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SENATOR DORGAN: If I can have your attention, we want to begin the afternoon session today, and I'll ask Joanne if she'll introduce the next panel.

JOANNE SHENANDOAH: Good afternoon, and thank you for this morning and the expert witnesses that came forward.

Now I'd like to introduce to you Michelle Rivard Parks. Ms. Parks is a licensed attorney in the State of Illinois and in the U.S. District Court for the State of North Dakota and is an appointed member of the North Dakota Supreme Court State and Tribal Court Committee. In January 2011, Mrs. Parks was appointed by the

1 U.S. Attorney General Eric Holder to serve on the
2 U.S. Department of Justice Violence Against Women
3 Federal and Tribal Prosecution Task Force. She
4 served as the Chief Prosecutor for the Spirit
5 Lake Nation for approximately four years and
6 served the tribe as Tribal Attorney until the
7 fall of 2012. Thank you for sharing with us
8 today, Ms. Parks.

9 MICHELLE RIVARD-PARKS: Thank
10 you. Good afternoon committee members, my name
11 is Michelle Rivard Parks. By way of background,
12 I am a former tribal prosecutor, tribal attorney,
13 also a special tribal judge with the Turtle
14 Mountain Band of Chippewa located here in North
15 Dakota. I'm also an Adjunct Professor of law at
16 the University of North Dakota School of Law
17 where I teach classes in tribal economic
18 development, Indian law as well as Tribal Law.

19 I am currently the Associate Director
20 of the Tribal Judicial Institute which is a
21 training and technical assistance provider. We
22 provide training and technical assistance,
23 predominantly on tribal court development, in the
24 lower 48 as well as Alaska.

25 It is an honor to be present before

1 you today to discuss what is possibly one of the
2 biggest challenges currently facing tribal and
3 justice system officials, American Indian
4 children exposed to violence.

5 How do we reconcile the notion that
6 American Indian and Alaska Native children are
7 considered sacred in their communities with the
8 factual data that is indicating high rates of
9 exposure to violence? To understand the answer
10 to this question, we must gain an understanding
11 of historical trauma and we must acknowledge that
12 American Indian families were systemically
13 attacked for generations in an effort to achieve
14 federal goals of assimilating tribes.

15 American Indian and Alaska Native
16 children who have been exposed to violence suffer
17 from depression, guilt, anger, fear, loss of
18 faith, and many physical injuries and disorders.
19 These children grow into adults and without
20 proper intervention to promote their healing, we
21 often see these very same individuals, once
22 viewed as victims, criminalized for their
23 behaviors.

24 The aftermath of attempts to
25 assimilate American and Alaska Natives remains

1 ever present in modern societies and is visible
2 in higher than average rates of suicide,
3 addiction, and in some cases, family violence.
4 This reality must be widely acknowledged and
5 accepted if we are going to develop and implement
6 programs and services that are meaningful and
7 that make a difference in the lives of American
8 Indian and Alaska Native children.

9 Further, to address the exposure of
10 violence that is experienced by Native American
11 and Alaska Native children, we must consider the
12 how, the who, and the what. We must look at each
13 jurisdiction and just exactly how American Indian
14 and Alaska Native children are being or have been
15 exposed to violence. Are they experiencing this
16 violence as a result of domestic violence that's
17 occurring within their households at the hands of
18 sexual perpetrators? Are they experiencing
19 violence associated with alcohol and substance
20 abuse, drug trafficking? Is it the gang activity
21 within the tribal communities? Or is it other
22 violent crime that is occurring?

23 And I think when we look at the how,
24 the answer may vary a little bit from
25 jurisdiction to jurisdiction, from tribe to

1 tribe.

2 It's been our experience across the
3 country and in the work that we've been doing
4 that there are varying levels of crimes within
5 different communities. For example, some of the
6 southern most tribes have recorded high rates of
7 gang activity. And so, a lot of the exposure to
8 violence to the children in those communities are
9 encountering is really at the hands of the gang
10 activity.

11 For a lot of the tribes that we work
12 with in this particular region, we are seeing
13 very high rates of domestic violence, high rates
14 of sexual abuse against children, and other types
15 of violent crime that they are encountering
16 within their communities.

17 I think we also have to look at the
18 "who." And by the who, I don't mean who is
19 perpetrating the crime. I mean who is
20 responsible for addressing the crimes. And in
21 doing so, we need to look at the federal
22 responses that are in place, the tribal responses
23 that are in place and the state responses that
24 are in place.

25 And finally, we must ask ourselves

1 "what." What is working and what is not working
2 within each of those response systems. And I
3 listened a little bit this morning to Chairman
4 McDonald's comments and one of the words that he
5 used was "multifaceted." And I think that blends
6 well into my portion of the discussion in that it
7 is a multifaceted issue.

8 There is no one single answer to the
9 problem and simply pumping resources in terms of
10 money into the issue, is not going to address
11 everything that is necessary to be done in this
12 regard.

13 For my part, I was asked to speak
14 today based on my experience as a former tribal
15 prosecutor and also based as a national training
16 and technical assistance provider. More
17 specifically, I was asked to focus my comments on
18 the importance and effectiveness of
19 multidisciplinary approaches to these issues.

20 Multidisciplinary approaches to
21 problem solving really emerged in the 1950s.
22 And, what they do is bring justice system
23 professionals, whether that be first responders
24 or service providers, together to share
25 resources, to improve collaboration and

1 communication and there is no one size or one
2 means of accomplishing a multidisciplinary
3 approach. It can be adapted and modified to meet
4 the needs of any respected community.

5 There are legislatively mandated MDTs
6 set forth in the Indian Child Protection and
7 Family Violence Prevention Act. These particular
8 multidisciplinary teams are really more of a
9 federal mandate geared towards prosecution. And
10 although this mandate does exist, over the years
11 we have seen varying degrees of implementation of
12 those MDTs.

13 When I was prosecuting, I didn't
14 recall -- I don't recall seeing a whole lot of
15 the MDT process. Although, it's my understanding
16 that here in North Dakota through the current
17 U.S. Attorney Tim Purdon, the MDT process has
18 been revived, if you will, for many of the tribal
19 communities. And I think they've been seeing
20 some success in terms of how that's helped them
21 to collaborate and to preserve evidence and to
22 more effectively prosecute cases in the federal
23 system. But that doesn't take into account the
24 needs that are at the grassroots level and within
25 the tribal communities as well.

1 So, why are the multidisciplinary
2 approaches important? Well, they are important
3 because they help to prevent cases from falling
4 through the cracks. Very often we hear things
5 such as, well I thought law enforcement was doing
6 this or was addressing the issue or I thought
7 Child Welfare or Child Protection was responding
8 to this case or I thought that the prosecutor was
9 doing something. And if those individuals are
10 not communicating with one other, the cases tend
11 to fall through the cracks. And that is where
12 further victimization occurs, and it's the
13 victimization that occurs at the end of the
14 system.

15 It also helps to provide a means for
16 the prosecution strategy moving forward. As I
17 stated earlier, we have multiple jurisdictions
18 with responsibilities in these cases: Federal,
19 state, and tribal. And there are instances where
20 it may be important for the federal and tribal
21 prosecutors to be dialoging to make sure that
22 they are talking about how a case should proceed.
23 Should it proceed in a criminal prosecution in
24 federal court? In tribal court? Or perhaps in
25 both? And that dialogue is an important part to

1 make sure that we have accountability and that we
2 are making sure we're not further victimizing the
3 victims through the process.

4 It also helps to preserve the
5 necessary evidence when we're moving forward in
6 cases. Because when we're looking at criminal
7 courts, it is not enough just to have a statement
8 of an individual saying this happened to me. We
9 wish it was enough, but when we're dealing in a
10 court of law, we deal in evidence and we need
11 something tangible to bring before the Court.

12 And so bringing law enforcement
13 professionals to the table with prosecutors can
14 really help through the investigative process and
15 can help us, as tribal prosecutors, to make sure
16 that we have what we need when we get into the
17 court to get the outcome that we're
18 seeking.

19 When we are looking to implement
20 multidisciplinary practices in a tribal context
21 for purposes of prosecuting cases in tribal court
22 or perhaps to adjudicate the cases in child
23 deprivation, which may occur through a juvenile
24 or civil court, tribes are really in terms of
25 preparedness going to need to look at several

1 things within their own community in terms of
2 infrastructure such as drafting or amending
3 existing codes or ordinances, drafting or
4 amending cooperative efforts or cooperative
5 agreements.

6 And, you know, we can look at
7 cooperative agreement and we'll say, well, that
8 just may be between providers within the tribe,
9 maybe it's a BIA law enforcement agency, tribal
10 prosecutor, victim advocacy program, et cetera.
11 But what we'll find as we really look at having a
12 multifaceted approach is we are probably going to
13 need multiple memorandums of agreement. And
14 often times, those agreements are going to
15 require signatories from different jurisdictions.
16 And so, the tribe really needs support in
17 navigating through those waters.

18 And I think it's also important that
19 we have education on the multidisciplinary
20 process. And, you know, a lot of -- one of the
21 common terms that a lot of people hear is Child
22 Protection Teams or CPT.

23 And when I was a tribal prosecutor, I
24 had the opportunity to participate in a Child
25 Protection Team and the one thing about the Child

1 Protection Team as a multidisciplinary approach,
2 is that there are emphasis and focuses really on
3 child welfare on safety for the victim, family
4 reunification efforts, et cetera. It's not a
5 criminally focused team typically.

6 Whereas the MDT which is a different
7 type of multidisciplinary approach really has
8 that prosecution focus.

9 And of course in many tribal
10 communities, you may have a smaller community so
11 you may have a lot of the same people at the
12 table. But when we were at the table, there
13 needs to be support to provide process to what
14 happens when we are gathering grassroots. That
15 can happen in terms of providing procedures,
16 protocols as to how those meetings will take
17 place to make sure that we are really being
18 effective in those meetings and that we are not
19 simply gathering to talk about the issue but
20 rather that we are also strategizing about
21 solutions for the family and accountability for
22 the offender.

23 So, the multidisciplinary process is
24 one that I think is important to support moving
25 forward as we're addressing children exposed to

1 violence. It's something that we need to support
2 not only at the federal level but we really need
3 to bring this approach or emphasize this approach
4 at the tribal level, and it needs to be a
5 grassroots effort.

6 So, the question then becomes what
7 can the -- what role should the federal
8 government have to play if we're really saying
9 that we need something to happen at the
10 grassroots and tribal level? And really it comes
11 in the form of support, and support can happen in
12 any number of ways. It can happen through
13 support for training and technical assistance
14 that can be brought to the tribal communities if
15 they need it or are requesting it; it can be
16 brought through the development of resources,
17 checklists, co-development guides, some of those
18 protocol and procedures for MDTs that I talked
19 about. Those can be circulated and developed;
20 community education on the MDT process and on
21 children exposed to violence; and then also
22 supporting those grassroots or community-based
23 efforts to plan, implement, and enhance existing
24 tribal programs.

25 And I think earlier today, you heard

1 from a tribal program that is very culturally
2 based at the Spirit Lake Tribe as Darla Thiele I
3 believe was here today. And I had an opportunity
4 to view that program. It's very culturally
5 rooted, and she seen some really -- done some
6 really great work with youth in the community
7 through that program. And those are the types of
8 programs that we really need ongoing support for.

9 And I just want to end my comments
10 today with also adding the importance of tribal
11 courts. Tribal courts really are important in
12 terms of the enforcement component. You know,
13 it's one thing to have legislation in place that
14 will mandate that things be done such as MDTs.
15 But where do we go and what do we do if the
16 people responsible aren't fulfilling that
17 legislative mandate? How do we ensure that
18 happens? And tribal courts are really effective
19 in providing the checks and balances in terms of,
20 you know, organizing service providers. But more
21 importantly, in terms of case management, making
22 sure that those child welfare workers or tribal
23 attorneys who are bringing the cases before the
24 court have the things in place that need to be in
25 place, that they are following the tribal law as

1 well as federal law and that they are working
2 with the families in a culturally appropriate
3 way.

4 To that end, I would just point out
5 that we have about 566 federally recognized
6 tribes in this nation, and we have a little more
7 than 300 tribal courts. And, we need those
8 numbers to be the same. We need tribal courts in
9 every single community. Not necessarily an
10 adversarial court but some sort of a forum that
11 is available to the community members that they
12 can go to seek the help that their families
13 and their children require.

14 So, I would like to end my comments
15 by thanking you for starting this dialogue, for
16 looking into these issues, and for trying to
17 develop some resources and support for tribal
18 communities who I know are working hard to try to
19 do what they can to safeguard their most sacred
20 resource, which is their children. Thank you.

21 JOANNE SHENANDOAH: Thank you,
22 Ms. Parks, for your testimony. Next, we have
23 Leila Kavar Goldsmith. Leila is a Child Advocacy
24 Coordinator with the Tulalip Tribes in
25 Washington. She was born in Saudi Arabia and

1 raised in Amman, Jordan, in a bilingual and
2 bicultural home. Leila taught in public schools
3 and in a hospital-affiliated speech and language
4 clinic with children who had learning
5 disabilities and severe emotional disturbances.
6 She is an advocate for children in the criminal
7 justice system and has an interest in focusing on
8 children's issues. And I'm sure that there is
9 much more that I can say, but as an advocate for
10 children, she's probably more significantly an
11 incredible mom of three children who inspire her,
12 challenge her to grow, and teach her everyday.
13 Thank you for joining us.

14 LEILA KAWAR GOLDSMITH: Thank
15 you for the opportunity to share with you about
16 multidisciplinary teams and their effect on
17 systems as we try to find solutions for children
18 who are exposed to violence.

19 I've been with the Tulalip Tribe
20 since 2007. I was hired and asked to develop a
21 program to comprehensively address sexual
22 violence and physical violence against children.
23 When I first came, what I heard often over those
24 first months was, we reported the abuse but
25 nothing happened. I've heard people say that

1 several times again today, out of their own
2 experience.

3 Before Tulalip formed their own
4 police department, they did depend on state
5 policing and their people who are in their 30s
6 today who told me, well, we've been calling 911
7 but nobody would come. And, as I began to
8 understand the problems facing -- the barriers
9 facing the tribe in terms of serving children, I
10 began to understand I was dealing with something
11 that I had never seen before. I was a teacher
12 but I also was an attorney. I worked in state
13 courts with high-conflict family law custody
14 cases. But, the level of -- the degree of
15 invisibility that tribal children had was
16 remarkable and stunning.

17 So I was tasked with creating a
18 children's advocacy center in 2007, and today we
19 are a team of four. We have a child forensic
20 interviewer, who has worked for the tribe for
21 eight years. We have a full-time child
22 therapist. We have a child advocate and myself.
23 I write grants and manage grants and supervise
24 staff, and I do direct advocacy as well. My goal
25 was to be -- the first thing I did really was to

1 establish the baby beginnings of a
2 multidisciplinary team for criminal cases. And
3 my first partner was the Supervisor of the
4 Detectives over criminal investigation. And we
5 began to talk about old cases, that's how we
6 began. And our group grew to include the FBI who
7 were very willing and energetic participants in
8 the formation of our MDT.

9 And today, we meet every other week
10 on Tuesday mornings at 10 in the morning. We
11 have usually a medical professional there, we
12 have Indian Child Welfare present at the table, a
13 tribal prosecutor, Assistant U.S. Attorney, we
14 have our forensic interviewer present and a child
15 therapist who's there to represent victims and
16 our child advocate as well as the FBI Specialist
17 which is the federal counterpart to victim
18 advocate.

19 Again, I facilitate and set the
20 agenda and we talk about current cases. There
21 are some multidisciplinary teams that are more
22 educational and they have guest speakers or ones
23 that focus on just one case and asks to
24 voluntarily bring in a case. Those are some
25 models that I've heard of on the outside.

1 But we are an indigenous tribal
2 multidisciplinary team and the decision of our
3 team has been that we talk about current cases
4 and they don't go off our agenda until there's
5 been some kind of solution. That has created a
6 lot of heated difficult meetings. But we are --
7 our philosophy from the beginning has been that if
8 we keep the victim at the center of our
9 decisions, we'll make the right .decisions.

10 In our center -- in our comprehensive
11 program, we focus on three things and three
12 things only: The prevention of child abuse,
13 intervention when an allegation has been made,
14 and we do child forensic interviews in our
15 building. We have a fully equipped interview
16 room, audio video equipped with an observation
17 room attached, and we take children to the
18 hospital for a forensic medical exam, we provide
19 court tours. If there is a case taken to trial,
20 we -- I have sat up with children as they testify
21 to be their support and we provide impact
22 statements as well for children. We do that all
23 the way through trial and beyond.

24 We also provide -- the third
25 component is healing; offering a healing path for

1 those children. And we have a full-time
2 therapist and a part-time therapist who provide
3 amazing trauma informed therapy for our children.

4 And I'm smiling at D. Big Foot
5 because -- honestly, this program has developed
6 very organically, not been by accident. These
7 meetings I've had with people, and Dr. Big Foot
8 has been one of them, who could investigate early
9 on that evidence-based trauma treatment was
10 essential for us and we were at the point of
11 having to make a decision about what we were
12 going to do. And we do only provide trauma
13 focused behavioral therapy, primarily, we do that
14 when it's possible. And our therapists have been
15 trained in criminal adaptive types of programs,
16 traditional focused safety.

17 So the first -- there are very few
18 indigenous tribal based multidisciplinary teams.
19 There are, I believe, 25 tribes on the Western
20 side of Washington where we are. I'm told that
21 we're the only regularly meeting
22 multidisciplinary team. We do have good federal
23 participation. As has already been stated, there
24 are federal statutes that require the U.S.
25 Attorney participation if an MDT exists. And, I

1 will just say that if more tribes did begin to
2 have their own multidisciplinary team meetings,
3 it would require a huge effort and an increased
4 commitment and investment of staff on the U.S.
5 Attorneys Office's part to actually meet the
6 need.

7 We've had several other tribes come
8 and visit our MDT, speak to team members, ask for
9 our code of law, we've had other tribes bring
10 their victims to our center for interviews. So,
11 we try as much as we can to be a resource to
12 other tribes around us. But we are the only
13 regularly functioning MDT on our side of the
14 mountains.

15 We have talked about having a
16 regional multidisciplinary team which is perhaps
17 this committee could consider in supporting in
18 that we face common barriers, common challenges
19 on working in tribes, and it would be helpful to
20 be able to leverage our resources.

21 So, for example, we do -- as I've
22 said we provide interviews for other tribes and
23 communities and not every community could have a
24 forensic interviewer program.

25 I did -- in closing about MDTs, which

1 is my first recommendation. Creating a
2 stand-alone program regardless of how effective
3 for individual victims, it will not replace the
4 collaborative work and the work that happens on a
5 team.

6 MDTs are very difficult work.
7 Facilitating the MDTs for people has been one of
8 the most challenging activities that I
9 participate in. It's very difficult to keep so
10 many people with different mandates, powerful
11 personalities, and have their own political
12 consideration together focusing on victims and
13 moving things forward.

14 But systemically, I do believe it is
15 a powerful tool for change. Otherwise, we do
16 revictimize because the criminal justice system
17 does not heal children and it never will.

18 We talked about just becoming a
19 healing center, but I believe in improving the
20 victims, and I believe that the MDT can be a part
21 of that for our victims.

22 My second recommendation is about
23 having adequate, responsive funding for holistic
24 centers that are tribal based. We have not yet
25 aligned our words and our budgets when it comes

1 to defending childhood and protecting children.
2 Children are quiet victims. They are often
3 invisible victims, and so their needs are almost
4 always under-funded, marginally met, or
5 completely ignored, and this is especially true
6 in Native children.

7 The federal government has a trust
8 responsibility to enable tribes to protect their
9 people, and especially their children. This must
10 encompass far more than grant funding which often
11 includes restrictions and limitations that
12 essentially cut out many smaller tribe that don't
13 have the resources that we do.

14 I say this with humility because our
15 program has been developed with federal funding
16 and grants. It continues to be supported by
17 tribal -- by CTAS and federal grant
18 funding. Tulalip Tribes, as with any other
19 successful tribe, has overwhelming competing
20 interests for their funding and their limited
21 financial resources.

22 Children who are exposed to violence
23 should be served with adequate funding through
24 crime victim funds overseen by the Office of
25 Victims of Crime. We should not have to compete

1 with other tribes for a very small pool of funds.
2 We should not have to develop programs and
3 complete them in three years only to try
4 constantly to be looking for another funding
5 source and in the meantime losing good staff,
6 having to close down the programs and ultimately
7 letting down victims.

8 When there are staff changes, we let
9 down our victims. When there are programs that
10 get off the ground and get going and develop
11 trust and then they go away, we lose trust and
12 it's very difficult to gain that traction once
13 again.

14 When I scan grant funding
15 opportunities, I cannot help but be stunned by
16 the disparity between funding levels for adult
17 victims of violence through the Office of
18 Violence Against Women and the limited funding
19 available for children who are crime victims.
20 Who is fighting for adequate funding to protect
21 our children? Our children cannot fight for
22 themselves.

23 My third recommendation is about
24 training and technical assistance which has also
25 been mentioned by my co-panelists. Effective

1 resources for tribes to address the needs of
2 children exposed to violence is essential and
3 should include targeted, expert level training
4 for tribal and MDT formation, for facilitator
5 training to ensure the health and longevity of
6 the team so they don't have a good start but
7 disappear, and also for ongoing support to the
8 facilitator and the team as they face barriers
9 and improve collaboration.

10 To be successful, it is essential
11 that there be readily available training for the
12 formation of the teams within tribes for those
13 that want that and that team facilitators have
14 access to support from people who have
15 facilitated challenging teams, hopefully,
16 preferably Indian-Country-based teams.

17 Mainstream training, while available
18 through the National Children's Alliance and
19 their regional chapters, is limited for people
20 starting tribal based teams. I have done that
21 training and there are good things to take away;
22 however, mainstream training simply does not fit
23 and if a person is not incredibly stubborn, I
24 believe they may give up in the process because
25 it's like trying to put on a suit that just does

1 not fit.

2 The National Children's Alliance
3 receive virtually all of the funding for advocacy
4 centers and we know advocacy centers are a very
5 powerful, effective model but the NCA does
6 receive that funding and they, although tried I
7 think, to reach out to tribes but have not been
8 necessarily particularly effective.

9 And so nationally, this leaves a gap
10 for those of us who work in Indian Country. We
11 need a well-funded resource for assisting tribes
12 that want MDTs, to create their own indigenous
13 teams and then obtain the basic components of a
14 tribal victim advocacy program. It's really not
15 complicated and we do know what works, but we
16 can't do it without adequate funding, and it's
17 very difficult to ask them to do the job that
18 they do and constantly be worried about their
19 funding.

20 Please don't forget about the needs
21 of workers in this field. I'm not sure if this
22 is beyond the scope of this committee; however,
23 meaningfully addressing trauma exposure is
24 essential to develop and keeping talented people
25 with the heart for this work. We ask people to

1 do more with fewer resources and to look squarely
2 at some of the most horrific, disturbing things
3 that humans do to each other and then go home to
4 meet the needs of their own families and then get
5 up and do it again the next day.

6 All too often, I see one of two
7 things happen: One, good people leave because
8 the weight of this work is too much and they
9 begin to feel toxic, and in order to avoid total
10 burnout, they have to leave as an act of
11 self-preservation.

12 The second thing that happens is that
13 good people cross over into toxicity and burn
14 out, but they stay. I'm not sure which is worse.
15 They become -- they lose their ability to be
16 healers. But I do believe this is avoidable and
17 this is part of addressing resources for tribal
18 MDTs.

19 One of the huge advantages with
20 working on disciplinary teams is we support each
21 other as professionals. We support each other
22 and are able to talk to each other about what
23 we're seeing and experiencing.

24 We are in this work because we
25 believe that healing is possible, and I have seen

1 it. I have seen children and youth begin to --
2 their healing journey once they give their
3 forensic interview.

4 As has been said earlier by Barbara
5 Bettelyoun, I have seen it myself when a child
6 speaks the truth about what's happened to them,
7 they begin to heal. We've had teenagers stop
8 cutting, we've had people -- children stop
9 experiencing nightmares and anxiety as victims.
10 It's the beginning of their healing to have an
11 adult, a safe adult look at them and believe
12 them.

13 And I have seen many times families
14 and children have this huge sense of relief that
15 they can stay on the reservation and get the
16 services they need. They can stay on the
17 reservation and have an interview. We've taken
18 children to outside interviewers when we had to,
19 and I've watched children begin to understand
20 that they will have to explain particular words
21 or customs or traditions to this interviewer
22 because they are not being understood. And I can
23 watch the shutting down process begin because
24 they haven't even gotten to the hard part of
25 their story yet.

1 So I believe -- again having these
2 tribal based indigenous resources are so
3 important. Thank you for your sacrifice, each
4 one of you here, and the dedication to finding
5 meaningful solutions to meet the real needs of
6 our children and to bring those solutions to our
7 communities. Thank you.

8 JOANNE SHENANDOAH: Thank you so
9 much for your testimony. It was very heartfelt.
10 And I, at this moment, going to turn over the
11 microphone over to Senator Dorgan, he has a
12 question for you.

13 SENATOR DORGAN: Well, thank
14 you, and I appreciate very much the testimony of
15 both of you. In many ways it brings together a
16 lot of the things we've heard all morning. A
17 multidisciplinary approach to address these
18 things are essential.

19 Michelle, the -- your description of
20 the importance of tribal courts, you know, we try
21 to strengthen them in the Tribal Law and Order
22 Act, which I wrote in the last couple years I was
23 in Congress and which is now being implemented,
24 and I think it's going to have significant
25 contribution in the years ahead.

1 Ms. Goldsmith, I want to ask you
2 about Tulalip. I've been to Tulalip a number of
3 times, and I know the first visit to Tulalip was
4 to show me their children's program which is a
5 very substantial program, one that had developed
6 very successfully.

7 In your discussions today about the
8 team approach, the multidisciplinary team is
9 eluminated. One of the things I was a little
10 surprised about is that you indicated that the
11 bulk of that funding to create the work that
12 you're doing comes from the federal government.
13 That's where it should come from. But, all of us
14 in this room will admit the federal government
15 has failed badly in providing sufficient
16 resources that have been promised over many,
17 many, many decades to address these issues.

18 The federal government has just
19 failed. It provides funding but it's an
20 inadequate amount of funding that kind of
21 dribbles out and so people try to make do with
22 what exists.

23 The Tulalip Tribe, unlike a lot of
24 other tribes, there's what 566 tribes, Tulalip
25 Tribe has significant advantages. Near a major

1 city, near a major highway, a significant casino
2 operation, gaming operation, significant resort
3 facility, very big hotel, right on I-5 so you've
4 got a significant business plan that is very
5 successful, I mean really successful, and so the
6 question for me is: Is a circumstance like that,
7 with a tribe like Tulalip where you have those
8 multiple successes that are revenue driven or
9 that drive the revenue stream I should say, what
10 claim of those revenues will programs like yours
11 have on the tribe where they meet and talk about
12 priorities? Because there are resources on that
13 reservation and they are significant resources.

14 LEILA KAWAR GOLDSMITH: Yeah. That
15 is true. There are -- and I did speak of that in
16 my written testimony because I know there are
17 many tribes who have, you know, that do not have
18 the opportunity -- the financial opportunity that
19 the Tulalip Tribe has; however, in every
20 government organization across the world,
21 children's services and programs are never
22 adequately funded. Child victims are invisible.
23 And, we have had a lot of interest and concern
24 from leadership. I want to highlight that;
25 however, there are so many competing

1 priorities that it's difficult to find actual
2 funding for programs which is so highly
3 specialized.

4 And in addition, in every community,
5 people don't want to believe about the prevalence
6 of sexual abuse and severe physical abuse. We
7 want to turn a blind eye in every community in
8 Tulalip or any other tribe. And so, I do believe
9 that crime victim funds are -- they're secured
10 through court fines and things like
11 that, where our tribal court is fairly well
12 developed but it's still developing, and we're
13 not going to be anywhere near their top
14 priorities and we do not get funding through the
15 state. They get it from the federal government.
16 They would ask our victims to use state resources
17 -- to use the state advocacy centers, and the
18 problem with that is that we don't have -- it
19 hasn't historically worked well.

20 SENATOR DORGAN: Just a comment.
21 Isn't it interesting that in our personal lives,
22 if asked the question what's number one? What's
23 most important? Kids are not number two or
24 three, they're number one always in our personal
25 lives. And in our budgeting, in our priorities

1 whether it's at the federal level or the tribal
2 level, somehow kids don't quite have the same
3 command, you know, they don't -- kids aren't able
4 to be organized, to speak up, they don't
5 contribute to anybody. Right? And campaign.

6 Somehow kids are left behind too long
7 and it's at every level but of course especially
8 the federal level because the federal government
9 made promises it hasn't kept.

10 ANITA FINEDAY: Thank you. I
11 have a question for Leila, also. You talked
12 about the term multidisciplinary teams in
13 criminal cases, and I just wonder if Tulalip had
14 multidisciplinary teams if it's just the child
15 protection case if there's not criminal charges
16 attached, do you have special teams in addressing
17 those issues as well?

18 LEILA KAWAR GOLDSMITH: Well, as
19 Senator Dorgan stated, he's visited the Indian
20 Child Welfare building at Tulalip that has an
21 impressive program and it's the program in which
22 we began. That's our, really, out mother program
23 and it's made up of child therapists and social
24 workers. They meet as a team and we haven't
25 historically met with them. Where we -- if we

1 have something to -- to contribute to a case -- a
2 child protection case, we'll speak up and share.

3 Also, our interviewers do -- our
4 interviewer does do some CPS only or ICW only
5 interviews because we have a flexible protocol.
6 Some interviewers will not ever do anything other
7 than the law enforcement interview and we have
8 the ability to be flexible about that. But we
9 will sometimes do forensic interviews for a child
10 welfare case. So we work very closely with child
11 welfare.

12 EDDIE BROWN: I noticed that
13 chief -- or former Police Chief Edward Reina was
14 unable to be here today, but he submitted
15 testimony and he was successful as he
16 describes in creating a multidisciplinary process
17 at the Tohono O'odham Nation. And he was adamant
18 in his written testimony that he said it started
19 without any additional funding and said that --
20 and stated again that additional funding was not
21 necessary.

22 And yet I hear why we have so few
23 indigenous multidisciplinary components being
24 developed. I'd like to hear your response to
25 that, given that you -- in all testimonies we've

1 heard, resources, resources, resources. And that
2 can be for either of you.

3 MICHELLE RIVARD-PARKS: I'll
4 speak to that question. From my experience,
5 simply getting together -- pulling the
6 disciplines together to have a meeting, one might
7 equate that to a multidisciplinary team. And, to
8 simply do that, does not require resources. It
9 simply requires a facilitator and a date and a
10 time.

11 However, once we start actually
12 addressing the issues that are brought before the
13 MDT, is where we start to see the need for
14 resources. And, my experience -- and I
15 participated as part of a CPT, Child Protection
16 Team, we were not criminally focused, we were
17 focused on child welfare cases. And, I
18 participated in that team for a number of years,
19 and it was my experience that there were times
20 when the team came together and there was a very
21 clear understanding of what each discipline's
22 role was at the table, and then there would be
23 turnover in some of the various agencies, and a
24 lot of that information was lost. And I think
25 that's where my co-panelists earlier comments

1 were going in terms of turning a technical
2 assistance and financial resources and support
3 with that because like any group, like any team,
4 we may all start off with the best of intentions;
5 however, we often run into barriers and obstacles
6 and that's really where the resources come in in
7 helping that team to overcome those barriers and
8 obstacles. And effective training and technical
9 assistance and effective written tools and
10 resources can really help those grassroots teams
11 from disbanding. And I think all too often,
12 that's what we've seen for tribes that have
13 started an MDT for a child protection team, they
14 may have begun one, but ultimately it's
15 disbanded.

16 And so part of the dialogue on the
17 MDTs I think is not only having to start one but
18 how you maintain that.

19 LEILA KAWAR GOLDSMITH: If I may
20 just briefly, it's not having -- you could have a
21 very baseline multidisciplinary team, as my
22 co-panelist said, but to have a high functioning
23 multidisciplinary team where there are people who
24 are truly engaged in collaboration willing to
25 consider other opinions and do the negotiating

1 that happens sometimes at the table, that
2 requires a tremendous amount of constancy, and I
3 can't -- I'd lost track of the number of times we
4 have our detectives change, the FBI agent change,
5 the U.S. Attorney change, the tribal prosecutor
6 change, just in the six years that I've been with
7 the tribe.

8 So I don't think it can be
9 overemphasized how important it is to have
10 somebody who's victim focused taking the lead on
11 that and really saying this is the heart of what
12 we do. This is the real work where it happens
13 but to be that consistent person and a liaison
14 for all those other agencies.

15 MICHELLE RIVARD-PARKS: Just one
16 last thing -- actually made me think of one last
17 thing too. And Senator Dorgan had mentioned in
18 terms of demographics with Tulalip and what their
19 experience is. My experience has been
20 predominantly here in North Dakota. And here in
21 North Dakota, the majority of the tribes do not
22 have access to a lot of the specialists that are
23 required to really do good work with a lot of the
24 children and families and in their healing
25 process.

1 There's that coupled with also some
2 of the grassroots or traditional healers that may
3 need to be involved in that process and making
4 sure that we have the resources to support the
5 involvement of those individuals as well is
6 important.

7 And again, you know, we may already
8 have a funded prosecutor or we may have a funded
9 law enforcement officer, but when we start to do
10 work with the families, some of those other
11 individuals that really get to the healing
12 component here in North Dakota; although, a lot
13 of the tribes simply just have an access issue in
14 getting those individuals to attend and some
15 resources in that regard can help to bring that
16 into the community as well.

17 DOLORES SUBIA BIGFOOT: Thank
18 you. You guys did a great job. Appreciate it.
19 MDTs have been one of the things that have always
20 been promoted. In that light, can both of you
21 speak to the jurisdictional authority to bring
22 MDTs together? I think that should be emphasized
23 a little bit more and also, the capacity to
24 facilitate. 'Cause I think both -- that's what
25 you're talking about to keep it going, the

1 consistency. I always say that children need
2 consistency, predictability and reassurance.
3 And, it has to come from multiple levels. And
4 so, I think that that's the success that you've
5 had, but it's a success that others can have
6 given the right tools. So if you could speak to
7 that, I would really greatly appreciate it.

8 MICHELLE RIVARD-PARKS: Well,
9 the first comment that I would have is with
10 respect to jurisdictional authority. And I will
11 say, I was once speaking at a conference and
12 speaking about jurisdiction as the attorney and
13 started to talk about authority and power and
14 control and I found myself kind of sounding like
15 an offender.

16 So, one of the elders suggested that
17 when we look at jurisdiction, perhaps we reframe
18 our thought a little bit to responsibility. And,
19 when we think about it in terms of
20 responsibility, people have a tendency to open up
21 and be more collaborative in nature. So, that
22 would be the first comment.

23 But in terms of jurisdiction, again,
24 in terms of mandating participation, if a tribe
25 wants to begin an MDT and there are neighboring

1 resources at the state level, for example, it's
2 very difficult for a tribe to mandate
3 participation of those state agencies. However,
4 if we can get the buy-in that we need the
5 multi-disciplinary process at the legislative
6 levels in terms of tribal legislators, state
7 legislators, federal legislators, then that will
8 trickle down to the service providers. And once
9 those services providers see that legislative
10 support at each of those levels, we see increased
11 participation and a willingness to share those
12 resources and work together. And there is a lot
13 of benefit I think to the parties involved to be
14 collaborative in our approaches.

15 So -- so I think the biggest thing is
16 really also reeducating ourselves to -- to think
17 about jurisdiction differently.

18 LEILA KAWAR GOLDSMITH: All I
19 would have to add is that it was very clear to me
20 early on at Tulalip that there is a broad ethic
21 among all the service providers that we share
22 responsibility for these problems and we share
23 the responsibility to find the solutions. It
24 wasn't just Indian Child Welfare who was -- their
25 problem or Health Clinic's problem.

1 However, in terms of jurisdiction, I
2 did seek and obtain resolution from the Board of
3 Directors stating that our program was wanted and
4 needed and it integrated basically Child Victim
5 Bill of Rights. And I look at child victim
6 rights as human rights. And, that's sort of how
7 it was framed. And so, there was that, you know,
8 at the highest level of support for creating our
9 program; however, again, you really can't mandate
10 outside programs and you don't want to. You
11 could get all the bodies in a room, but that's
12 completely different from collaborating.

13 And to be honest, we haven't had a
14 lot of difficulty getting people to come because
15 it's to their advantage and people from all
16 different disciplines begin to realize fairly
17 quickly that it is to their advantage. We can
18 help each other. But, if there is a facilitator
19 -- a large group of people need one in building
20 relationships with all of those different
21 agencies.

22 JOANNE SHENANDOAH: I'd like to
23 thank you for your testimony, your insights, and
24 your time with us today. Thank you very much.

25 SENATOR DORGAN: The next panel