



Report for the Period 12/23/2024 to 5/20/2025

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

Keynote Speaker at the National Indian Child Welfare Association (NICWA) Annual Membership Meeting in Orlando, Florida. Testified before the Legislature on HF 2184/SF 472 for the Court to waive filing fees when letters sent to the Court. Bill passed with bi-partisan support (3 opposed in the House, unanimous in Senate) and was signed by Governor Walz. (See attached article from Imprint News, page 7 of this Report.)

The Ombudsperson continues to observe court hearings around the state. 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, and Citizens Review Panel Meetings for Chisago, Hennepin and Ramsey. Attended numerous conferences, meetings, and trainings online and in person.

Continued discussions with Courts and others about the importance of having incarcerated parents attend court hearings so that default is not taken against them. Began discussions with the Dept of Corrections re: incarcerated fathers having visits with their Native children when there is a child protection case.

Presented before the ICWA Advisory Council, Anoka County CJI and Benton County CJI. Meetings with Fond du Lac Social Services, Lower Sioux Tribal Child Welfare, Red Lake Nation Tribal Child Welfare, and Carlton County Social Services. Meeting with Elder on the importance of Culture Awareness. Member of the Ramsey County Tribal Flag Installation Ceremony Committee. Formed the ICWA Circle with the US Ombudsman Association Children and Families Chapter.

Designed and published the Agency's Brochure. With the assistance of the American Indian Community-Specific Board, hired the Agency's first staff member, Natalie Goodman, who is the Agency's Investigator.

Number of Cases for this reporting period: 67

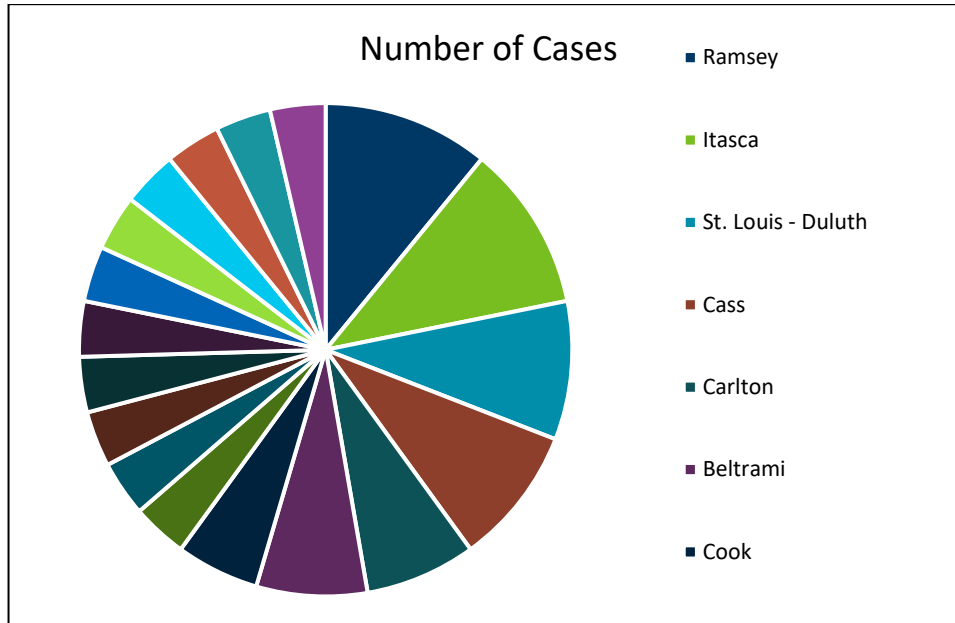
Total number of cases that are being monitored/investigated: 181

Website Data: Total Pages Viewed since launching of website on August 24, 2022: 14,192 pages viewed.

Top 5 pages viewed: Home Page, What We Do, Reports, Resources, and How We Can Help.

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

Table 1. Counties identified during reporting period.*



*Counties with less than 4% 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
Mille Lacs Band of Ojibwe	10	15.15%
Red Lake Nation	10	15.15%
Leech Lake Band of Ojibwe	8	12.12%
Fond du Lac Band of Lake Superior Chippewa	5	7.58%
Unknown Tribe	5	7.58%
No Tribe	4	6.06%
Oglala Sioux	4	6.06%
White Earth Nation	4	6.06%
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation	3	4.55%
Bois Forte Band of Chippewa	2	3.03%
Cherokee Nation	2	3.03%
Grand Portage Band of Lake Superior Chippewa	2	3.03%
Other	2	3.03%
Not Yet Known	1	1.52%
Bad River Band of the Lake Superior	1	1.52%
Lac Courte Oreilles	1	1.52%
Upper Sioux Community	1	1.52%
Winnebago Tribe of Nebraska	1	1.52%

Cases by Concern

Table 3. Reasons for contacting the agency.

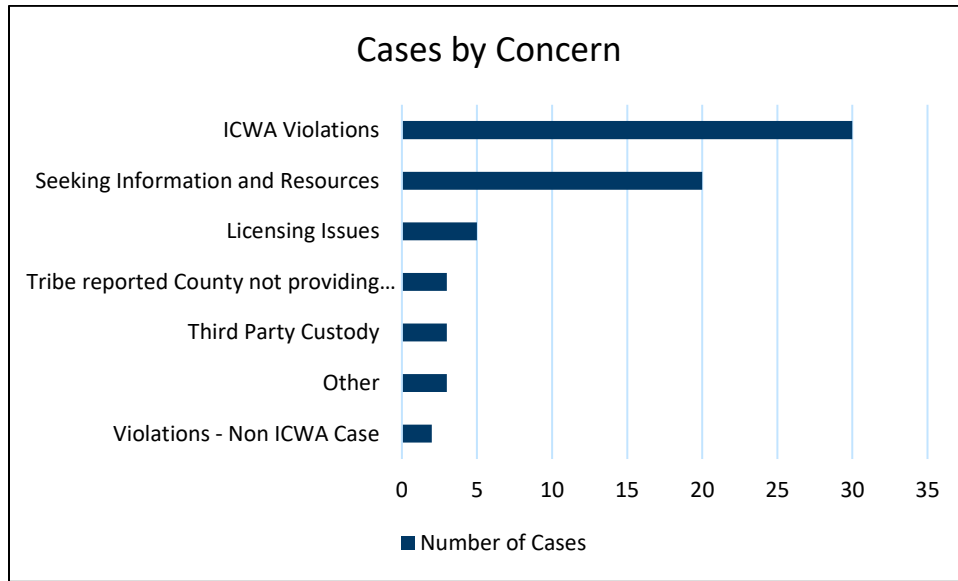


Table 3 shows that ICWA Violations and Seeking Information and Resources are the top concerns that have been received as submissions during this reporting period.

Cases by Relationship

Table 4. Cases by Relationship.

What is your relationship to the Case?	Number of Cases	Percentage of Cases
Mother	68	28.22%
Grandparent	33	13.69%
Attorney	23	9.54%
Tribal Representative	23	9.54%
Father	20	8.30%
Relative	18	7.47%
Other	15	6.22%
Court Calendar	12	4.98%
Therapist	6	2.49%
Guardian ad Litem	4	1.66%
OAIF Systemic Investigation	4	1.66%
Did Not Answer	3	1.24%
Foster Care Provider	3	1.24%
Child/Youth	2	0.83%
Teacher	2	0.83%
Advocate	1	0.41%
County Assistant Attorney	1	0.41%

County or State Worker	1	0.41%
Elected Official	1	0.41%
Witness	1	0.41%

Table 4 is the first time that the Agency is showing the Relationships of the Complainants. This data is for all cases, not just for this reporting period.

Selected Matters from Cases During the Period of this Report

- Social worker canceled visit with incarcerated father and his children because worker was not going to be in the office. The Ombuds immediately asked the Department of Corrections to keep the visit on and contacted the County Attorney -- who instructed County Social Services Agency to have another social worker monitor the visit. This resulted in an expedited process by the DOC to have the substitute social worker complete the necessary form and procedures which would allow the social worker to step in to supervise the visits with father and his children. The Warden of the prison was even contacted so that the incarcerated father could have his regular visit with his children.
- Tribe contacted the Ombuds because the County had scheduled an Admit Deny Hearing even before the Tribe had received the Notice. Ombuds contacted the County and provided information and resources on why the Admit Deny Hearing needed to be rescheduled. Ombuds was later asked by the County CJI Coordinator to educate the CJI Team.
- Grandmother reported that her daughter, who is at an in-patient facility, told her that the facility confiscated all her sacred medicines and told her she could not smudge.
- ICWA Guardian Ad Litem reported did not know that the County had removed the child from the foster home until the Ombuds contacted the ICWA GAL.
- A Guardian ad Litem had not been appointed to a case which had been open for more than 6 months. An ICWA GAL was appointed when the Ombuds brought this to the attention of the GAL Program, who reached out to the County Court Administration and the County Attorney.
- Foster care provider reported not being timely paid.
- At a court hearing, an ICWA GAL reported that despite several requests to the County for information that the ICWA GAL needed, the County continually refused to provide the information. The Court ordered the County to immediately comply and noted that the ICWA GAL could let the Court know if there was continued non-compliance.
- Foster care providers are frustrated that they attend the court hearings, but the courts don't call on them to inquire on how the children/youth are doing.
- Continued complaints that the Counties have not been responsive when contacted.
- Continued violations that Counties are 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 counties not including Tribes on every step of the case, not providing Tribes with all records and reports that they receive, not providing the required MIFPA notice (within 24 hours), the ICWA Notice when the court petitions are filed, family genograms are not complete, green cards are not filed prior to the Admit Deny Hearings.

Feedback from the Community

I would like to give a Chi Miigwech (Big Thanks)

To the Office of Ombudsman for American Indian Families for the information and resources that were provided in this process I went through with my family. I don't think I could have navigated successfully without the assistance and help from this office. [Native Parent, 5/19/2025]

Jill, thank you for your timely response to my note requesting to talk to you about a situation in my family regarding a minor relative. I can't thank you enough for following our case, for helping us to know our rights so that we could ask our attorney the questions we had and also the workers during an especially stressful time. Our family thanks you!

Kindly,

Great Aunt and now parent to a beautiful healthy little niece, 5/19/2025

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:

- Interviewed and selected the candidate for the Agency's investigator position.
- American Indian Day on The Hill.
- National Indian Child Welfare Association (NICWA) Annual Conference in Orlando, Florida.
- St. Paul Indians in Action.
 - These meetings are attended by organizations serving the American Indians in St. Paul.
 - Feedback, suggestions and ideas are discussed on how to reach and serve the St. Paul American Indian Community.
- Peace Officers Standards and Training (POST) Advisory Board, Sub-Committee on Juvenile Justice.
 - The Sub-Committee is working on an educational video for the public regarding the rights of juveniles when they are in contact with law enforcement.
 - This originated out of law enforcement taking DNA from juveniles with only probable cause, unlike with adults where a conviction is required in order to obtain DNA.
 - As a result of a statute change, the Sub-Committee is working to educate the public.
- Partnership for Equitable and Resilient Communities (PERC)
 - This partnership was launched in 2022 with St. Paul (one of four cities in The Nation) who committed to advance racial equity and justice locally and who have strong community organizations to steward funding.
 - The purpose of this partnership is for economic stability in infrastructure economics and housing ownership for American Indians, African Americans and Latinex.
 - The committee meets 3 times a month.
- American Indian Partnership with Ramsey County and Child Protection for Ramsey County
 - A collaboration to bring community members in guiding the child protection process for American Indian Families residing in Ramsey County.

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

County of Residence	Number of Cases	Percentage of Cases
Ramsey	6	9.09%
Itasca	6	9.09%
St. Louis - Duluth	5	7.58%
Cass	5	7.58%
Carlton	4	6.06%
Beltrami	4	6.06%
Cook	3	4.55%
Washington	2	3.03%
Stevens	2	3.03%
St. Louis - Virginia	2	3.03%
Polk	2	3.03%
Pine	2	3.03%
Out-of-State Residence (for states other than MN, including DC and Canada)	2	3.03%
Mille Lacs	2	3.03%
Martin	2	3.03%
Hennepin	2	3.03%
Dakota	2	3.03%
Crow Wing	2	3.03%
Winona	1	1.52%
Sherburne	1	1.52%
Scott	1	1.52%
Pope	1	1.52%
Other / Out of State	1	1.52%
Olmsted	1	1.52%
Mahnomen	1	1.52%
Kandiyohi	1	1.52%
Goodhue	1	1.52%
Benton	1	1.52%
Anoka	1	1.52%

Article about OAIF Legislation in Imprint News, Filed 5/13/2025 1:38pm

Minnesota Governor Signs Bill to Support the Work of the State Ombuds for American Indian Families

BY [NANCY MARIE SPEARS](#)

Excerpt from article

Minnesota Gov. Tim Walz signed a [bill](#) into law last week that will better support the state's Office of Ombudsperson for American Indian Families by relieving the independent agency from having to pay court fees when it weighs in on child welfare cases.

"This will allow the Ombudsperson to operate with less financial hindrance, therefore providing better advocacy for American Indian Families," state Sen. Mary Kunesh said in a statement.

Kunesh and Rep. Sandra Feist [co-authored the bill](#) which will go into effect on August 1. The new law will exempt the ombuds office from paying court fees in cases involving children's care and custody, human services and marriage dissolution, as well as guardianships for minors or incapacitated people.

The ombudsperson regularly sends letters to Minnesota courts to advise them of the special protections that tribal children must be afforded in child protection cases. However, under current rules there is a substantial filing fee, which only some courts have waived. Due to those costs, the ombuds office is limited in the number of letters that it can file.

New support will also be in place for the Minnesota Office of Ombudsperson for American Indian Families, created in 2021 and believed to be the only independent state agency of its kind in the nation. The office investigates complaints about failures to comply with the Indian Child Welfare Act (ICWA) and the Minnesota Indian Family Preservation Act (MIFPA), statutes that govern child protection cases for tribal children. Ombuds staff provide information and resources regarding Indigenous children in the child welfare system, including placement, public education and housing issues.

Although ombudsperson Jill Kehaulani Esch, who is Native Hawaiian, is a Minnesota-licensed attorney, she does not provide legal advice and does not advocate for any particular side of a case. Rather, she dispenses information and resources, and acts as an independent party ensuring that all relevant laws and statutes are being adhered to. Her office can recommend actions to correct non-compliance with ICWA and MIFPA and make policy recommendations, but does not have enforcement authority.

The office typically weighs in when the fate of Indigenous children is before the family courts. In one [case](#), for example, Esch called out "insufficient and or/incomplete information" regarding a child who is a member of the Yankton Sioux Tribe, and informed a judge that the tribe, the child's parents and the Bureau of Indian Affairs had not been properly notified of the case that falls under special state and federal protections.

Article about Jill Kehaulani Esch in University of Minnesota's CASCW Legislative Preview, 2/20/2025



What is your role and organization affiliation?

I am the Ombudsperson with the Office of Ombudsperson for American Indian Families. Through the zealous and strong advocacy of the Minnesota Indian Affairs Council, the American Indian Community-Specific Board and the American Indian Community, this agency was created by the Minnesota Legislature in 2021. We are the only independent state agency of its kind in the nation.

Unfortunately, Minnesota is number one in the nation for the removal of American Indian children from their homes. The Native population is just under 2%, but represents between 20 to 25% of the cases in child welfare.

Our Agency investigates complaints for non-compliance of the Indian Child Welfare Act (ICWA), the Minnesota Indian Family Preservation Act (MIFPA), Minnesota Statutes, Rules and State Policies that involve child protection cases, as well as housing and public education cases related to child protection.

What are you bringing to the Legislature this session and are there any specific bills your organization is currently working on?

As a licensed attorney, I can send letters to the court when there are ICWA/MIFPA violations. While most counties will waive the court filing fee, some do not. We are working with Senator Mary Kunesch and Representative Heather Keeler on getting the law changed to waive the court filing fees for when letters need to be sent to the court.

What will you be most focused on this session?

In 2023, there were amendments made to MIFPA, and last year the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA) passed. If a Native child/youth is not eligible for membership in a Tribe, then MIFPA would not apply, but the new act would. We are working with the state and county partners and stakeholders to ensure that all applicable rules and laws are followed for Native children and youth who are in out-of-home placement.

Are there specific bills your organization is currently working on or advocating for?

Our agency strongly supports the legislation to: (1) increase the compensation for the ICWA Guardians ad Litem and the Guardians ad Litem; (2) enact the Foster Bill of Rights; and (3) equalize benefits for all children within the Northstar Care for Children Program.

What do you think child welfare professionals should pay close attention to during this session?

Last year, my Ombuds colleagues and I testified to gain access to the State's SSIS System. Since 2017, I have co-chaired the United States Ombudsman Association Children and Families Chapter. The majority of my nationwide colleagues have shared that their legislation allows them to have access to their state's child welfare database. There should be a way that Minnesota Ombuds who work with children and families should have immediate access to SSIS.

The State has been talking about investing in a new system, but for now the Ombuds should be granted access so that we can work more efficiently instead of sending our requests to the county and waiting for them to respond. One of the requirements for MIFPA and MAAFPCWDA are "Active Efforts" on working toward reunifying the family, and SSIS documents that information. By having access to SSIS, we can look immediately at what Active Efforts have been done or not done instead of waiting weeks to get a response from the county. Having immediate access could mean that when it is safe to do so, children and youth are reunified sooner with their families versus continuing to remain out of the home.

In addition, I also testified last year that when a custodial father goes into an in-patient substance abuse treatment program, there is no facility in Minnesota which allows a father to bring his children with him, though there are facilities which allow mothers to bring their children. Child protection could become involved if a custodial father is unable to make childcare arrangements while he is in treatment.