

Office of Ombudsperson for AMERICAN INDIAN Families

May 5, 2022

Report for the Period 2/25/2022 through 4/26/2022

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

Becker, Bemidji, Buffalo, Brainerd, Carlton, Carver, Cass, Detroit Lakes, Duluth, Fond du Lac Reservation, Grand Rapids, International Falls, Itasca, Leech Lake Reservation, Little Falls, Lower Sioux Indian Community, Mille Lacs, Minneapolis, Ottertail, Perham, Red Lake Nation, St. Cloud, St. Paul, Shakopee, Virginia, White Earth Nation, and States of Arizona, Colorado, Iowa, Michigan, North Dakota, Oregon, South Dakota, Washington and Wisconsin.

Tribes

Bois Forte Band of Chippewa, Cherokee Nation, Cheyenne River Sioux, Crow Creek Sioux Tribe, Fort Peck Tribes, Fond du Lac Band of Lake Superior Chippewa, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Navajo Nation, Northern Cheyenne, Miami Tribe of Oklahoma, Oglala Sioux, Omaha Tribe of Nebraska, Red Cliff Band of Lake Superior Chippewa, Red Lake Band of Chippewa Indians, Rosebud Sioux, San Carlos Apache Tribe, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux, Turtle Mountain Band of Chippewa Indians and White Earth Nation.

Some Issues from Cases for the Period of This Report

- Mother had a scheduled supervised visit with all of her children; social worker did not bring two of them.
- Social workers not timely meeting with parents to develop the case plans; courts not addressing the lateness of the case plans and parents feel like there are no consequences for social workers not complying.
- Parents report that social workers' reports are not accurate and there were Active Efforts violations.
- Guardian ad litem (GAL) filing report with confidential status when case did not warrant such status.
- When a GAL does not file written report, there is nothing in the court records to note the recommendations of the GAL -- unless either you attended the court hearing or if the court notes it in Court's Order.
- Court held the Admit Deny hearing without filing of the green return receipt cards which is a violation.
- The Admit Deny hearing was held within one week of the filing of the Petition which is a violation.
- Provided resources and information on Active Efforts to parents, relatives and parents' attorneys.

ICWA Education, Trainings and Continued Community Outreach

- Ramsey County ICWA Advisory Board Meeting.
- MUID Family Preservation Monthly Meetings.
- Carlton County ICWA Court Committee Meetings.
- Citizens Review Panel Monthly Meetings for Hennepin and Ramsey.
- Children's Justice Initiative Meetings: Carver, Dakota, Itasca, Ramsey and Scott Counties.
- Child welfare trainings, ICWA trainings, NICWA Conference and Mandated Manager Core Trainings.
- CJA Task Force and CJA Subcommittee Meetings.
- Observed ICWA court proceedings around the State and child welfare legislation hearings.

Feedback from the Community

*Thank you so much for helping me along the way with providing information and resources and also introducing me to *; which opened up the door to my advocate who I also have to thank for this progress! (Mother, 3/18/2022).*

Jill was instrumental in pushing the County to hold a traditional talking circle in a difficult case involving a tribal member child with high emotional and behavioral needs. The case has been going on for over a year and there was a lot of misunderstanding and distrust between the mother of the child and the County, which was making a resolution to the case seemingly impossible. The Tribe participated in a talking circle that was organized and promoted by Jill. Jill made sure that the circle was led by a Tribal Elder and that the County was responsible for arranging and funding it. I was touched and impressed with the how the Elder approached facilitating the Circle, which was in one part an attempt at creating a safe place for people to voice their thoughts and feelings, and another part, a way to teach the County and non-Native workers about tribal values and traditions. The Circle led us to find a way towards resolving the case in a way that was protective and supportive of the mother's rights and the child's need for services and assistance. It was a good experience to have had in a system that doesn't usually bring a tribal cultural perspective into these child protection matters. (Tribal Attorney, 4/25/2022)

I currently work as a Health Educator in the Family Spirit Program here in South Minneapolis. Family Spirit was created through John Hopkins University's Center for American Indian Health and is the only long-term evidence-based home visiting model that can be utilized in a court room setting as evidence to showing a dedication to increasing positive parenting skills. Our program has a focus of working with families from 22 weeks gestation all the way up to age 3. I have worked as a Family Spirit Health Educator since its implementation here in Minnesota and before I have worked in many areas of advocacy. My work is focused on reducing the instance of abuse and violence and the impact of violence of all forms on American Indian families that are of high risk of exposure to violence or have experienced violence.

I was informed of the work of Jill Kehaulani Esch through my involvement with the Minnesota Urban Indian Directors' Family Preservation Subcommittee; since, I have referred families experiencing systemic intervention to the Office of the Ombudsman for American Indian Families. I have been thoroughly impressed with Ms. Esch's ability to clearly state her role and inform families of their rights in these difficult situations. One family in particular stands out to me- I reached out to Esch after a child had been removed from the home without consideration of ICWA rights in regards to their Native American lineage- Esch was quick to step in to provide resources and homework to the child's Father who is an enrolled band member. It was apparent in his demeanor that he was relieved to have a plan of reunification for his family. He completed his homework and followed through with resource referrals provided. As a result of his hard work and Esch's education of his rights and proper resource referrals, the family has been reunited and all are currently healthy and working towards completing their individual and family goals. The service that Esch provides as the Ombudsman for American Indian families is vital and necessary to provide children and families information regarding ICWA laws. I am grateful for the work of the Office of the Ombudsman for American Indian Families. Thank you for your time.

Serene Eidem

*Health Educator, Family Spirit Home Visiting Program, Division of Indian Work
1001 East Lake Street, Minneapolis, MN 55407*