

Excerpt from *Beyond the Mandate: Continuing the Conversation, Report of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission*, pp. 11-12, 20-37.

History and Intent Behind the Indian Child Welfare Act

ICWA recognizes the importance for Native people in the United States to keep children who are removed from their homes with members of their families as a way to preserve tribal ties.

In essence, it is ... reinforcement of the right of tribal people to decide what happens to their children and a federal awareness of the genocidal practices Native people have endured in this country.

What Led to the Commission's Creation

Adopting ICWA marked one step toward upholding tribal rights, but effective implementation was another, and many states, including Maine, struggled. (pp. 11-12)

Overview of Disproportionality and Context in which ICWA Was Passed

Our research revealed that the rate of removals of Wabanaki children from the 1970s on was exceptionally high, particularly in Aroostook County. The American Indian Policy Review Commission of the United States Congress noted ... that in Aroostook County in 1972, one out of every 3.3 Native children was in state foster care.

Between 1961 and 1970, ... it was reported that between 10.6 and 12 percent of the American Indian child population in Maine was in the child-welfare system.

The AIPRC reported that Indian children in Maine were placed in foster care at a rate:

- 25.8 times higher than non-Indian children in 1972
- 20.4 times higher than non-Indian children in 1973
- 19 times higher than non-Indian children in 1975

A 1984 report, based on 1982 data ... placed Maine in the top 10 states in the country for the foster-care placement rate for Native children.... Based on our analysis of data provided by the state, from 2000 to 2013, Wabanaki children in Maine have entered foster care on average at 5.1 times the rate of non-Native children.

Overall, the view of Wabanaki people and culture can be characterized as biased.

In a 1952 Bangor Daily News article, the Penobscot governor confronted what he felt were pervasive stereotypes of Wabanaki people being alcoholics and lazy and noted that state leadership had called Native people “the largest parasite on the state.”

... [A]bout life for Wabanaki children on Wabanaki land, the statements ... describe an informal foster-care system and create an image of a group of people who, while

embattled, looked after one another.

ICWA Issues from 1978 to 1999

ICWA ... arrived in a charged social, political and cultural landscape in which racism against Wabanaki people and a lack of awareness of historical trauma were at play.

It seems highly likely that ICWA compliance must have been impacted by the absence of adequate ICWA training for caseworkers.

... [A] supervisor at DHHS remarked...: "... What had never taken place was an assessment of where our staff was, as to their understanding of Native cultures ... The historical context in which the families and the tribes of Maine are living.... There was no assessment of our staff, where they were for acceptance or lack of prejudice. I frankly was horrified [by] ... the prejudice and bigotry of some of our staff. Not all of them. I have to tell you ... I had no idea for years, living here, that there were four tribes in Maine." (11/18/14)

ICWA Issues from 1999 to the Present

In 1999 ... the Office of Child and Family Services participated in a federal pilot review, which found that the state needed to do better ... "particularly on outreach to the tribes and improved implementation of ICWA."

[W]hen institutional racism and historical trauma are at work, building trust happens very slowly if at all.... [N]on-Native people are more likely to report trusting relationships with Native people than the other way around.

A former tribal health director noted how little most non-Native people know about the lives and experiences of Wabanaki people. She said, "... the average age of death for Indian Township is about 49 years of age. ... People don't know about the level of disparities.... That amount of trauma has taken its toll on the life span of [this tribe]. So case managers need to know that. Teachers need to know that. Anyone providing care to our community needs to know that." (2/6/15)

There is ignorance and then there is open harassment. Native people around the state spoke frequently of name-calling, bullying and being followed in stores to be sure they would not shoplift. Many people spoke of how the towns that border Wabanaki communities are some of the harshest in terms of racist attitudes. (pp. 20-37)