

Report from Jill Kehaulani Esch, Esq.



May 8, 2024

Report for the Period 2/7/2024 through 5/8/2024

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 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 Ombudsman 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

Beaver Bay, Becker, Bemidji, Carlton, Cass, Champlin, Cottonwood, Detroit Lakes, Duluth, Grand Rapids, Hubbard, Itasca, Leech Lake Reservation, Longville, Lower Sioux Indian Community, Mille Lacs Reservation, Minneapolis, Monticello, Pequot Lakes, Pipestone, Red Lake Nation, Rochester, Shakopee Correctional Facility, St. Paul, Virginia, Washington, White Earth Nation, and States of North Dakota and South Dakota.

Tribes

Bad River Band of the Lake Superior, Bois Forte Band of Chippewa, Cherokee Nation, Cheyenne River Sioux, Crow Creek Sioux Tribe, Lac Courte Oreilles, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Northern Cheyenne, Oglala Sioux, Red Cliff Band of Lake Superior Chippewa, Red Lake Band of Chippewa Indians, Rosebud Sioux, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux, Turtle Mountain Band of Chippewa Indians, White Earth Nation, Wintu Tribe of Northern California and Yankton Sioux.

Some Issues from Cases for the Period of This Report

- Counties sending incomplete and inaccurate family genograms to Tribes which resulted in Tribes stating children were not eligible and thus the Court finding ICWA did not apply.
- Fathers not being provided notice of child welfare proceedings and not provided with case plans.
- Fathers not aware that when a mother's rights to a child were permanently terminated, that meant the mother's rights to all future children could or were automatically terminated.
- Court Administration not providing Notices to Correctional Facilities for incarcerated parents and thus parents not attending court hearings when they were in custody.
- Families reaching out to DHS on cases, but DHS not timely contacting the Ombuds, nor referring the families to the Agency for information and resources.
- ICWA violations regarding placement, kinship, green cards not being filed in court file, Active Efforts violations on not providing parents with regular visits, siblings not having visits.

- Licensing issues and challenges regarding licensing relative foster care providers.
- Provided information and resources to relatives who were filing for Third-Party Custody.
- Provided letter to the ICWA Guardian Ad Litem Attorney regarding Third-Party Custody matter.

Meetings and ICWA Education, Trainings and Continued Community Outreach

- Attended meetings, provided testimony and testified at the Legislature regarding importance of having access to the DHS SSIS Records.
- Presentation at Mitchell Hamline School of Law on the work of the Agency.
- Commented at Guardian Ad Litem Program Board Meeting about importance of ICWA GALs.
- Meetings with Mille Lacs, Leech Lake, Red Lake Nation and White Earth Nation Tribal Child Welfare/Tribal attorneys.
- MUID Family Preservation Monthly Meetings and ICWA Education Weekly Planning Meetings.
- Meeting with the new agency, Office of Ombudsperson for Foster Youth.
- Ramsey County ICWA Advisory Board and Carlton County ICWA Court Committee Meetings.
- Citizens Review Panel Meetings for Chisago, Hennepin and Ramsey.
- Children's Justice Initiative (CJI) Meetings around the State.
- Presented at ICWA Advisory Council Meeting.
- ICWA and Child Welfare trainings and webinars.
- Tribal Work Group and other meetings to strengthen MIFPA.
- Attended National Indian Child Welfare Association (NICWA) Annual Conference in Seattle.
- Attended Indian Law Conference hosted by the Minnesota American Indian Bar Association.
- Attended various community events and provided information and resources about the Agency.

Feedback from the Community

"As Jill testified to at the Legislative Task Force on Child Protection, when families have knowledge of the Ombuds office, because of the resources and information that Jill is able to share, sometimes cases do not show up in court. This benefits family well-being in preventing unnecessary removals of American Indian children. Jill has deep knowledge of the CHIPS process and brings her legal background to bear in writing letters to the court as needed in the course of Ombuds investigations and involvement. Parents being more resourced, and courts being more informed on ICWA and their responsibility to American Indian families, promotes child safety by ensuring children have more supportive adults in their corner while reducing trauma and challenging the intergenerational harm and impact of the child welfare system on American Indian families." Nominated for Child Welfare Award by an Advocate, 4/23/2024

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:

- 9 MIFPA Amendment workgroup meetings. AICSB
- 3 EPEICR Juvenile DNA Collection Workgroup. AICSB
- 2 American Indian Partnership Meetings Ramsey County. AICSB
- Human Services Leadership meeting for MIAC agency
- Instrumental in negotiating the Native Youth Foster Training by identifying and collaborating with Foster Advocates, identifying and securing an Elder for the culturally-specific piece of the training, attended planning meetings, assisted with recruitment and attended the event itself.
- Meetings with the Ramsey County Transforming Systems Together re: \$100,000 grant.
- Attended National Indian Child Welfare Association (NICWA) Annual Conference in Seattle.