



## Report for the Period of 8/1/2024 to 11/5/2024

### 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 is advised by and reports to the American Indian Community-Specific Board, who are all appointed by the Minnesota Indian Affairs Council. [OAIF Statute](#)

### Executive Summary

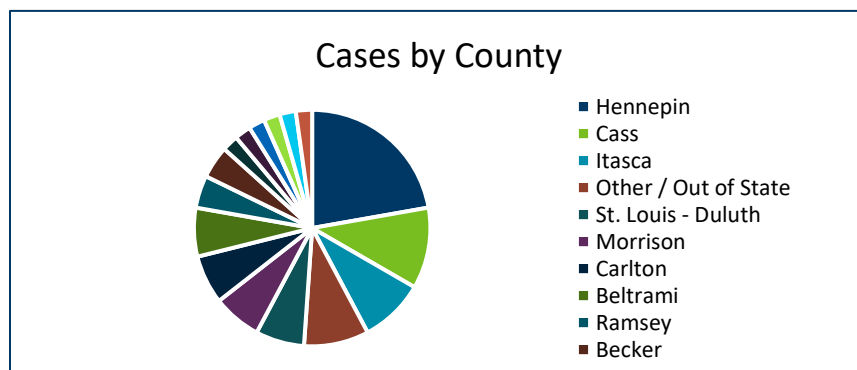
The Ombudsperson observes court hearings statewide over Zoom. The Ombudsperson participated on a panel discussion with other Ombuds at the Guardian ad Litem Training Institute. Other meetings and events included meeting the Mille Lacs Band Tribal Child Welfare Team, attending the Tribal State Agreement Meeting, Carlton County Judicial Center Open House, meetings with Mid-Minnesota Legal Aid, Children's Justice Advisory Task Force, Children's Justice Initiative Meetings around the state, Citizens Review Panel Meetings for Chisago, Hennepin and Ramsey, Safe Passage Legislative Breakfast Meeting, presenting at the ICWA Advisory Council, attending Indigenous People's Day at the American Indian Magnet School, Carlton County ICWA Court Meeting and discussions with stakeholders, partners and community members. The Agency is in the interview phase of hiring an investigator, with the assistance of the American Indian Community-Specific Board.

Cases monitored/investigated as of 7/31/2024: 100

New cases/inquiries from 8/1/2024 to 11/5/2024: 46

### Geographical locations of intakes (online, telephone, and email)

**Table 1. Counties identified during reporting period.\***



\*Some counties with 6% or less are not shown in the legend; the full list is included in Appendix 1 on page 4.

## Tribes

**Table 2. Tribes identified during this reporting period.**

Tribe	Number of Cases	Percentage of Cases
To Be Determined	18	39.13%
Leech Lake Band of Ojibwe	6	13.04%
Fond du Lac Band of Lake Superior Chippewa	3	6.52%
Mille Lacs Band of Ojibwe	3	6.52%
Out-of-State Tribes	3	6.52%
Red Lake Nation	3	6.52%
White Earth Nation	3	6.52%
Standing Rock Sioux	2	4.35%
Lower Sioux Indian Community	1	2.17%
Oglala Sioux	1	2.17%
Shakopee Mdewakanton Sioux Community	1	2.17%
Unknown Tribe	1	2.17%
Winnebago Tribe of Nebraska	1	2.17%

## Cases by Concern

**Table 3. Reasons for Contacting the Agency**

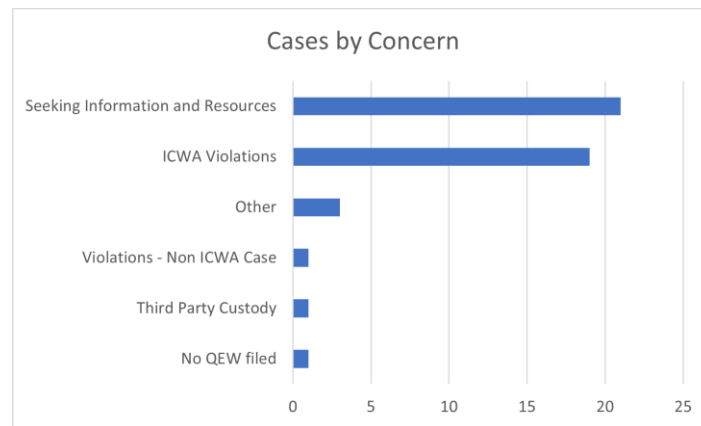


Table 3 shows that Seeking Information and Resources and ICWA Violations as the top concerns that have been received as submissions.

## Selected Matters from Cases During the Period of this Report

- Numerous complaints about how long it takes for DHS/DCYF to conduct their Background Checks.
- Non-custodial parent reported child did not come with clothing/shoes that child had when was with the foster care provider.
- Youth reported custodial parent refused to allow youth to take personal belongings and hygiene products when youth was removed from parent's home.

- Grandparents are reporting that counties are not contacting them for placement of their grandchildren, nor are they allowed visits with grandchildren when they are in out-of-home placement.
- Non-custodial father reported that county is not helping him to secure adequate housing for him and his children – father and children are currently living in a one-bedroom apartment.
- Custodial parent reported the county did not provide a case plan stating what parent needs to do to work towards a reunification with child.
- Foster care provider reported county stopped paying provider for the caring of foster child and now provider is using her own monies to care for child. Provider did not fully understand the terms of the Kinship Placement Agreement and felt pressured to sign it or child would be removed from home.
- Incarcerated parents not attending the Zoom Court Hearings.
- Numerous violations regarding counties not securing the required Qualified Expert Witness Testimony to support the out-of-home placement of the child, or during the permanency proceedings.
- Continued violations on required ICWA notices not being sent, green cards not being filed before Courts hold the Admit Deny Hearings, Courts' Order not finding that ICWA applies when tribes have been participating in cases.

### **Feedback from the Community**

The Women of Shakopee Program was relaunched in July 2024 – educating incarcerated moms of Native children on their rights when their children are in child protection; the next meeting is November 13, 2024. See letter from Lori Timlin, Parenting Coordinator at the Shakopee Correctional Facility, page 5 of this report (Appendix 2).

### **Report from the American Indian Community-Specific Board**

The Minnesota Indian Affairs Council appoints the members of the American Indian Community-Specific Board. The Board advises and assists the Ombudsperson for American Indian Families pursuant to [Minn Stat. §3.9216](#) and attended and/or worked on the following in their capacity as Board Members:

- Interviewed candidates for the Agency's Investigator position.
- Hosted a Community Board Meeting in St. Paul.
- A Board Member presented at the Carlson Family "Uplifting Youth" event – the presentation was on engaging youth and connecting to resources.
- Attended the Ramsey County ICWA Advisory Meeting.

## Appendix 1. Geographic locations of intakes (online, telephone, and email)

**Table 1b. Counties identified during the reporting period.**

<b>County</b>	<b>Number of Cases</b>	<b>Percentage of Cases</b>
Hennepin	10	21.74%
Cass	5	10.87%
Itasca	4	8.70%
Out-of-State Residence (for states other than MN, including DC and Canada)	4	8.70%
St. Louis - Duluth	3	6.52%
Morrison	3	6.52%
Carlton	3	6.52%
Beltrami	3	6.52%
Ramsey	2	4.35%
Becker	2	4.35%
Aitkin	1	2.17%
Sherburne	1	2.17%
Rice	1	2.17%
Murray	1	2.17%
Mower	1	2.17%
McLeod	1	2.17%

## **Appendix 2. Letter to OAIF from Shakopee Correctional Facility Parenting Coordinator**

November 5, 2024

To Whom It May Concern:

I am the Parenting Coordinator for the correctional facility at Shakopee. In that capacity, I have developed a relationship with Jill Kehaulani Esch, Ombudsperson for American Indian Families in MN. Beginning in 2018, Ms. Esch has made regular visits to our facility to conduct informational sessions for our American Indian incarcerated women. Despite composing only 1% of the total population of MN, indigenous women make up 24% of the population at Shakopee, the only state-run facility housing women in MN.

Many of the women incarcerated at Shakopee have CHIPS involvement. Approximately 76% of the women housed here report they are a parent to a minor child.; our population currently stands at 576. Ms. Esch has educated the women on the Indian Child Welfare Act and the MN Indian Family Preservation Act. She encourages the women to advocate for themselves, by first understanding how these laws apply in their individual situations. She has further talked about cultural trauma, the role of individual tribes, and has offered resources of which the women were not aware of could not access on their own. There are occasions when women have questions that are specific to their cases, and Ms. Esch has graciously made herself available by phone or virtually to address them in private.

Over covid, our regular schedule was disrupted, as our facility became closed to all visitation. I am thrilled to report we resumed our sessions in July, 2024, and will be meeting again later this month. On average, 10-12 women attend. They have become far more aware of the ways in which the law protects Indian children, and may have impact in the court.

I am grateful for this valuable resource, and have found Ms. Esch to be an asset to our incarcerated women, as well as a knowledgeable source for me with whom to consult.

Please feel free to contact me if you have questions.

Yours truly,

Lori Timlin

Parenting Coordinator

Minnesota Department of Corrections