

Office of Ombudsperson for AMERICAN INDIAN Families

May 3, 2023

Report for the Period 2/22/2023 through 5/2/2023

Duties of the Ombudsperson for American Indian Families

The Ombudsperson for American Indian Families investigates complaints for non-compliance of the Indian Child Welfare Act, the Minnesota Indian Family Preservation Act, Tribal State Agreement, Minnesota Statutes, Court Rules and DHS Policies that involve child protection cases, including placement, public education and housing issues related to child protection that impact American Indian children and families. The Ombudsperson also collaborates with tribes, agencies, counties, community organizations, courts, schools, other organization and stakeholders to develop policies, rules and laws to improve outcomes for American Indian Families involved in the child protection system, as well as collaborating on prevention programs. The Ombudsperson is advised and reports to the American Indian Community-Specific Board, who are all appointed by the Minnesota Indian Affairs Council.

Geographical locations of phone calls and emails

Becker, Bemidji, Carlton, Carver, Cass, Cook, Detroit Lakes, Duluth, Fond du Lac Reservation, Grand Rapids, Hastings, Hubbard, International Falls, Itasca, Leech Lake Reservation, Little Falls, Lower Sioux Indian Community, Mankato, Mille Lacs, Minneapolis, Ottertail, Perham, Red Lake Nation, Rice, Rochester, St. Cloud, St. Paul, Shakopee, Virginia, Washington, White Earth Nation, and States of Arizona, Michigan, North Dakota, South Dakota, and Wisconsin.

Tribes

Bad River Band of the Lake Superior, Bois Forte Band of Chippewa, Cherokee Nation, Cheyenne River Sioux, Crow Creek Sioux Tribe, Fort Peck Tribes, Lac Courte Oreilles, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Navajo Nation, Northern Cheyenne, Oglala Sioux, Red Cliff Band of Lake Superior Chippewa, Red Lake Band of Chippewa Indians, Robinson Rancheria Band of Pomo Indians (California) Rosebud Sioux, San Carlos Apache Tribe, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux, Turtle Mountain Band of Chippewa Indians, Upper Sioux Community Pezihutazizi Oyate, and White Earth Nation.

Some Issues from Cases for the Period of This Report

- Baby was not placed with biological grandmother, but placed in non-Native, non-Relative home.
- County did not provide the Relative/Kinship Paperwork to grandmother and other relatives.
- Counties continually not responding to phone calls/emails/texts from parents and relatives/kin.
- Ombuds sent a letter to the Court that the county should not have asked to administratively close the case and to cancel the court hearing because the request was made without consulting the tribe and parent
- Provided information and resources to grandparents for Third-Party Custody proceedings.
- Provided information and resources on Active Efforts to parents, relatives and parents' attorneys.

ICWA Education, Trainings and Continued Community Outreach

- Presented at 6 breakout sessions - "*A Conversation with the Ombudsperson for American Indian Families*"
- Discussions with DHS re: data
- Ramsey County ICWA Advisory Board Meeting.
- MUID Family Preservation Monthly Meetings and ICWA Education Weekly Planning Meetings.
- Carlton County ICWA Court Committee Meeting
- Citizens Review Panel Meetings for Hennepin and Ramsey.
- Children's Justice Initiative (CJI) Meetings: St. Louis County – Duluth, Carver, Dakota, Itasca, Ramsey, Scott and Stearn Counties.
- Attended CJA Subcommittee Meetings.
- Attended ICWA and Child Welfare trainings and webinars.
- Attended NICWA Annual Conference and Understanding ICWA in Reno, Nevada

- Meetings with Bois Forte, Lower Sioux, Mille Lacs, and Upper Sioux Tribal Child Welfare
- Meetings and discussions with Minnesota Ensuring Police Excellence and Improving Community Relations Advisory Council Committee Chair, POST (Peace Officer Standards and Training) Coordinator, to discuss proposed initiative regarding removal of children by law enforcement
- Observed court proceedings virtually around the State
- Attended Tribal Work Group and other meetings to strengthen MIFPA and legislative committee hearings.
- Attended community events and provided information and resources about the Agency.
- Attended Ceremonial Bill Signing of MIFPA
- Attended CJI ICWA Sub-Committee Meeting

Feedback from the Community

Hi Jill! I hope you are doing well. I just realized that my son has been back home for a year already! My son has been thriving every day since he returned home. He has an awesome set of providers on his team this time around. His Children's Mental Health Case Manager is magnificent and is always looking for services that would benefit him. We never had that prior to his placement through the county, it's a whole different world with a GOOD case manager!

*Thank you for everything you did for our family! The Talking Circle really opened people's eyes and I think that was also a big factor to my case closing. I am grateful that you went above and beyond to help locate an elder and for everything else you did. And also for educating others on the case by providing them with information and resources. **April 1, 2023 – Mother***

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Native Grandmother said she had been calling all over the place asking for some help about her baby granddaughter being removed. She said she had been calling around for months. She said that the social worker would never timely get back with her. Grandmother contacted DHS in early March for resources. DHS did not refer the case to the Ombudsperson until mid-April (6 weeks later). By the time that the Ombuds reached out to the grandmother (the same day of the referral) it was one week before the court hearing where the county had filed a Petition to Terminate the Parents Rights. The grandbaby was in foster care, but not placed with a relative.

Notice was sent to several tribes who all indicated that the child was not eligible for membership and therefore the case was treated as a Non-ICWA case. At the court hearing, one of the tribal workers attended and said if there was more Indian Blood, the child would be eligible for membership and ICWA would apply. Immediately following the hearing, the Ombudsperson reached out to one of the other tribes to inquire if the baby was eligible. That tribe re-evaluated the information and said that the baby would be eligible for enrollment and immediately sent a letter to the county to advise them that ICWA applied and ICWA placement preferences should be followed. The Ombuds sent the information to the grandmothers who sent the following emails:

*Omgosh!! What a HUGE relief!! This news has taken such a huge weight of worry off me!! I'm so VERY happy right now! Thanks for you Jill this AMAZING news has made my day!! Yayyy!! **May 1, 2023 – Grandmother***

Another grandmother in the same case who had wanted the baby placed with her, sent the following:
Sounds like great, great news! I actually have my walk through house check Wednesday so after that I should have the license.

*I was also disappointed about nobody speaking up about anything at court, me & the kids are patiently waiting on everything. Thank you for the information - it made my day and we really accomplished a lot since last court, amazing! That's what it took was for us to get out there & do the work to get this in place. Once again Miigwitch! **May 1, 2023 -- Grandmother***