



Report for the Period of 11/6/2024 to 12/22/2024

## **Duties of the Ombudsman for American Indian Families**

The Ombudsman 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 Ombudsman 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 Ombudsman continues to observe court hearings. Meetings with Guardian ad Litem Program, Center for Advanced Studies in Child Welfare, MUID Family Preservation Committee, Children's Justice Advisory Task Force, Children's Justice Initiative Meetings, Citizens Review Panel Meetings for Chisago, Hennepin and Ramsey. Attended AIFACS Stakeholders' Meeting, MUID Annual Meet and Greet, Presentation on Education Rights for American Indian Families and US Ombudsman Association Pre-Conferences and Conference. Re-elected to be one of the chairs of the Children and Families Chapter (been serving in this role since 2017).

Discussions with Court and others about the importance of having incarcerated parents attend court hearings so that default is not taken against them. Presentation to the Women of Shakopee on the rights of incarcerated mothers of Native children when their children are in foster care (attended by Wendy Spry, DOC Tribal Relations Director). Presented to State Administration Agency: *Awareness is Power – What Do You Know About the Office of Ombudsman for American Indian Families*. Hosted the St. Paul Indians in Action December Meeting.

Instrumental in working with Anoka County to have their first Smudging Ceremony in the Anoka County Courthouse.

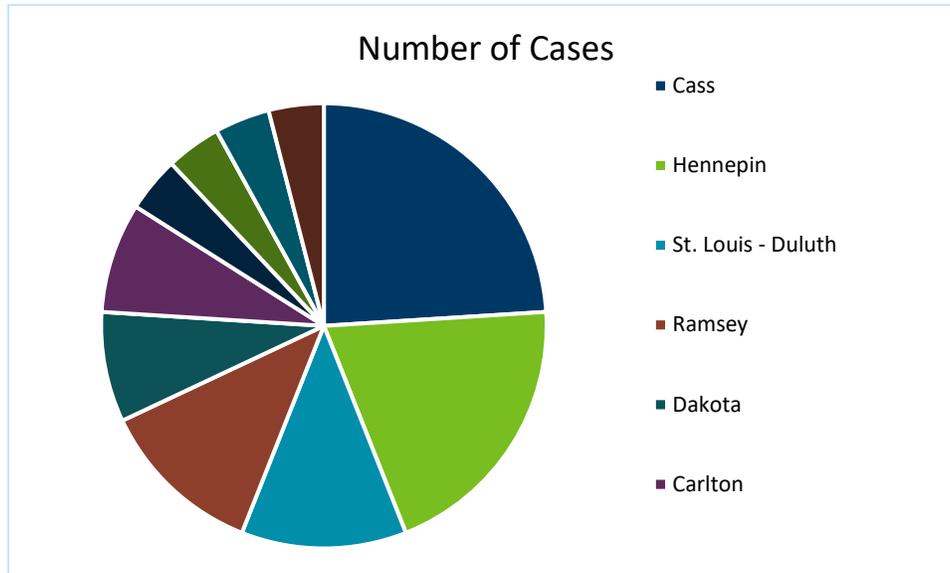
The Agency is in the interview phase of hiring an investigator, with the assistance of the American Indian Community-Specific Board.

Cases monitored/investigated (which includes the new cases noted below): 159

New cases/inquiries for this reporting period: 25

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

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



\*Counties with less than 8% are not shown in the legend; Appendix 1 provides the full list.

## Tribes

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

Tribe	Number of Cases	Percentage of Cases
Red Lake Nation	6	24%
Leech Lake Band of Ojibwe	4	16%
Mille Lacs Band of Ojibwe	3	12%
White Earth Nation	3	12%
Fond du Lac Band of Lake Superior Chippewa	2	8%
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation	2	8%
Unknown Tribe	2	8%
Bois Forte Band of Chippewa	1	4%
Other	1	4%
Winnebago Tribe of Nebraska	1	4%

## Cases by Concern

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

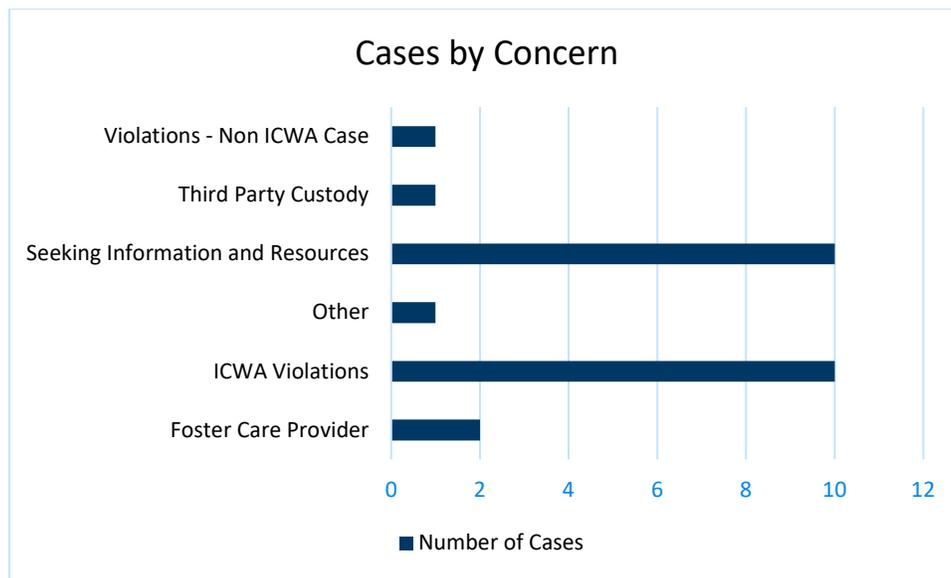


Table 3 shows that ICWA Violations, Seeking Information and Resources, and Foster Care Provider as the three top concerns that have been received as submissions during this reporting period.

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

- Law Enforcement removed child from home, but did not contact the social work agency until a day and a half later. Custodial parent was not told what was going on. The Ombuds contacted the county and within hours of the Ombuds' contact, child was returned to parent, with no filing of a CHIPS petition.
- Tribe reported that county was continually having meetings without including the Tribe.
- Emergency shelter was concerned about a youth who would be discharged from a treatment facility without a safe place to go. Less than 24 hours of submitting online complaint, Ombuds reached out to the county and the treatment facility, and a plan was formalized with input from the youth.
- Incarcerated father did not show up at his court hearing due to correctional facility issues.
- Elder shared that the case plans should include more cultural services.
- Parent attorney told the parent it would take longer to get children back if ICWA applied.
- Social worker said ICWA would not apply, despite the parent stating that parent and children "had Indian Blood". ICWA was only applied when the Court ordered the ICWA Flag to be placed on the file because the parent let the Court know that parent and children "had Indian Blood".
- ICWA Guardian ad Litem not being told by the county that the child was no longer with custodial parent on a trial home visit.
- Several complainants reported that the county has not been responsive when contacted.
- 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 for not including tribes on every step of the case, required ICWA notices and family genograms not being sent, green cards not being filed prior to the Admit Deny Hearings.

## Feedback from the Community

The following thank you was received after attending a court hearing.

*“We want to thank you for your continued support throughout this difficult process. Having your presence throughout the court proceedings has provided immense relief to our family. Also, your guidance and resourcefulness in maneuvering through this have been invaluable.”* Parents of a Native Child, 12/19/2024

## 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:

- Attended St. Paul Indians In Action Meeting, which was hosted by the Office of Ombudsperson for American Indian Families.
- Attended POST Juvenile Justice Sub-Committee Meeting.
- Reviewed applications for the investigator position and scheduled interview dates to take place in January 2025.

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

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

County	Number of Cases	Percentage of Cases
Cass	6	24%
Hennepin	5	20%
St. Louis - Duluth	3	12%
Ramsey	3	12%
Dakota	2	8%
Carlton	2	8%
St. Louis - Virginia	1	4%
Out-of-State Residence (for states other than MN, including DC and Canada)	1	4%
Chisago	1	4%
Beltrami	1	4%