

Report from Jill Kehaulani Esch, Esq.
Office of Ombudsperson for AMERICAN INDIAN Families
August 2, 2023

Report for the Period 5/3/2023 through 8/2/2023

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, Carlton, Cass, Cook, Detroit Lakes, Duluth, Fond du Lac Reservation, Grand Rapids, Hastings, Hubbard, International Falls, Itasca, Leech Lake Reservation, Lower Sioux Indian Community, Mille Lacs, Minneapolis, Red Lake Nation, St. Cloud, 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, Fort Peck Tribes, 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, San Carlos Apache Tribe, Santee Sioux, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux, Turtle Mountain Band of Chippewa Indians, Upper Sioux Community Pezihutazizi Oyate, White Earth Nation, and Yankton Sioux.

Some Issues from Cases for the Period of This Report

- County conducting a facility investigation and in their investigation uncovering that a Native youth previously placed in that facility had been abused by staff. Mother had removed youth once the CHIPS case was closed over a year ago due to concerns with treatment.
- Tribe reported that:
 - County over-stepped it's boundaries and is attempting to impede on the tribally licensed foster home process because county is insisting that the tribe's choice for the foster care provider (grandparent of child) needs to have a diagnostic assessment before being licensed.
 - Non-compliance by the county for not following ICWA and the Minnesota Tribal State Agreement in tribe's request for placement preference.
 - County should immediately return the child to custodial parent because the safety concerns have been alleviated and there is no imminent harm and danger.
- Social worker filing all reports with confidential status and thus reports not available for viewing.

- Foster care providers not provided with clothing allowances and did not know they were entitled to receive clothing allowances until the information was provided by the Ombudsperson.
- Courts not timely removing the ICWA Flag when found child not eligible for tribal membership.
- Provided information and resources to grandparents for Third-Party Custody proceedings.
- Provided information and resources on Active Efforts to parents, relatives and parents' attorneys.

ICWA Education, Trainings and Continued Community Outreach

- MUID Family Preservation Monthly Meetings and ICWA Education Weekly Planning Meetings.
- Carlton County ICWA Court Committee Meeting
- Citizens Review Panel Meetings for Hennepin and Ramsey.
- Children's Justice Initiative (CJI) Meetings around the State.
- Children Justice Advisory Task Force Meeting and Subcommittee Meetings.
- CJI ICWA Sub-Committee Meeting.
- ICWA and Child Welfare trainings and webinars.
- Meetings with Leech Lake Band and White Earth Tribal Child Welfare
- Meetings and discussions with Minnesota Ensuring Police Excellence and Improving Community Relations Advisory Council Committee Chair, POST (Peace Officer Standards and Training) Coordinator, to discuss proposed initiative regarding removal of children by law enforcement
- Virtually observed court proceedings around the State.
- Tribal Work Group and other meetings (i.e. TSA Meeting) to strengthen MIFPA.
- Various community events and provided information and resources about the Agency.

Feedback from the Community

Thank You for all your help and assistance during this process as I come from very little resources and few relatives. I keep hoping all is clear from here on out. Please keep up the good work, and endless efforts.

[Native Relative Foster Care Provider, July 23, 2023]

*"Wow, I see you all over – at NICWA (Reno for the Annual ICWA Conference), at the Summer Institute {Walker for the American Indian Child Welfare Training}, at the Pow Wow (Northern Minnesota), at the ICWA Celebration {St. Paul for the session hosted by Senator Tina Smith}, on Zoom (court hearings) and now here (Leech Lake Band and White Earth Nation Tribal Flag Ceremony in Dakota County – Hasting).
July 28, 2023*

News from the American Indian Community-Specific Board

RAMSEY COUNTY PRESS RELEASE: Transforming Systems Together (TST), Ramsey County's shared decision-making initiative with community members, awarded \$1,228,550 to 26 community organizations and individuals in its first-ever round of grantmaking.

Innovation Grants award \$50,000-\$100,000 to established community nonprofits to provide programs that currently or will serve families or individuals in Ramsey County who are vulnerable to involvement in, or have been involved, in the child protection system.

American Indian Community-Specific Board, which advises and assists the State's Ombudsperson for American Indian Families, **awarded \$100,000** to develop and implement a training for elders on child protection laws, including the Indian Child Welfare Act, and how to form circles of support for families. Elder circles will provide culturally responsive support for families and youth to strengthen family bonds, improve child safety, and reduce child protection system involvement. The Board will also develop a training about child protection laws for youth, parents and families, including a mock court experience.