

Truth, Healing, and Systems Change: The Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission Process

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Maine state child welfare staff understand the Indian Child Welfare Act requirements, yet their knowledge of Wabanaki history is limited because it has excluded the voices of the Wabanaki people. A group of Native people and state representatives are creating a truth and reconciliation commission process in Maine, designed to reckon with this history as a way of improving the child welfare system and promoting healing for Wabanaki children and families.

The dominant narrative in Maine is that Wabanaki people aren't able to take care of their children, that it's best to leave the past in the past, and that the state and tribes cannot work together as equals. Although this narrative was constructed by the dominant white culture, Native people have internalized these messages and have become complicit with their own consequential invisibility. The dominant society benefits from the fact that Native people were colonized and continue to be invisible. There are thousands of Native people whose experiences with the child welfare system have been silenced. Denise Yarmal Altvater, a Passamaquoddy woman, embodies the Maine truth and reconciliation process because of her experience as a child in Maine foster care during the 1970s, her courage to tell her story and create change, and her advocacy for Wabanaki children and families.¹

"There are seven prophecies of the Wabanaki, and we believe that we are currently in the time of the seventh fire. New people will emerge to retrace the steps of our ancestors, find what was lost and light the eternal fire of peace. We were told of a great healing that would start in the east and move to the south during the seventh fire. We would know when that time has come because the heartbeat of our Mother, through the drum, would once again be heard. The drum was lost for many years. It was the youth who brought the drum back and the youth who continue to honor it."

Denise Yarmal Altvater (Denise)

On May 24, 2011, a Declaration of Intent to establish a truth commission process around Wabanaki experiences with State child welfare was signed by the Maine governor and five Wabanaki chiefs. On June 29, 2012, these leaders signed Mandate for the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission. This TRC was formed to investigate the experiences of Wabanaki people with the Maine state child welfare system and to promote healing and lasting change for Wabanaki children and families. This process will give voice to the stories of Wabanaki people and incorporate them into a new dominant narrative about this history in an effort to work toward creating a better child welfare system for Native children and families. The TRC's investigations will focus on the period from passage of the 1978 Indian Child Welfare

¹ Denise's story and perspective is woven throughout this article to provide humanity.

Act (ICWA) to the authorization of the TRC Mandate. This investigation will include information that contributed to the passage of the ICWA in order to put that history into a proper context. The Maine TRC represents the first truth and reconciliation commission within U.S. territory that has been collaboratively developed between Indian nations and a state government with a focus on Native child welfare issues.²

This article presents the beginning of the reconciliation process—the people, the events, and the aspirations.

The Wabanaki People

The Wabanaki, or “People of the Dawn,” are the first people of the area known today as Northeastern New England and Maritime Canada. Historians claim that the Wabanaki have lived on this land for more than 12,000 years; oral history asserts they have been here since the beginning. They defined their richness by the health and balance of their people, their relationship with the land, and their ability to ensure the health and well-being of their people in practical ways. At the core of Wabanaki culture are strongly held values of generosity and reciprocity; life depended on cooperation, and relationships were created and maintained through routine sharing.

Since first encountering Europeans during the 15th century, Wabanaki communities have experienced significant population depletion. Disease is listed as the primary cause of this decline, but the Wabanaki were also ravaged by forced removal from their lands, decimation of their traditions through Christian conversion, warfare between Europeans, and the bounty placed upon their scalps by the colonists. There were more than 20 tribes of the Wabanaki Confederacy. There are only four tribes still in existence in Maine; over 16 other tribes were completely destroyed (Sockbeson, 2011). Within the remaining four tribes, there are nearly 8,000 tribal members alive today.

² The first TRC in the United States took place in Greensboro, North Carolina and was a grassroots effort supported financially in part by the Andrus Family Fund, which also funds the Maine TRC.

Maine Indian Claims Settlement Act

The Maine Indian Claims Settlement Act (MICSA) of 1980 resulted from a lawsuit brought by Wabanaki tribes asserting “claims for possession of lands within the State of Maine and for damages on the ground that the lands in question were originally transferred in violation of law” (Maine Indian Claims Settlement Act, 1980). Tribes held that small landowners should not be displaced and limited their claim to only large landowners (with at least 50,000 acres). Mainers panicked, as “rhetoric was reported in newspaper articles that, as often as not, were accompanied by maps showing two-thirds of Maine marked by the kind of cross-hatching used to depict zones of military occupation.” (Brodeur, 1985)

The federal courts found merit in the claim, and after three years of negotiations, the tribes, the federal government, and the state reached an agreement. Times were desperate, Wabanaki people lived in poverty, and many tribal members sincerely welcomed the settlement, thinking it was a chance at real justice. These negotiations resulted in two laws, the state Maine Implementing Act (MIA) and the federal MICSA (Maine Implementing Act, 1980). These laws created a unique jurisdictional relationship between the state of Maine and the tribes.

The MIA created the Maine Indian Tribal-State Commission (MITSC), an inter-governmental entity whose principal responsibility is to review the effectiveness of the MIA and the relationship between the tribes and the state (Maine Indian Tribal State Commission, 2011).

Native Children and Child Welfare in North America

From the 1870s until 1996, tens of thousands of Native children were taken to government-funded and/or church-run residential schools across North America, often against their parents’ wishes, which eliminated parental involvement in the development of their children. Native children were taken far away from their communities, stripped of their cultural identities, punished for speaking their language and abused physically, emotionally, mentally, and sexually. While many

died in these schools, there are thousands of former students living with the lasting impact (Truth and Reconciliation Commission of Canada, 2011). According to Abadian,

The collective traumas of colonization affected nearly 100% of indigenous peoples. Healthy childrearing practices were disrupted or warped by involuntary boarding schools. Native spiritual practices and traditions were banished and missionaries often replaced them with foreign religious forms that tore apart the community's social cohesion. It is like an epidemic hitting a society when its doctors and healers have been exterminated. No one escapes the ravage (Lambert, 2008).

Wabanaki people are among the residential school survivors, but even more Wabanaki people were separated from their families and communities through adoption, foster care and placement in orphanages.

Studies conducted by the Association on American Indian Affairs between 1969 and 1974 found that 25 to 35 percent of all Indian children were being removed from their homes (Brown et al., 2000). The Indian Adoption Project was a joint effort between the Child

"I was in third grade with five sisters. One day two station wagons pulled up to our house. No one was home with us kids. They (social workers) put our stuff in garbage bags and they took off with us and didn't say a word. I don't remember ever being in a car before. Back then the reservation didn't have paved roads, running water, or electricity. At that moment it almost felt to me like my world had blown up."

Denise

Welfare League of America (CLWA) and the Bureau of Indian Affairs (BIA) in which hundreds of Native children were removed from their homes and communities to be adopted by white families. This ten-year experiment began primarily in the New England states in 1958 as an attempt to "rescue" Native children from their own culture (Bilchik, 2001). The foster care system was another wave of assimilation and epistemological genocide that Native people endured: "The kinds of traumas that Native North American peoples have experienced are among the worst; the fact that they have survived at all speaks to their resilience" (Lambert, 2008). A 1972 CWLA study of the Indian Adoption Project concluded what Native people already knew: that this policy was "the ultimate indignity that has been inflicted upon them" (Bilchik, 2001).

Early Reform Efforts

The United States Congress responded to Indian activists' advocacy work by passing the 1978 Indian Child Welfare Act (ICWA), which codified higher standards of protection for the rights of Native children, their families, and their tribal communities. Congress stated that "Child welfare agencies had failed to recognize the essential tribal relations of Indian people and the culture and social standards prevailing in Indian communities and families" (Indian Child Welfare Act, 1978).

Important progress was made with the passage of the ICWA, though full implementation and compliance has been slow to develop. According to the Harvard Project on American Indian Economic Development, during the 1990s in Maine "a disproportionate number of Maliseet children were removed from their homes and placed in foster care with other families, most of whom were non-Indian. Anecdotal evidence suggests that many of the children remained in care longer than was necessary and that many faced the termination of parental rights, which freed them for adoption out of the tribe. One Houlton Band [of Maliseet Indians] citizen remarked, 'It was like genocide, our children were taken from us and we didn't know where to find them'" (Harvard Project on American Indian Economic Development, 2006).

In 1999, the Maine Office of Child and Family Services (OCFS) and tribal child welfare staff came together to form the ICWA Workgroup, which addressed the issue of state noncompliance with the ICWA. They were astounded by the history of mistrust and the lack of effective working relationships between the tribes and the state. This discomfort and awkwardness lingered, as tribal members doubted the state's commitment to the ICWA and OCFS representatives grappled with how to make changes. The workgroup created a day-long training for state workers that emphasized the spirit, intent, and requirements of the ICWA.

"When they took us to the state [foster] home, it was a huge house and the people had a lot of kids. I was better off with my mother. Living in my house was terrifying but there was still a sense that I belonged there. I know it sounds crazy but as bad as it was, I belonged there; I felt like I wasn't going to float away up in the air and never come back."

Denise

To help state workers understand the reasons behind and the need for the ICWA, the workgroup designed and produced “Belonging,” a video featuring interviews with Wabanaki people who had spent part or all of their childhood in Maine’s foster care system prior to the ICWA.

The ICWA Workgroup achieved tangible successes in its decade of work, yet historical events in Maine continue to impact Wabanaki children and families and state child welfare practices. A 2009 case review

conducted by the Maine OCFS in collaboration with the Wabanaki Tribes found that some state child welfare workers still needed to improve their engagement with tribal child welfare workers and function as co-case managers. The study found that while case workers consistently made placement decisions with tribal child welfare workers, not all fully engaged the tribes in the assessment and in family team meetings (Maine Department of Health and Human Services, 2010). In 2010, the Maine Human Rights Commission found reasonable grounds to believe that the Maine OCFS, and one of its caseworkers, discriminated against a Penobscot member because of her “race, ancestry, and national origin” (Wabanaki Legal News, 2011).

“I had never talked about it in my life. I didn’t know what to say – then I started telling my story. I wasn’t sure if I had dreamt some of it. [When I was asked] to join a committee to plan the training, I felt like I was sitting with the enemy (the state people). It took a while to get comfortable.”

Denise

Destabilizing the Dominant Narrative

The current dominant narrative does not include Native perspectives and experiences, particularly those of the children and families most victimized by this system. The challenges the ICWA Workgroup faced illustrated the need to lift up those silenced voices and incorporate them into an understanding of the past and present realities of the child welfare system. Destabilizing that narrative is not just about giving one’s statement one time for a report; it is also about incorporating these marginalized voices into the future decision-making processes regarding child welfare in Maine.

The ICWA Workgroup determined that the story of the Wabanaki people's experiences with state child welfare needed to be unearthed in order to fully uphold the spirit, letter, and intent of the ICWA in a way that promoted healing. It is clear, the project revealed, that the only way to create lasting change is to have recognition and acknowledgement of the past. Although the Maine TRC has a grassroots and independent origin, there are a variety of other efforts addressing the experiences of Native people with foster care, adoption, and residential schools. These efforts focus on the need to recognize the truth, create a process of healing, and develop a new kind of relationship.³

In 2000, Kevin Gover, Assistant Secretary of Indian Affairs with the Department of the Interior, delivered a formal apology, expressing profound sorrow and accepting moral responsibility for the wrongs committed by the BIA, referencing boarding schools among these. It is noticeable that he did not identify the Indian Adoption Project, but he stated that "Never again will we seize your children, nor teach them to be ashamed of who they are. Never again. We cannot yet ask your forgiveness, not while the burdens of this agency's history weigh so heavily on tribal communities" (Gover, 2000).

In 2001, CWLA director Shay Bilchik issued an apology for the organization's role in the Indian Adoption Project. Calling these events both catastrophic and unforgivable, he expressed regret at how "CWLA's participation gave credibility to such a hurtful, biased and disgraceful course of action (Bilchik, 2001)." Bilchik accepted moral responsibility, and acknowledged the legacy of racism and arrogance. He pledged to work together with tribes as partners, moving forward in an aggressive, proactive, and positive manner to fully comply with the ICWA (Bilchik, 2001).

³ In 2008, Canadian Prime Minister Stephen Harper apologized for Canada's Indian Residential Schools (IRS). The Canadian TRC mandate is to learn the truth about what happened, share this truth, and lead citizens in a process of reconciliation. In 2010, the National Indian Child Welfare Association, CWLA, and other partners began community reconciliation forums in child welfare to change the relationships between tribal communities and child welfare agencies.

Reckoning with the Past in Maine

In Maine, the ICWA Workgroup decided to create a TRC in which the tribal child welfare staff would take the lead as the TRC Convening Group. The state agency agreed to join at a future date, when the tribal child welfare staff was ready for them to do so. One of the Convening Group's first endeavors was to create a Declaration of Intent that outlined the purpose of the TRC process. This was no easy task. Many hours were spent trying to understand and articulate what needed to be reconciled; many tears were shed as members shared their own experiences as advocates for Native children and as Wabanaki citizens affected by racism, oppression, and internalized oppression (the ways in which those who have been victimized by racist systems develop ideas, behaviors, and attitudes that support or collude with that oppression).⁴

Completing the first draft of the Declaration of Intent was a cathartic exercise that helped solidify the group, and in February 2010 it was ready to welcome OCFS staff into the process. All involved parties recognized the necessity of trusting that the truth commission process would be unequivocally valuable, acknowledged the importance of writing this document together, and decided to start over, jointly creating a Declaration of Intent.

The Declaration of Intent outlines three distinct purposes for the Maine truth and reconciliation process: (1) to create a common understanding between the Wabanaki and the State of Maine concerning what happened and is happening to Wabanaki children in the child welfare system; (2) to act on the information revealed during the TRC to improve the child welfare system and to better support the children and families served; and (3) to promote healing, both among Wabanaki children and their families and the people who administered a widely acknowledged less-than-ideal system (Maine Tribal-State Child Welfare Truth and Reconciliation Commission, 2011).

⁴ For more information about internalized oppression, visit the People's Institute for Survival and Beyond at www.pisab.org.

All Convening Group members agreed to bring their values, beliefs, biases, and unique life experiences into the process. Many of the tribal members have noted that this work is not just a job—the survival of their community, tribe, and culture are all at stake, making it easier for them to involve their whole selves in the work. The OCFS members have had a different experience, and at times have felt conflicted when what was expected of them as employees contrasted with who they wanted to be in relation to their Convening Group colleagues. At the core of the process are the value of relationships and the effort of creating and maintaining humanity within those relationships. As Martha Proulx from the OCFS put it, "The value of this truth and reconciliation [process] is that it is a true partnership that we are undertaking as equals. It is a government-to-government effort to understand what happened, to promote healing for Wabanaki communities, and to improve child welfare practice" (Attean & Williams, 2011).

Members have committed to developing a new type of relationship that represents openness and transparency, honesty, and mutual respect. They have had to go to a place deeper than their commitment to doing their jobs well, deeper than a resolve to treat each other with kindness and respect—to a place that is so embedded and protected, it is usually only accessed in times of pain and crisis. They had to give voice to their own fears, biases, prejudices, and all the messages that they have internalized in order to undo those constructs. It is a painful yet liberating process of decolonizing hearts and minds, of real healing. The process is time-consuming and requires motivation, commitment, humility, patience, and above all, love. Members had to create a space in which they felt safe enough to reveal their whole selves, to show parts of themselves they may have been ashamed of, to listen, and to give each other their full attention—all while holding each other in the highest regard as human beings. It was only through this honesty and openness that they were able to first challenge the dominant narrative, which implied that they could not trust one another or work together.

"We can work together to make sure that everyone simply follows laws and policies, or we can go deeper and figure out how to make changes because it is the right thing to do."

Denise

Racism and oppression are systemic, institutionalized, and bigger than any one of us, but these constructs are also created by us. Institutions and systems are composed of individuals, and the work to change an institution or system has to begin with changing individuals. Sousan Abadian tells us that “When people engage in genuine healing, they become more accountable and in touch with reality. Healing generates compassion and tenderness. To heal collective trauma, you must heal the individual; healthy individuals give birth to healthy institutions and cultures” (Lambert, 2008).

Next Steps

The TRC process has included tribal and state government representatives co-creating the mandate, which will guide the work of the TRC as well as the design and composition of a Commission Selection Process. A 13-member Selection Panel chose a group of people who can be trusted by tribal and state governments, and by their respective citizens, as being persons of recognized integrity and stature — and who have demonstrated a commitment to the values of truth, reconciliation, equity and justice. The five member-Commission, an independent body, will be officially seated in February 2013 to begin the work outlined in the mandate.

The commission, an independent body, will be seated by the end of 2012 to begin the work outlined in the mandate. The commissioners and their staff will conduct and document truth-seeking activities (e.g., statement taking from tribal people formerly in state custody, their families, community members, current and former child welfare professionals, and all other interested participants; review of previous related reports and other documents which will be voluntarily provided by the same interested parties, and so on) for the purpose of gaining an accurate and comprehensive understanding of the experiences of Wabanaki people in state child welfare. The TRC will produce a report with a fact-based account of those experiences and include recommendations for changes to child welfare practice.

The report will be provided to the public and specifically to each Wabanaki tribe, the State of Maine, the MITSC, and the Convening

Group for review and consideration of the findings. Additional individuals and organizations that are recognized as parties to the TRC will be provided with the final report, as well. At its conclusion, the TRC will hold a closing ceremony that will include the presentation of its report and recognition of the greater truths that have finally been understood. The TRC process, especially truth-seeking activities, will give voice to the Wabanaki people and begin the healing process for individuals, families, and communities.

Sharing their stories of trauma, pain, and survival not only destabilizes the dominant narrative, but can destabilize the individual as well. The Convening Group will focus on the dynamics of collective generational trauma, educating the community about the TRC and supporting members who are impacted by the TRC process. This will happen with the creation of sustainable support networks, including the use of traditional practices and the engagement of natural helpers (e.g., tribal elders, members of the faith community, and social service providers). The Convening Group will focus on transferring understanding to child welfare caseworkers about these historical events and collective, generational trauma.

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"It has been 12 years since I first told my story. I didn't even know it needed to be told. Since then I've learned to feel, care, love and, most of all, strive to become the person the Creator meant for me to be when I was born. Healing is not going to be easy, but it will transform all of us."

Denise

Recognizing and Understanding Outcomes

Engaging in the Maine TRC is one way in which people can begin the process of decolonization. The Wabanaki people will be given the chance to heal from the harm inflicted upon them; white Mainers will be able to reconcile their inherited feelings of guilt and recognize their responsibility. Achieving these goals will ultimately challenge the dominant cultural narrative that the Wabanaki people cannot take care of their own children, replacing it with a more accurate narrative that can be incorporated into the ways that Mainers not only understand their history, but plan for their future.

The TRC process will create a common understanding of what occurred to Wabanaki children and families who were impacted by the Maine child welfare system yet were largely invisible to most people. It is crucial for the Wabanaki people and white Mainers to move forward together with a greater understanding of one another and their respective experiences. Although state child welfare staff intellectually understand the ICWA and its requirements, and may even have knowledge of the history of the Wabanaki people, they may still view these experiences as solely historical, and fail to understand the impact that they have on families today. By internalizing the knowledge of collective, generational trauma, and acknowledging and respecting the past, state child welfare staff will be able to partner with tribal child welfare staff and families in a more effective way. The TRC Evaluation Sub-Committee is working to develop instruments to help measure an increase in common understanding.

Tribal child welfare agencies and the state's child welfare agency have worked collaboratively to improve practice since 1999. The openness of this collaboration has allowed the tribes and the state to move forward with the TRC, and will allow them to make additional changes once the recommendations from the TRC are received. The tribes and the state will use these recommendations to develop and implement solutions jointly. All involved hold the common goals of protecting children, upholding safe families, and promoting best practices that will ensure Native culture is preserved and strengthened.

The TRC's report will include findings and recommendations for improvements in the child welfare and related systems, and for institutions and organizations that interface with Wabanaki children, families, and communities. Although this report will mark the end of the work of the TRC, it will mark the beginning of the work to reform the system in ways that will best serve Wabanaki children and families. It will also mark the point at which those affected by this system can experience closure and lay some of their stories to rest as the healing continues.

"Just because you're getting fed, have a roof, and have nice clothes, and nobody's beating you or molesting you or raping you, doesn't mean that you're gonna grow up to be a whole person. We think all we need to do is find safety. Feeling you don't belong is one of the biggest safety problems, I think, one of the biggest things to cause you to feel unsafe."

Denise

Conclusion

Crucial to this work is creating a space of sustainable engagement in which non-Native society will address meaningfully how they benefit from the colonial oppression of Native people. It is the hope that this work will transcend child welfare and serve as a model to strengthen tribal-state relations in all areas of importance to the tribes and the state. Although the Wabanaki Tribes and the State of Maine are the collaborators on this TRC, their underlying dreams and capabilities are no different than those of Native people and state child welfare agencies across the country. The process of decolonizing by challenging the dominant narrative is a difficult yet simple task. It is a human process that requires commitment, because the answers are within us.

Creating a tribal-state workgroup to undertake systems improvement in relation to Indian child welfare is replicable in other jurisdictions. It is most successful when done in true partnership, with attention to relationship and power dynamics. Including simple tasks such as opening and closing tribal-state meetings with checking in about members' hopes and fears, as well as their reflections on successes and challenges in working together, builds an honest team. More complex tasks may seem daunting, but are achievable. Providing tribal child welfare staff with access to the state's child welfare information system for viewing case documentation in shared cases creates a transparency that demands practice improvements and the establishment of co-case management practices. States and tribes conducting comprehensive case reviews of all Indian child welfare cases together establishes a baseline from which to measure change and the opportunity to co-create strategies. Integrating tribal presenters in all staff training about Indian child welfare teaches not only the letter of law, but the reasons behind the law in a compelling manner. State child welfare staff at all levels of the system need to understand their role and how they have benefitted from the oppres-

"We are hopeful with this TRC. Over the last 12 years [that] I've been telling my story I went from being someone who just got by day to day. I never felt joy or love. It's all changing. My sister committed suicide a couple of years ago, but I'm doing really well. The more I talk about it the less power it has over me."

Denise

sion of Native people. Understanding this begins to relieve the burden of history's legacy. True reconciliation can only occur when collaborative partners create safety so that buried truths and unheard voices can be recognized, leading to healing and a shared narrative of who we are, where we have come from, and where we are going.

Working together in this way has been a contradiction to another piece of the dominant narrative that demands that we keep the past in the past. Molly Newell, a member of the ICWA Workgroup and the TRC Convening Group who has been a part of this change process for over a decade, says, "Although at first I wasn't sold on this idea of opening old wounds, I now realize it is necessary to look back at the truth before we can heal and move forward. I am optimistic and hopeful—I know we can do this" (Maine Tribal-State Child Welfare Truth and Reconciliation Commission, 2011).

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