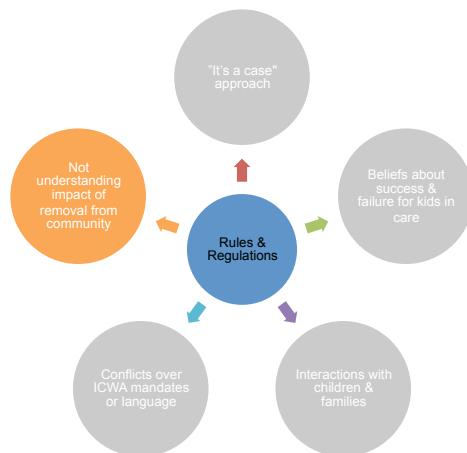

--Tribal child welfare staff

Not understanding impact of removal

"I was like, it's not about special rights, it's about being treated equally and not having our children needlessly removed and scattered all over hell's creation away from their families and their tribes."
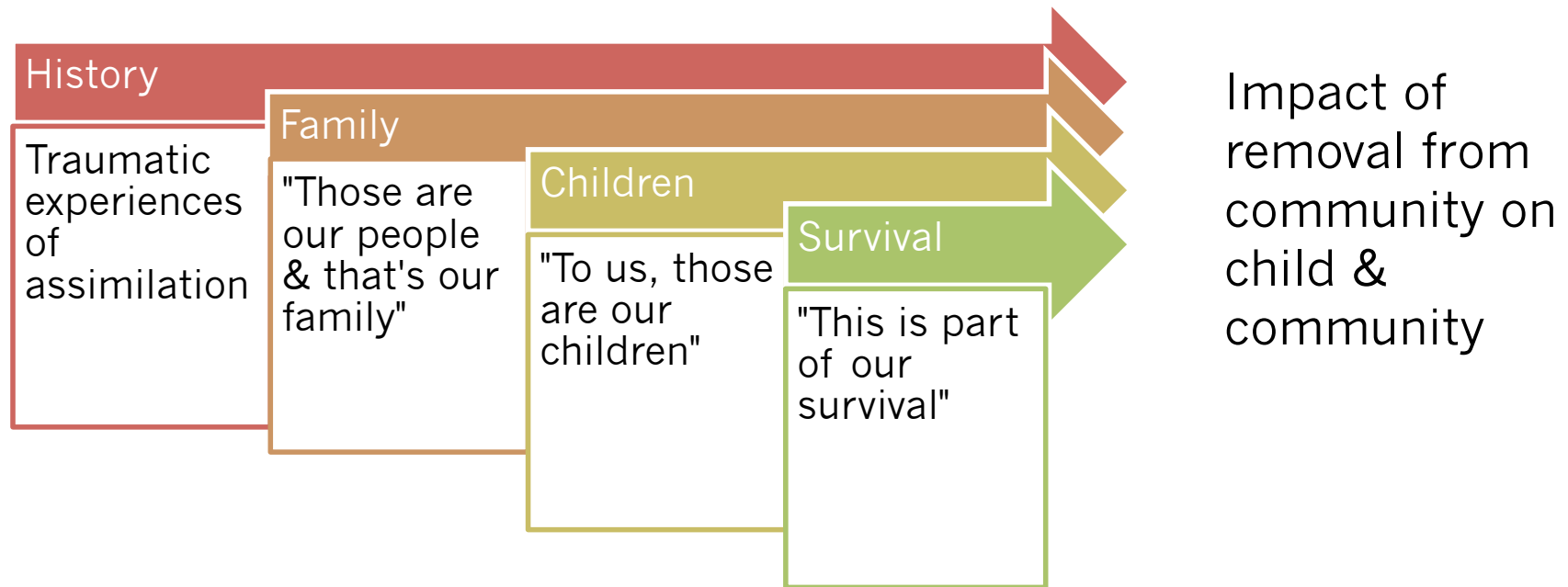

--Tribal child welfare staff

4. The impact of removal on Wabanaki children and communities.

Four elements were identified that help to tell the story about why the impact of removing a child from the community is distinctly different for Wabanaki children and community members.
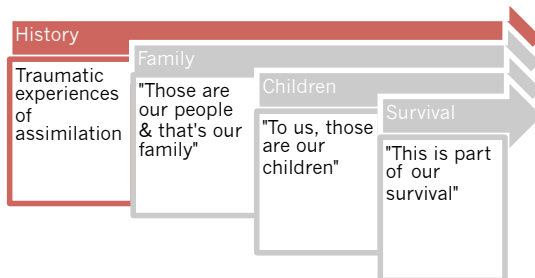
The four elements are *history, family, children* and *survival*

History
Traumatic experiences of assimilation

Family
"Those are our people & that's our family"

Children
"To us, those are our children"

Survival
"This is part of our survival"

Impact of removal from community on child & community

History: traumatic experiences of assimilation

"I know my mom is traumatized by the Catholic church. And my grandmother, used to fight with my mother all the time because my father was White. 'She looks White, let's let her be White.' She did not want my mom teaching me anything about our culture because my grandmother had been so traumatized by that whole, you know 'you guys will assimilate' thing."
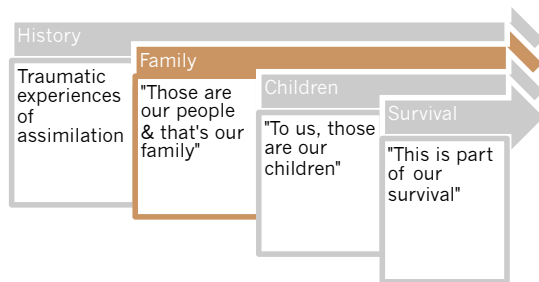
History
Traumatic experiences of assimilation

Family
"Those are our people & that's our family"

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Survival
"This is part of our survival"

--Tribal child welfare staff

Family: "those are our people and that's our family"

"And there's no way to not have them in your thoughts because those are our people that's our family."
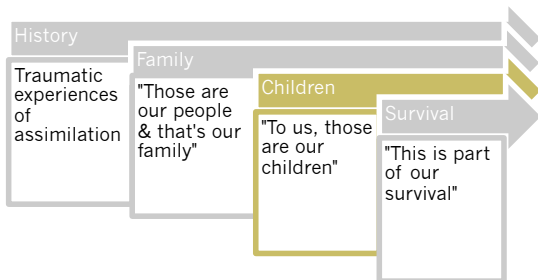

History

Traumatic experiences of assimilation

Family

"Those are our people & that's our family"

Children

"To us, those are our children"

Survival

"This is part of our survival"

--Tribal child welfare staff

Children: "to us, those are our children"
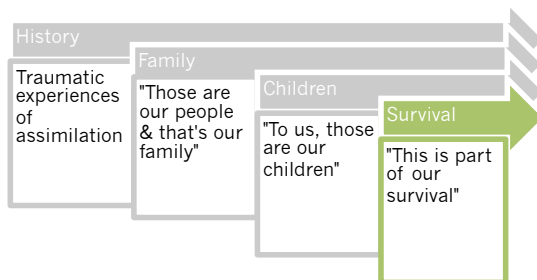
"to them, this is a case. To us, those are our children."

--Tribal child welfare staff

History			
Traumatic experiences of assimilation	Family		
	"Those are our people & that's our family"	Children	
		"To us, those are our children"	Survival
			"This is part of our survival"

Survival: "this is part of our survival"

"and that it's our survival, this is part of our survival, we, we need this, we need to keep our kids in our home and find a way for those kids to be safe. . . or within the tribe."
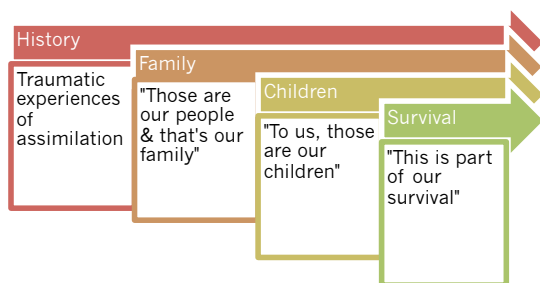
History			
Traumatic experiences of assimilation			
	Family		
	"Those are our people & that's our family"		
		Children	
		"To us, those are our children"	
			Survival
			"This is part of our survival"

--Tribal child welfare staff

Unique impact on Wabanaki children and communities

"So I can understand what kids are missing. You know when they're not brought up in their own community because things are different."
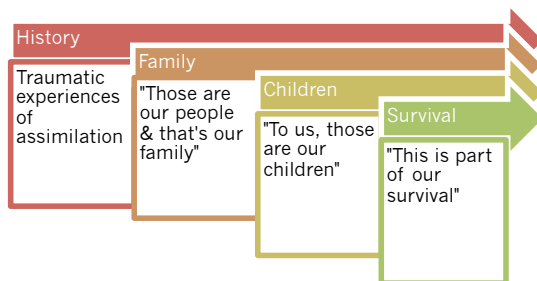
History
Traumatic experiences of assimilation

Family
"Those are our people & that's our family"

Children
"To us, those are our children"

Survival
"This is part of our survival"

--Tribal child welfare staff

Participant voices

Impact on child: identity

- *"Like you carved out something and made it empty. And you didn't fill it back up again."*

- Child who is removed is *"continually looking for something, you know something to belong, they're looking for their identity, they've got a big hole there"*

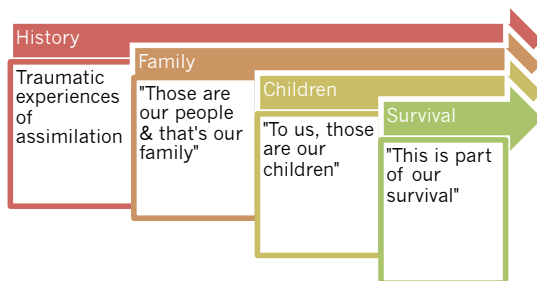- Native kids cling to any connections to culture, Native identity: *"This is gonna make me Native"*

History
Traumatic experiences of assimilation

Family
"Those are our people & that's our family"

Children
"To us, those are our children"

Survival
"This is part of our survival"

--Tribal child welfare staff members
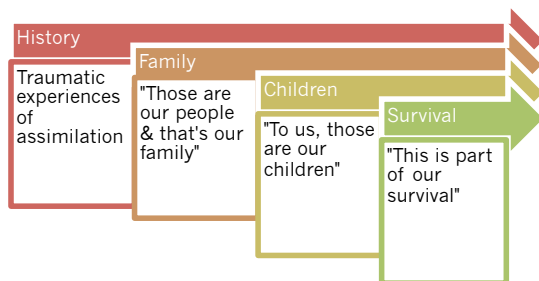
Impact on child: lifelong

- A sense that you don't belong

- The trauma of being taken

- Might not have a stable life, substance abuse, lost own children, whole childhood in turmoil

History
Traumatic experiences of assimilation

Family
"Those are our people & that's our family"

Children
"To us, those are our children"

Survival
"This is part of our survival"

Impact on the community

"I think that the whole community is hurt, especially if, like say, it's a community like this. And your neighbor next to you has kids, and they're -- the other kids are like looking around and knowing he's gone, you know I mean it hurts the kids, you know the elders that used to watch them play outside"

History

Traumatic experiences of assimilation

Family

"Those are our people & that's our family"

Children

"To us, those are our children"

Survival

"This is part of our survival"

--Tribal child welfare staff

5. State child welfare interactions with tribes: past, present and future.

Past | Present | Future

No relationship

"kids were taken into custody and the tribes weren't notified at all."

Semi-relationship

Belief that white people & Native people can't work together

Attitude that the tribal staff "didn't know anything"

Collaborative interaction from state to tribes

Communicating, sharing information

Co-case management examples

Better relationships with northern offices

Personal qualities of individuals

Non-collaborative interaction from state to tribes

Asking "Why are you here?"

Not communicating

Not listening

Not taking responsibility, blaming & fabricating

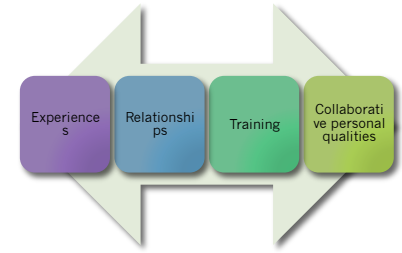Not fully implementing ICWA

Department to Department vision

Co-case management at every point

Discussing as equals

Joint decision-making

6. What's facilitating change?

Experiences

Relationships

Training

Collaborative personal qualities
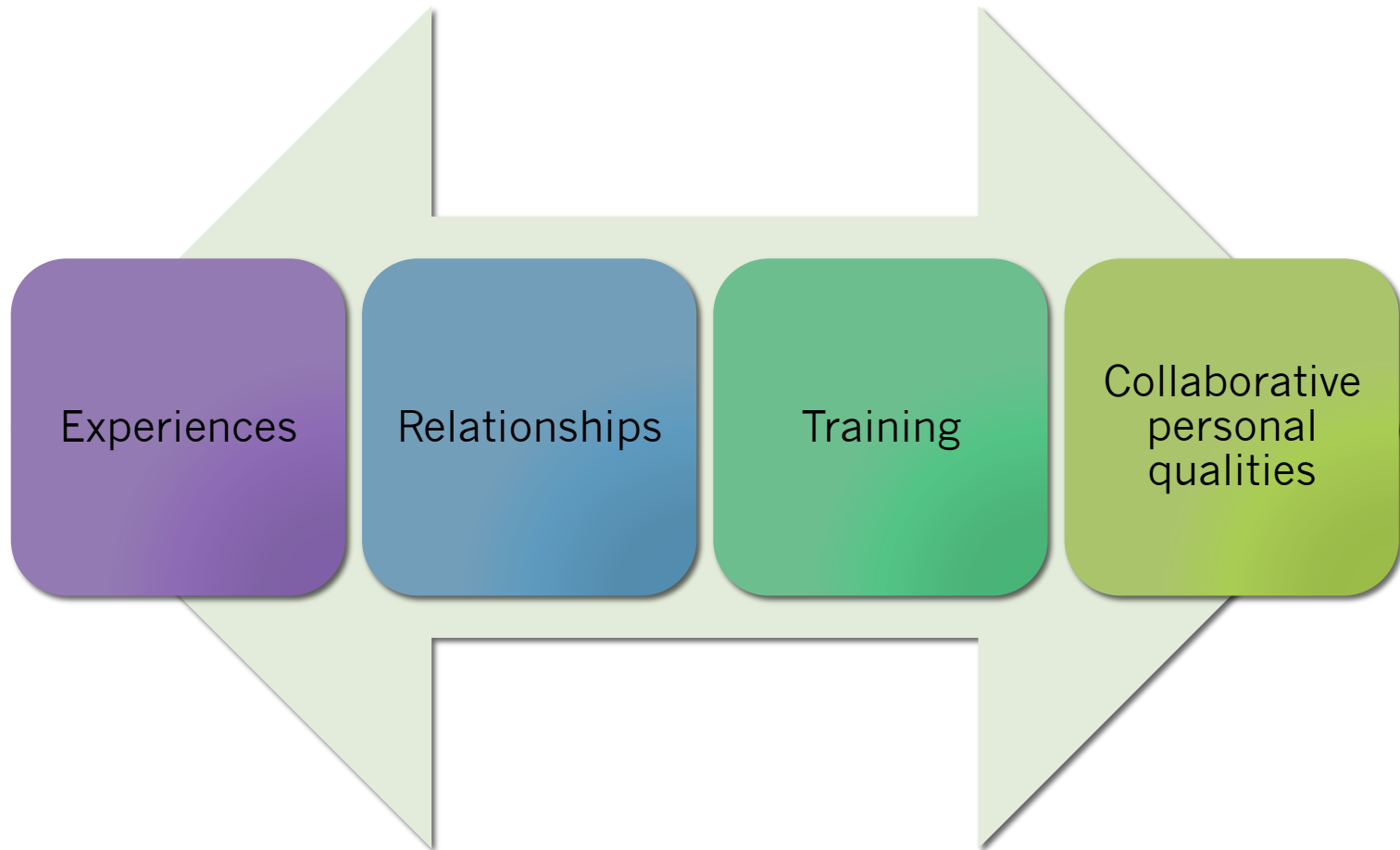
A closer look

What's facilitating change

Experiences
First-hand experiences with tribal communities

Relationships
• One-to-one time between tribal staff and state workers
• Better relationships with northern DHHS offices
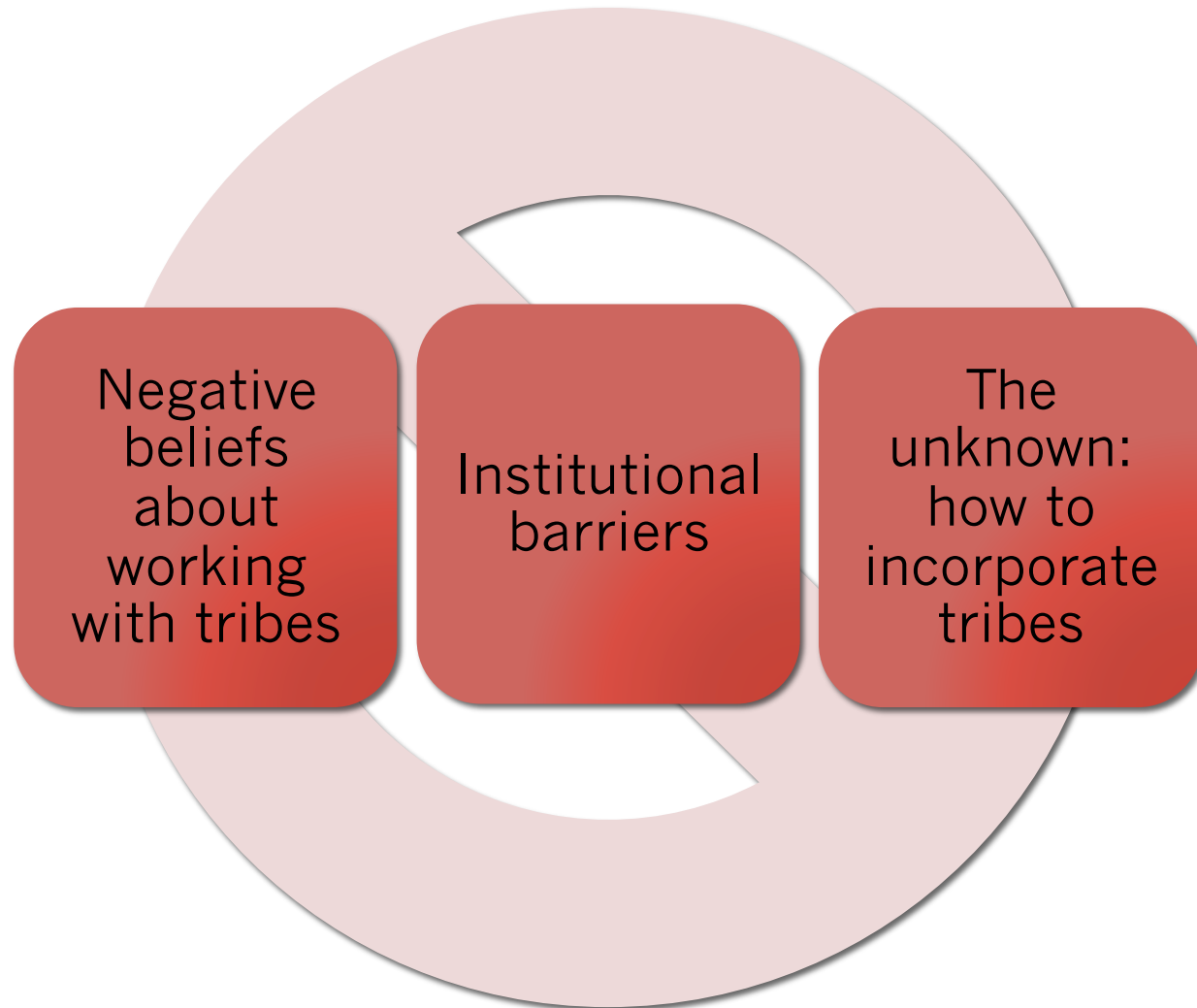• Efforts of tribal staff to understand & reach out

Training
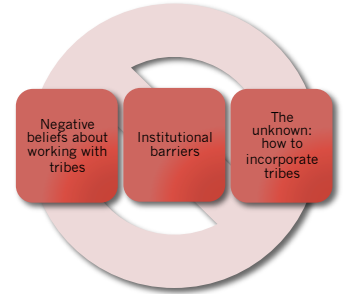ICWA workgroup

Collaborative personal qualities of state workers
openness, humility, making an effort to understand

7.What's inhibiting change?

Negative beliefs about working with tribes

Institutional barriers

The unknown: how to incorporate tribes
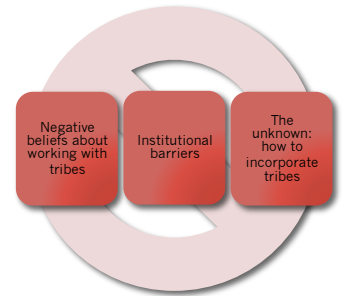
What's inhibiting change

Negative beliefs about working with tribes

- Native people cover up for each other

- Tribe's processes not equal or legitimate

- Knowledge & abilities of tribal staff not valued

- White people & Native people can't work together

A closer look
What's inhibiting change

Institutional barriers

High workloads, turnover, training, regulations, budget cuts

The unknown

Not sure how to incorporate tribes, fear of releasing control, fear of releasing control
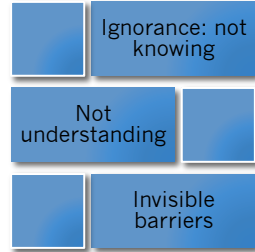
8. What's maintaining the status quo?

Ignorance: not knowing

Not understanding

Invisible barriers

What's maintaining the status quo

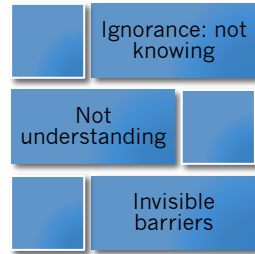

Ignorance: not knowing

- Ignorance about Wabanaki tribes, history & Native cultures

Not understanding

- Not understanding ICWA
- Not understanding the impact of removal on children and communities

What's maintaining the status quo

Ignorance: not knowing

Not understanding

Invisible barriers

Invisible barriers

- Implicit sense of superiority (assumption of others' inferiority)

- People don't actually stop and think negative beliefs before acting

- Hidden nature of prejudice

- Invisible ways that people can be "taught" to not work with tribes

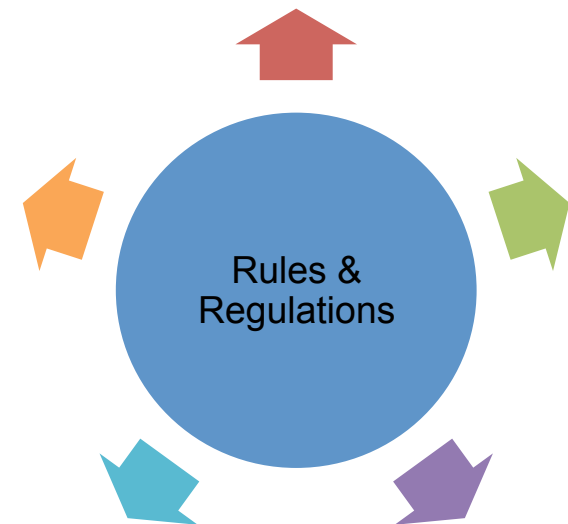- Invisible nature of white privilege

IMPLICATIONS

Implications

1. Understanding different approaches of tribal and state staff can further strengthen collaboration
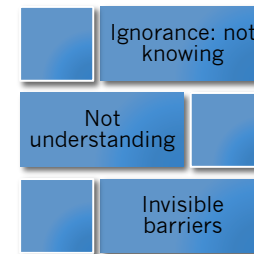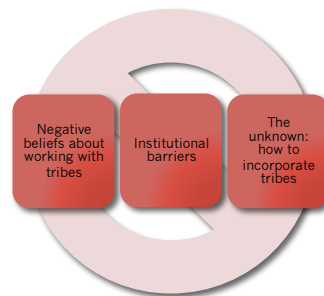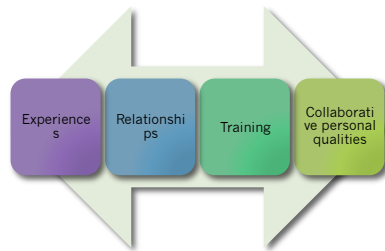
Tribal child welfare staff

State child welfare staff

"Those are our people & that's our family"

Rules & Regulations

Implications

2. Knowing what helps and hinders collaboration can help guide best practices.

3. The findings can support future efforts to measure changes in attitudes, beliefs and actions as a result of the TRC.

For more information

- Findings published in the *Journal of Public Child Welfare* in July 2014

- Transcripts of all three focus groups were contributed to the TRC Archive held at Bowdoin College
  http://digitalcommons.bowdoin.edu/maine-wabanaki-trc/

- Contact Erika Bjorum at ekbjorum@gmail.com

References

Hansen, G., Westphal, D. & Francis, J. E. (Directors). (2004). *Invisible.* United States: Episcopal Diocese of Maine & Acadia Film Video.

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THE END.

Woliwon, Wela'lin, Wliwni, & Thank You.