



Report from Jill Kehaulani Esch, Esq.

February 6, 2024

Report for the Period 11/7/2023 through 2/6/2024

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

Aitkin, Bemidji, Carlton, Cass, Cook, Deer River, Detroit Lakes, Duluth, Fond du Lac Reservation, Grand Rapids, Hill City, Hubbard, Itasca, Leech Lake Reservation, Lower Sioux Indian Community, Mille Lacs, Minneapolis, Pipestone, Red Lake Nation, St. Cloud, St. Paul, Virginia, White Earth Nation, and States of Michigan, North Dakota, South Dakota and Wisconsin.

Tribes

Bad River Band of the Lake Superior, Bois Forte Band of Chippewa, Cherokee Nation, Cree Tribe of Montana, Crow Creek Sioux, Hopi Tribe, Keweenaw Bay Indian Community, Lac Courte Oreilles, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Iroquis Confederacy (Cayuga, Mohawk, Oneida, Onondaga, and Seneca), Mandan, Hidatsa and Arikara Nation, also known as the Three Affiliated Tribes, Mille Lacs Band of Ojibwe, Oglala Sioux, Red Cliff Band of Lake Superior Chippewa, Red Lake Band of Chippewa Indians, Rosebud Sioux, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux, Turtle Mountain Band of Chippewa Indians, White Earth Nation, Wintu Tribe of Northern California and Yankton Sioux.

Some Issues from Cases for the Period of This Report

- Courts proceeding with the Admit Deny Hearings without all the green cards being filed, which is a violation.
- Counties not serving parents and the BIA by certified or registered mail, return receipt requested as required.
- Tribes reporting that Counties are not providing them with all the documents and they need to continually ask for them.
- Foster youths reported that their attorneys are not speaking with them before the court hearings.
- Foster youth aged out at age 18, but said was never provided with information about Extended Foster Care Benefits.
- Former foster parents were able to access children's medical records and the issue is whether that access was lawful or unlawful. It is unclear if the mother signed a Request of Information

authorizing access. County Attorney said the Agency did not authorize the foster parents to access the children's medical records.

- Continued to follow-up with County on hiring an immigration attorney for a Canadian Native youth who was brought to Minnesota when she was very young and she was approaching her 18th birthday and would be aging out of the Foster Care System.
- Several people contacted the Ombudsperson about a social media posting and asked there be an investigation based on what was reported about how the youths in the care of the foster care providers were being treated. Ombudsperson immediately reached out to the County where the home is located and also the licensor of the Foster Care Providers and continuing to work the case.
- Tribe asked Ombudsperson to observe a court proceeding for a truancy case that had been opened for over two years.
- Provided information and resources to a Tribe and several Native Fathers on the Interstate Compact on the Placement of Children (ICPC).
- Provided information and resources 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

- MUID Family Preservation Monthly Meetings and ICWA Education Planning Meetings
- Itasca County ICWA Court Committee Meetings
- Citizens Review Panel Meetings for Chisago and Hennepin
- Children's Justice Initiative (CJI) Meetings around the State
- Children Justice Advisory Task Force Meeting/Subcommittee Meetings
- UMD Annual ICWA Conference hosted by the Center for Regional and Tribal Child Welfare Studies and Tribal Training and Certification Partnership
- Virtually observed court proceedings around the State
- Tribal Legislative Work Group and other meetings to strengthen MIFPA
- Various community events and provided information and resources about the Agency

Feedback from the Community

Everything is going really good! Thank you for checking in. I hope all is well with you. I think that finding you has helped us a lot....Thank you for helping and I want you to know that we really appreciate you! Native Father, 1/11/2024

Grandmother reached out on 1/22/2024. She said that the County was not helping her granddaughter (Mother of the children). Ombudsperson spoke with the Mother, Mother's Attorney, ICWA Guardian Ad Litem and Tribe on 1/22/2024 and 1/23/2024. Mother had an outstanding warrant and Mother's Attorney was able to make necessary arrangements with the County and the Court so that Mother could attend the court hearing in person on 1/24/2024 without being arrested. Ombudsperson observed the court proceeding. Grandmother sent the following email immediately after the court hearing:

Again, thanks for your help. I believe the court hearing would not have gone the way it did today if you did not become involved. There was no help from the county or the tribe for months.
Native Grandmother, 1/24/2024

I sit on a few CJI groups, where Jill attends meetings to educate participants on the Indigenous perspective and ICWA practice. For these reasons and more, her presence both in and out of court is truly invaluable to families and children... Tribal Attorney, 1/29/2024