

Child Welfare Information Gateway Podcast
Tribal Courts and Child Welfare: Building Relationships with State Counterparts
TRANSCRIPT

Presenters: Female Narrator; Tom Oates, Child Welfare Information Gateway; Krista Perala, Sitka Tribe of Alaska; Carrie Garrow, St. Regis Mohawk Tribe

[00:00:00]: [Music Introduction]

FEMALE NARRATOR [00:00:02]: This is the Child Welfare Information Gateway Podcast, a place for those who care about strengthening families and protecting children. You'll hear about the innovations, emerging trends and success stories across child welfare direct from those striving to make a difference. This is your place for new ideas and information to support your work to improve the lives of children, youth, and families.

TOM OATES [00:00:34]: So, this episode is part of our series featuring the relationship between judicial systems and child welfare – particularly surrounding the work of Native American and Alaska Native tribal courts. Today, we'll dive into how some tribal courts and tribal social service departments have worked to build better relationships with their state court and child welfare counterparts.

[00:00:55]: Hello everyone, Tom Oates here, and welcome into the Child Welfare Information Gateway podcast. As we've focused a few of our episodes on tribal courts and their growing connection with child welfare-related cases that involve tribal members, we've been able to chat with awardees of Children's Bureau Tribal Court Improvement Program grants. Some of our other episodes have touched on how these judicial systems have worked to expand their scope to take on child welfare cases, along with the lessons learned when revising their Children's Codes and ordinances.

[00:01:27]: This episode, however, dives into the oftentimes complicated partnerships tribal courts and tribal social services and Indian Child Welfare Act staff have with their state courts and the state child welfare agencies that they work with. Many times, it has been the state or county that take the lead – or have full jurisdiction, even – for child welfare cases that involve tribal members. But as some of these grantees build the capacity of their tribal court systems and their tribal social services, establishing their roles and sovereignty for effective child welfare practice can be challenging. Now, the challenges often don't arise from disconnects between systems and processes, but the lack of connection between the people involved.

[00:02:11]: The Sitka Tribe of Alaska wanted to improve relationships between the Tribe's ICWA staff and the State of Alaska's Office of Children's Services. Krista Perala is the ICWA coordinator within the tribe's Social Services Division. She and the division, along with their tribal court partners wanted to ensure ICWA requirements were met, and culturally-relevant services remained available to tribal members, and that the State also recognized role the tribe is entitled to.

[00:02:38]: Now, we asked Krista what she first did to build a better professional relationship between the tribe and the state, it turned out one of the big factors to improving a better professional relationship began with Krista's acceptance to make it personal.

KRISTA PERALA [00:02:55]: That's such a great question because it's very loaded. I think the first step that I took was realizing that it starts with myself and healthy, my own healthy self, so, I realized that there was a lot of historical trauma that was behind me - generations and my family behind me - is something that I'm carrying on my shoulders throughout this journey that I'm taking with this job. And once finally realizing that that was holding me back from having a good, healthy relationship with the

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state to help our families, I was realizing that I needed to go and really work on that historical trauma and almost forgive the state. They never directly affected myself, but it really was something that was in my heart and I know that a lot of other people in our community feel the same way.

[00:03:48]: So, giving that forgiveness, feeling like I can move forward in a healthy manner, but not forgetting what, what led up to this and why I'm even in the job that I'm in I think really helped to improve that relationship with the state. I was able to drop that wall a little bit and move forward in order to have that healthy conversation with them.

TOM OATES [00:04:09]: There is both sides to this story. So, you have to do this introspection and look at yourself and, honestly, prepare yourself for a healthy relationship. At the same time, the state had to do something on their end, too. So, how did you both come to recognize, hey listen, you know, I need to adjust my approach and you guys need to adjust your approach. What did you turn around and identify as, kind of, the key things you needed to improve, and then once you did that - this may be a tougher question - what'd you do about it?

KRISTA PERALA [00:04:44]: Well, thank you for asking that, because the state actually sent out this tribal survey throughout the whole State of Alaska and all tribal partners were encouraged to take part in it. It had asked about, like, how do you feel working with your local state office, what is the intervention rate, what can we improve on? And they did it by region, so there was like, the Northern region, which is like Fairbanks and Bethel and that area, there was the south central region which is Anchorage, there's the southeast region, which is like us here in Sitka and Juneau - and each region had their own stats.

[00:05:24]: And so, once that came back - my supervisor had requested that I take the survey - once it came back and the data came back, our supervisor and the OCS supervisor here in Sitka met and said, we should really have a courageous conversation and sit everybody down at a table and really hash these details out and these stats because we wanna work well together, but how can we do it?

[00:05:49]: And so, once we got those, that data and those details and stuff that you wouldn't normally say to somebody's face, it was actually on print now, and it was something that we had to go over. So, we all - I think it was like four or five times we met - and we just went through every line, every piece of data, like, okay it says southeast doesn't feel that the state is letting us know about Initial Assessments right away, how can we improve that?

[00:06:20]: And so, then, we would be able to come back and forth and be like, hey it'd be really amazing if you faxed us the PSR - which is like a Protective Services Report and it's what the state sends out so we're aware of initial assessments - can you guys get that to us sooner so we're more prepared when we go out on the IAs with you.

[00:06:42]: And from there, we were able to see a lot of stuff that we were lacking that we didn't know we were lacking before. And then stuff that we were really doing well on and how can we improve that even more to make sure, you know, like my coworker stated, how can we keep that foundation sturdy so we can make sure our families are getting the resources and the help necessary?

[00:07:05]: So it was a really great thing to go through that tribal survey with the state and have those courageous conversations to be able to work through it.

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TOM OATES [00:07:12]: Yeah, two things I think people could take away from is, you gave yourselves permission to have the difficult conversation - stated it up front, listen we need to, we need to iron this out and it's going to be difficult, do we agree on this? Yes. And then, you separated the humanity by going to the data, you know, where the conversation - as much as when you or I are involved, it's about solutions versus Sitka feels this and the state feels that, you're taking the accusatory tone where I'm not pointing my finger at you, we're looking at something off to the side, this data on the wall.

TOM OATES [00:07:52]: And then when we talk about solutions, it's okay, where do we - you come at it with, like, an open hand, as opposed to a closed fist - where do we come together and work toward, toward a solution. After those first few meetings what was that like, just having back conversations with you and your staff about the state as this entity now - how did you end up viewing each other?

KRISTA PERALA [00:08:17]: I remember in the very beginning it was, it was very hard because these definitely aren't conversations that you normally have. We're very lucky in the fact that our supervisor here in the Social Services Department really wanted to reach out to the state and really mend that relationship in order for us to work together properly.

[00:08:37]: So, in the very beginning it was really hard because - once again, I go back to that historical trauma - a lot of us Alaskan Native and American Indians never were given the opportunity to sit at a table and talk about these really difficult subjects. So, here I am, Alaska Native, sitting at a table with state workers that I've been, generations have been taught not to talk to and try to come up with solutions.

[00:09:05]: So in the very, like the first two, I think it was really hard for me to really open up and feel comfortable but, once I realized, you know, like, really working with the state, seeing that they had their full intentions of being heartfelt about their wanting to work through it and change certain things to make it more cultural really opened my eyes to say, okay, they really are putting their heart and soul into this just as much as I am.

[00:09:30]: So, after that, finally getting through and doing all that, you form this bond. I mean, we've gone through all this trauma together and then I've talked about my historical trauma with the state - they're sensitive to the historical trauma of our people and actually feeling that they really wanted to hear what they can do to improve, I think changed so many minds in that room at the very end.

TOM OATES [00:09:58]: You guys are also in this really unique position, not only to have had that conversation, as opposed to you know, talking through professional channels and actually connecting maybe a little bit as people - being a bit more vulnerable and establishing that kind of bond. But now, I know that there are a lot of tribes out there that will envy what I'm gonna ask you about now - that the Sitka Tribe has a role, participates within the state in their, in their future child welfare professionals. Talk to me about this, you guys are involved in the Child Welfare Academy for the state?

KRISTA PERALA [00:10:40]: So, the Child Welfare Academy is actually based out of University of Alaska Anchorage, but the Office of Children Services contracts through them to perform, not perform, but to facilitate in this curriculum that they are mandated to attend. It's a three-week long course up in Anchorage and it goes all the way from the beginning of a case to the end of the case and really gets, like, you dive into it. You do taped video recordings of interviews with children - I mean, they're mock,

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mock interviews and what have you - but, they really make sure that they are up to par before going out into the field.

[00:11:26]: But, what is really unique for Sitka Tribe of Alaska is when we do participate in - and it's called Skills, is what it's called, with the Child Welfare Academy - is that, we seem to be a heavy hitter at the table when we are attending these. We had a lot of classmates asking us questions about ICWA, really bringing forth a lot of information during discussions.

[00:11:54]: And then in doing so, we were asked to join the Child Welfare Academy's ICWA I and II training that the state provides to their new caseworkers for the state. So, with that being said, these new workers get the skills training at the Child Welfare Academy for three weeks straight. Then they go to their respective regions and once there, they are told that they need to attend ICWA I and II training. Prior to STA being involved in co-facilitating, it was just an OCS worker that was doing these trainings.

[00:12:33]: And so, exactly, you see that, okay, state worker's teaching other state workers about ICWA. Why isn't there a tribal partner at the table for this, because we are the one that are implementing it? And so, there was a tribal caucus group that I'm a part of that a lot of the tribes in the state are, and they had asked is there any tribal partners that wanna help.

[00:13:00]: So, I raised my hand and I said, yes I would love to. I'm very, very passionate about ICWA and implementing it within the state and making sure that everything's followed, that I would love to participate and be a co-facilitator in these trainings. So, I went up to Wasilla for my first one and immediately I knew this was something that was needed.

[00:13:22]: The surveys came back and every single one of them was like, I learned so much from the tribal partner, it's great to have them at the table. Because they had so many questions directly regarding IWCA, so what better person to talk about it than the actual ICWA representative? And so, from doing that, we've even noticed in the south central region that we're getting even more calls about Initial Assessments from the very beginning - which we weren't prior, we were fighting to get information from cases that are in the south central region. Now we're getting it from the very beginning. And we're seeing that throughout the state now, also, so.

TOM OATES [00:14:01]: There's this partnership that I can hear that's growing between the state and at least the Sitka Tribe. And so, that, from a relationship that could've remained, should I say, nonexistent - you know, two groups talking across a wall to each other - to now this partnership and this understanding that somebody on this, somebody across the way can help us benefit in doing our jobs. You guys have taken that a step further in also working with, really, your own tribal members in supporting the state as expert witnesses. First off, explain to me what an expert witness would do in this situation and then, why you've done this and tapped into your own tribal members to work with the state in that capacity.

KRISTA PERALA [00:14:53]: So, a qualified expert witness in a CINA - child in need of a case for ICWA - is supposed to make sure that our tribal customs and our child-rearing practices are brought up during these really important court hearings. They only ask for a qualified expert witness during removal, termination of parental rights or relinquishment hearings. Those really big, major court hearings that really change a child's life.

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[00:15:28]: And, previously, they were bringing on OCS supervisors, people that aren't even Alaska Native or American Indian. So, they're sitting there at this very high prestige stage, what have you, and they're talking about what they think they know about our culture and sitting there as an ICWA worker and having people always ask me to be a QEW - qualified expert witness - was really hard to turn down, because I have to still be able to cross-examine and everything, as well.

[00:16:05]: So, we were seeing a huge need for it. Having somebody from our tribe. Somebody who has lived through this culture and these child-rearing practices. Somebody who's legitimately Alaska Native or American Indian, and having them at that table and having them heard, because what the state was doing was - they were doing what they could with what they had. The BIA guidelines changed in 2016, December 12th, 2016. So, having that change put a lot of state workers on notice. It had stated, we need somebody on that stand that has that background of our culture and our child-rearing practices.

[00:16:50]: And that's what we found, we found that we are constantly fighting a battle of trying to find somebody who could be on that stand to talk about these huge topics. So, we took our matters into our own hands. Our own ICWA caseworker, Brianna Stewart, she took that ball and she ran with it and knew that it was a huge, huge thing that needed to happen for our community. And she arranged for the NICWA trainer to come here to Sitka and train and certify over 20 of us to be QEWs.

[00:17:22]: So, now we have a large list and we utilize it all the time. I know already I've used four QEWs for court hearings and the state is so appreciative because they've brought so much to the table. And judges are noticing it, as well.

TOM OATES [00:17:40]: There's a power in having a voice, but the real power is using it and it sounds like either, either an opportunity was presented or you saw one and took it, a little from column A, a little from column B, but what has that done just for your staff over the past, you know, since you've really started to, kind of, improve this relationship and improve your connection to the state?

KRISTA PERALA [00:18:07]: And are you talking about the QEWs?

TOM OATES [00:18:09]: I'm - really this overarching relationship which is not only, you know, your social services division, but they you've clearly got the court involved and now you've got tribal members involved, so it's more than just, you know, that office down the hall talks to the state, it's taken on a much, a much larger footprint - both within the tribe and really now within the state.

KRISTA PERALA [00:18:34]: So, a lot of it is once you - knowledge is power, is what I believe - and so, you have these elders that had come to this QEW training who had no idea what ICWA was in the past. A lot of people do have a misconception about what ICWA is and so, when they came to this QEW training, they were taught, like, what ICWA is about, what they are gonna be asked about, all of that.

[00:19:04]: So, that knowledge also showed even one of our own council members who participated in the QEW training, how important ICWA is and why we fight so much for it. But, his eyes opened and he was just on board about supporting us in a lot of our endeavors when it came to ICWA. And then, in having that QEW list for the state workers, now we weren't fighting each other on trying to find somebody who is an expert - quote, unquote expert - for the state and for the tribe.

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[00:19:38]: We could still have an expert on social work from the state's point of view, but now we have a qualified expert witness on our culture and what better person than somebody who actually is from that culture. So, and that's what we fought about, like, in the very beginning, like three years ago was that who better to fight for the ICWA rights of these children than QEWs that know our culture and that know our child-rearing practices?

TOM OATES [00:20:05]: So, a shared respect clearly is vital for a healthy, working relationship. But you can also tell there are aspects of making sure all sides of the tribal-state or tribal-federal relationship have a shared understanding. An understanding of the goals, processes, but also shared knowledge and skills.

[00:20:25]: The St. Regis Mohawk Tribe – located in upstate New York - has begun the transition for their tribal court to handle child welfare cases. Now, during this process, Judge Carrie Garrow both worked with and trained with her counterpart judge with the Family Court of Franklin County, New York.

[00:20:43]: That joint training was a key part in building a positive relationship - one she needed to establish when she started her role. The results include developing a shared understanding of how the tribe can support the county when tribal members come before the county's court. Now as we mentioned at the beginning of the episode, fostering a partnership between the tribal and county courts can be a challenge, which Judge Garrow recognized when she joined the bench in 2016.

CARRIE GARROW [00:21:11]: I think initially, perhaps a little strained, but I've been fortunate that we've had some other projects where we've worked with the same judge so I've been able to get to know him and, I think, have developed a good relationship. And so, I think that that's helped us with our family treatment court. We have a state tribal federal court forum where we get together twice a year and now the county judge that we deal with who does the family court, he's been involved and we've worked on a couple other projects together and I think that that's really helped as we've gotten to know each other.

TOM OATES [00:21:55]: What's been the key to developing that relationship? I mean, clearly you mentioned communication and sitting down and actually, you know, sharing time, you know, together. But, when it came to systems and functioning together, you know, what's that been like trying to make sure that what's happening over there is either communicated or aligns to what you guys are trying to do within the tribe?

CARRIE GARROW [00:22:20]: Yeah, that's a hard question. I think it's, I think some of it is I think we've gone a little bit out of, I guess I would say I've gone a little bit out of my way to be a little bit more, I think, inclusive, and you know, we've invited this judge to a training with our team - he ended up not being able to come for other reasons - but, I think he was surprised that we did that, and you know, said hey, we had this training money, would you like to come with us?

[00:23:06]: And yeah, I think it's, and also, being respectful of you know, that's not the way that maybe I might handle some things, but just being respectful, that's his court. And I think he has come to respect our court more and more. He's worked with our substance abuse programs for a long time and he has a lot of respect for them, which is, you know, so we've just tried to build on that respect, you know, and just be very transparent when, you know, a parent doesn't do well and, you know, we've had to

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terminate a parent from our treatment court just because they, you know, everything we tried wasn't working. And so, you know, just I think being very transparent.

TOM OATES [00:24:01]: In part it sounds like you're, you know, you're opening up to how your processes go. So, what's the value, what are the benefits in, kind of, sharing, hey here's what's behind the curtain for us as they do the same for you because, there's gotta be not only building trust, but a way you're able to make the systems, you know, dance together a little bit.

CARRIE GARROW [00:24:24]: Right, right. Yeah, I mean, I do think that that's definitely helped a little bit, you know, that they try to understand what we're doing, you know, and I think through our forum, you know I think a lot of the state court judges have learned what we're doing and you know and I think that that's helped us open some doors.

TOM OATES [00:24:55]: So, what've been the results, you know, how has this been? It's been two and a half years for you and you've seen plenty of change as you're now adapting the court - what have been the changes so far that you've seen?

CARRIE GARROW [00:25:09]: With regards to anything in particular?

TOM OATES [00:25:11]: Well, I would say your job. But, I mean, in terms of when you first walked in, the goals you had and knowing that there were gonna have to be partnerships, systems and training and knowledge developed - after all of that, which could've looked daunting when you first walked in. What have you seen if you turn around and go, look how far we've come?

CARRIE GARROW [00:25:34]: Right. I think it's benefited our families. You know, we've had, we had one participant and unfortunately she didn't graduate, but to us, she was a success because she ended up just moving out the area, but that happened because she was working with us and, you know, went to treatment in a different city and then, you know, needed to stay there and really not come back to the community.

[00:26:02]: And so, even though, you know, we had to close out her case and so she didn't graduate, we still very much saw her as a success. And, so I think it's really, you know, we still have a lot of work to do, but I think it's really helped our families and given us an additional resource to help - that now we have this team and this process that can help people who are struggling with addiction and help their kids, as well. I think that's definitely been one of the changes that's made me very happy.

TOM OATES [00:26:40]: Now clearly there are situations where the challenges are purely centered around the relationships between people, but actual legal barriers or questions can also impact how well tribal courts and social service divisions can partner with their state counterparts. And we're going to dive into that topic coming soon as part of our series on tribal courts and child welfare - so look out for that episode.

[00:27:02]: I want to thank Krista Perala and Judge Carrie Garrow for being so open and honest with us - along with all of the Tribal Court Improvement Program grantees that we've had the pleasure of talking with for these episodes.

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[00:27:13]: So, when you go to this episode's page over on the Children's Bureau's website – and that's over at www.acf.hhs.gov/cb, just search podcasts – we'll have links to a selection of resources available on Child Welfare Information Gateway for those of you who work with or interact with both courts and Native American and Alaska Native children and families. We'll also point you to a specific section on Information Gateway that is dedicated solely to ICWA.

[00:27:42]: Of course, you can also find the other episodes that we've released as part of our series on tribal courts and child welfare, along with the more than 30 other episodes of the Child Welfare Information Gateway podcast over on the Children's Bureau's website. But for now, thank you for spending the time with us today. I'm Tom Oates, and we'll talk to you next time!

FEMALE NARRATOR [00:28:05]: Thanks for joining us for this edition of the Child Welfare Information Gateway podcast. Child Welfare Information Gateway is available at www.childwelfare.gov and is a service of the Children's Bureau, U.S. Department of Health and Human Services Administration for Children and Families. The views and opinions expressed on this podcast do not necessarily reflect on those of Information Gateway, or the Children's Bureau.