



---

Report for the Period 8/04/2025 to 11/17/2025

### **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 (ICWA), the Minnesota Indian Family Preservation Act (MIFPA), the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA) as it pertains to Native Children, the Tribal State Agreement, Minnesota Statutes, Court Rules and DHS and DCYF 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 and Office Investigator continue to observe court hearings around the state.
- Meetings with the Program Coordinator with the State-Tribal Partnership and their third-party evaluator re: ICWA violations.
- Meetings with St. Paul Indians in Action (SIA), MUID Family Preservation Committee, Children's Justice Advisory Task Force, Children's Justice Initiative (CJI) Meetings around the State, and Citizens Review Panel Meetings for Chisago, Hennepin and Ramsey.
- Attended Children's Justice Advisory Task Force and Citizens Review Panel Annual Retreat; the CASCW Child Welfare Conference; and the Foster Advocates - Minnesota Promise Discussion.
- Attended various state agency briefings and trainings including DHS/DCYF, Data Practices, COOP, HR, SmART, Agency Budget and other topics.
- Presented at the Annual Meeting of the Minnesota Native American Indian Bar Association and tabled at the American Indian Magnet School on Indigenous Peoples' Day.
- Meet and Greet Meetings with the Dept of Corrections Family Supports Unit and the DCYF American Indian Well-Being Unit.
- Ramsey County Tribal Flag Installation Planning Work Group and Annual ICWA Meet and Greet Planning Committee. Agency attended the Tribal Flag Ceremony at the Minnesota State Capitol, the Ramsey County Tribal Flag Ceremony and Annual ICWA Meet and Greet.
- Provided input to the GAL Program, ICWA Division re: the format of their reports.
- United States Ombudsman Association Planning Conference Committee and Tri-Chair of the Children and Families Chapter. Agency attended the 2025 USOA Annual Conference in Vail, Colorado.
- Attended Ombuds Under Attack; Ombuds Principles and Practices International Ombuds Symposium.
- Meetings with the IT Consultant to continue to enhance the Agency's case management system.

### **Recipient of the first US Ombudsman Association (USOA) Member Recognition Award**

This Award recognized and celebrated a member who, during the past year, worked to advance and support the USOA. The member's service helped to make the USOA a stronger organization, demonstrated by commitment and contributions to the organization and its membership.

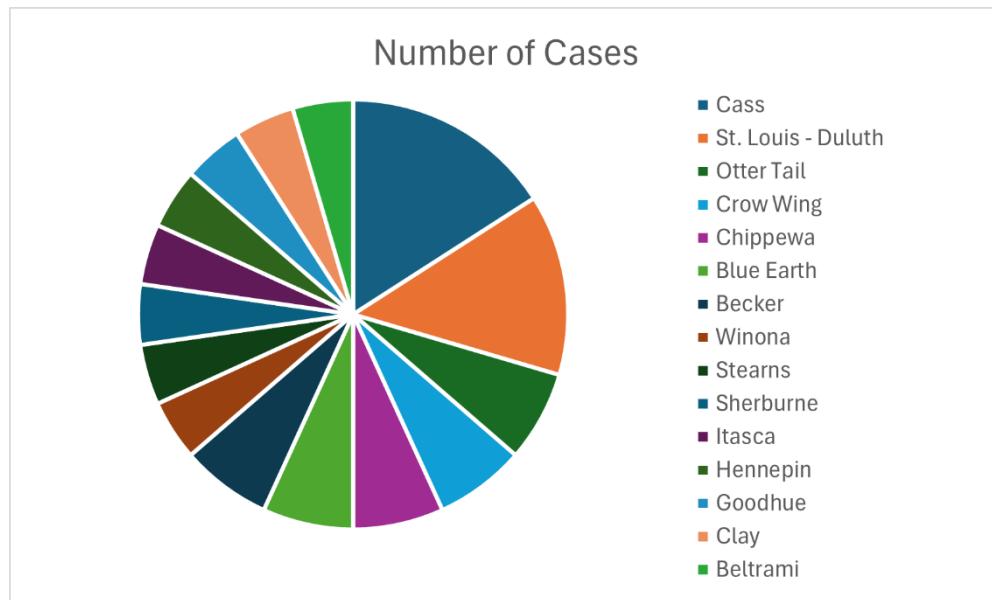
### **Data**

Number of cases for this reporting period: 59 total from 30 counties

Number of court hearings observed for this reporting period: 87 total from 29 counties

Total number of cases that are being Monitored/investigated: 219 cases (since 1/17/2024)

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

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

\*Some counties with less than 3% are not shown in the graph; Appendix 1 provides the full list of counties.

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

| Tribe                                      | Number of Cases | Number of Cases (% of col) |
|--|-----------------|----------------------------|
| Other                                      | 9               | 15.3%                      |
| Leech Lake Band of Ojibwe                  | 8               | 13.6%                      |
| No Tribe                                   | 8               | 13.6%                      |
| White Earth Nation                         | 7               | 11.9%                      |
| Mille Lacs Band of Ojibwe                  | 6               | 10.2%                      |
| Fond du Lac Band of Lake Superior Chippewa | 5               | 8.5%                       |
| Red Lake Nation                            | 5               | 8.5%                       |
| Bois Forte Band of Chippewa                | 3               | 5.1%                       |
| Lac Courte Oreilles                        | 2               | 3.4%                       |
| Lower Sioux Indian Community               | 1               | 1.7%                       |
| Non-Federally Recognized Tribe             | 1               | 1.7%                       |
| Northern Cheyenne                          | 1               | 1.7%                       |
| Oglala Sioux                               | 1               | 1.7%                       |
| Prairie Island Indian Community            | 1               | 1.7%                       |
| Upper Sioux Community                      | 1               | 1.7%                       |

## Cases by Concern

**Table 3. Reasons for contacting the agency.**

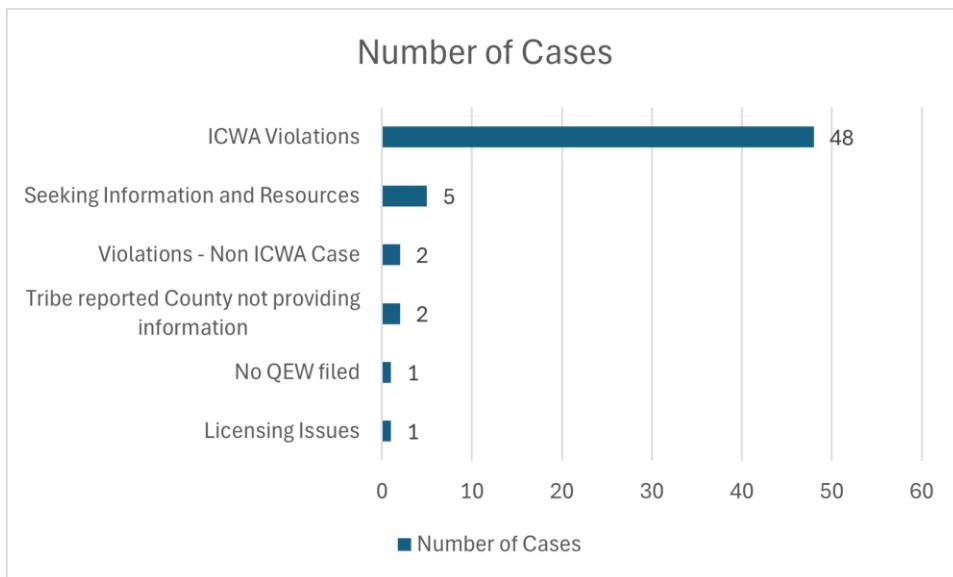


Table 3 shows that ICWA Violations are overwhelmingly the top concern that has been received during this reporting period.

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

- By attending and observing court hearings around the State, the Agency has found there to be numerous ICWA/MIFPA violations which include, but not limited to: Counties having parents sign the green cards in person, instead of it going through the US Mail process; one county faxed the green card to the Bureau of Indian Affairs; counties not sending out the required notices via certified or registered mail, return receipt requested when the children are in protective custody or under protective supervision; counties not sending individual notices to the BIA, but sending only one notice to the BIA when the county is not able to locate a tribe on behalf of a Native parent.
- Courts are inconsistent on how they are handling the Admit Deny Hearings, including judges in the same county who are doing it differently from their judicial colleagues.
- Tribes continue to report that the family genograms that are sent to them are incomplete.
- Court Administrations use different procedures as to when they place an ICWA Flag or remove the ICWA Flag when the Court has determined that ICWA does not apply. Ombuds has sent numerous email communications to Court Administrations to ask that the ICWA Flag be added when there is reason to believe, or the ICWA Flag be removed once Court determined ICWA does not apply.
- Counties having different procedures when the hearing is in-person, but the Agency requests to observe over Zoom. One county took our request for the Zoom Meeting information “Under Advisement” and did not readily provide the information until it had been approved by the Court.
- Violations re: the Out of Home Placement Plans include counties not timely filing them and not developing the plans with the parents, Tribes, GAL and others prior to filing them with the Court.

- Tribes reported that counties are not making Active Efforts prior to removal of the children, nor discussing possible Safety Plans prior to removal. Parents also reported on no Active Efforts.
- In one case, the Court found the County did not provide Active Efforts.
- The Tribe reported they deserve some deference on a permanency placement, even between two relatives, and that "*the Band should be in the driver's seat on their choice*" -- the children have a stronger pre-existing relationship with the grandparent than the other relative. According to the Tribe, since the social worker and the ICWA GAL both agreed on the other relative, they outnumbered the Tribe's choice. Tribe said: "*It's 2 votes (social worker and GAL) and 1 vote (Tribe) -- so tough luck.*"
- For one court hearing, the Ombuds' suggestion on having a *Talking Circle Facilitated by a Tribal Elder* was very well received by all the parties and the Court; that is how they said they would proceed.
- Parents frustrated -- if they are doing so good on working their case plans and staying sober, why aren't their children returned to them on a trial home visit.
- A Tribal Attorney was waiting in the wrong Zoom waiting room; but no one from the Court, nor the County Attorney Office, reached out to the Tribal Attorney to inquire if the Tribal Attorney was appearing. Tribal Attorney was of record and everyone had attorney's contact information. Case was called on time, but Tribal Attorney was not at the court hearing. (Courts in other counties have reached out to attorneys and Tribes who were of record -- but were not at the court hearing.)
- Agency connected to several Zoom Hearings, but Agency never admitted into the Zoom Courtrooms.

### **Feedback from the Community**

*The Office of the Ombudsperson for American Indian Families really helped my relative during a child protection case. They came to court hearings to make sure that ICWA and MIFPA were being followed. I believe that the County worked in a prevention-focused way so the children could stay safely with family because the Ombudsperson was there to observe the court hearings. The information and resources provided by the Ombudsperson helped the Court and others to understand the law. I strongly believe that their involvement made a big difference in keeping the family together and helped everyone to focus on healing.*

*In addition, the Office of the Ombudsperson for American Indian Families is an essential safeguard for fairness, cultural understanding, and family preservation in Minnesota's child welfare systems.* Elder, Grandmother and Tribal Citizen, 11/13/2025

*Jill has always been amazing to work with. Her role is vital to protecting and informing American Indian Families in Minnesota. When I reach out to Jill, or my clients reach out to Jill, there is always a rapid response received. Her investigations are complete and thorough. She provides culturally appropriate resources and helpful information related to ICWA and MIFPA. I know when Jill Esch is involved, the voices of American Indian families will be heard.* Parent Attorney, 11/14/2025

### **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:

- Assisted the Ramsey County Tribal Flag Installation Ceremony Planning Work Group for the historic event on September 29, 2025.
- Attended the Ramsey County Tribal Flag Ceremony – "*It was an emotional and uplifting event.*"
- Attended the Annual ICWA Meet and Greet at the Minneapolis American Indian Center.

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

| County of Residence | Number of Cases | Number of Cases (% of col) |
|---------------------|-----------------|----------------------------|
| Cass                | 7               | 11.9%                      |
| St. Louis - Duluth  | 6               | 10.2%                      |
| Otter Tail          | 3               | 5.1%                       |
| Crow Wing           | 3               | 5.1%                       |
| Chippewa            | 3               | 5.1%                       |
| Blue Earth          | 3               | 5.1%                       |
| Becker              | 3               | 5.1%                       |
| Winona              | 2               | 3.4%                       |
| Stearns             | 2               | 3.4%                       |
| Sherburne           | 2               | 3.4%                       |
| Itasca              | 2               | 3.4%                       |
| Hennepin            | 2               | 3.4%                       |
| Goodhue             | 2               | 3.4%                       |
| Clay                | 2               | 3.4%                       |
| Beltrami            | 2               | 3.4%                       |
| Wilkin              | 1               | 1.7%                       |
| Wadena              | 1               | 1.7%                       |
| Stevens             | 1               | 1.7%                       |
| Rice                | 1               | 1.7%                       |
| Red Lake            | 1               | 1.7%                       |
| Pine                | 1               | 1.7%                       |
| Pennington          | 1               | 1.7%                       |
| Olmsted             | 1               | 1.7%                       |
| Nobles              | 1               | 1.7%                       |
| Nicollet            | 1               | 1.7%                       |
| Koochiching         | 1               | 1.7%                       |
| Hubbard             | 1               | 1.7%                       |
| Douglas             | 1               | 1.7%                       |
| Dakota              | 1               | 1.7%                       |
| Chisago             | 1               | 1.7%                       |