MINNESOTA
OFFICE OF OMBUDSPERSON
FOR AMERICAN INDIAN FAMILIES

Report for the Period 6/25/2026 to 8/27/2026

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

- Attended the Urban American Indian Legislative Summit.
- Met with Tribal Training Certification Partnership on how the Agency can partner together with them.
- Attended the Annual Retreat of the Department of Children, Youth and Families for Children's Advisory Task Force and Citizens Review Panels.
- Agency attended the Dakota County ICWA Court Team Meeting and the Multi-Disciplinary Meeting at the Division of Indian Works
- Meet and Greet presentation to the Minnesota Indian Women's Resource Center.
- Presentation to the Parent Leadership Cohort.
- Attended webinar on Parental Termination.
- Continued communications with the State-Tribal Partnership Program Coordinator.
- Meetings with Hennepin County Child Protection Language Workgroup, American Indian Well-Being Unit, ICWA Cabinet, St. Paul Indians in Action (SIA), MUID Family Preservation Committee, Children's Justice Advisory Task Force, Children's Justice Initiative (CJI) meetings around the State, and Citizens Review Panel Meetings for Chisago, Hennepin and Ramsey.
- Attended various state agency meetings/briefings/trainings including DHS/DCYF, Data Practices, COOP, HR, SmART, Minnesota Management and Budget (Internal Control), Agency Budget, and other topics.
- Meet and Greet Meetings with counties around the State.
- Agency continues to observe court hearings around the State and when necessary, the Ombudsperson will provide information to the court if there are possible ICWA violations, especially regarding Notice and green card issues for CHIPS cases and Third-Party Custody Family Court matters. (Two letters were sent during this reporting period.)
- Continued conversations and communications with Tribal Representatives, Tribal Attorneys, County Attorneys, Parent Attorneys, Youth Attorneys and GAL Program- ICWA Division.
- Meetings: US Ombuds Association Board, Membership and Planning Conference and Chapters.
- Meetings with IT Consultant, MNIT, vendors and others to continue to enhance the Agency's case management system.
- Ongoing discussions on the Agency providing information and resources to parents and relatives and Agency helping to recruit more Native/ICWA Placement homes.

Summary Data

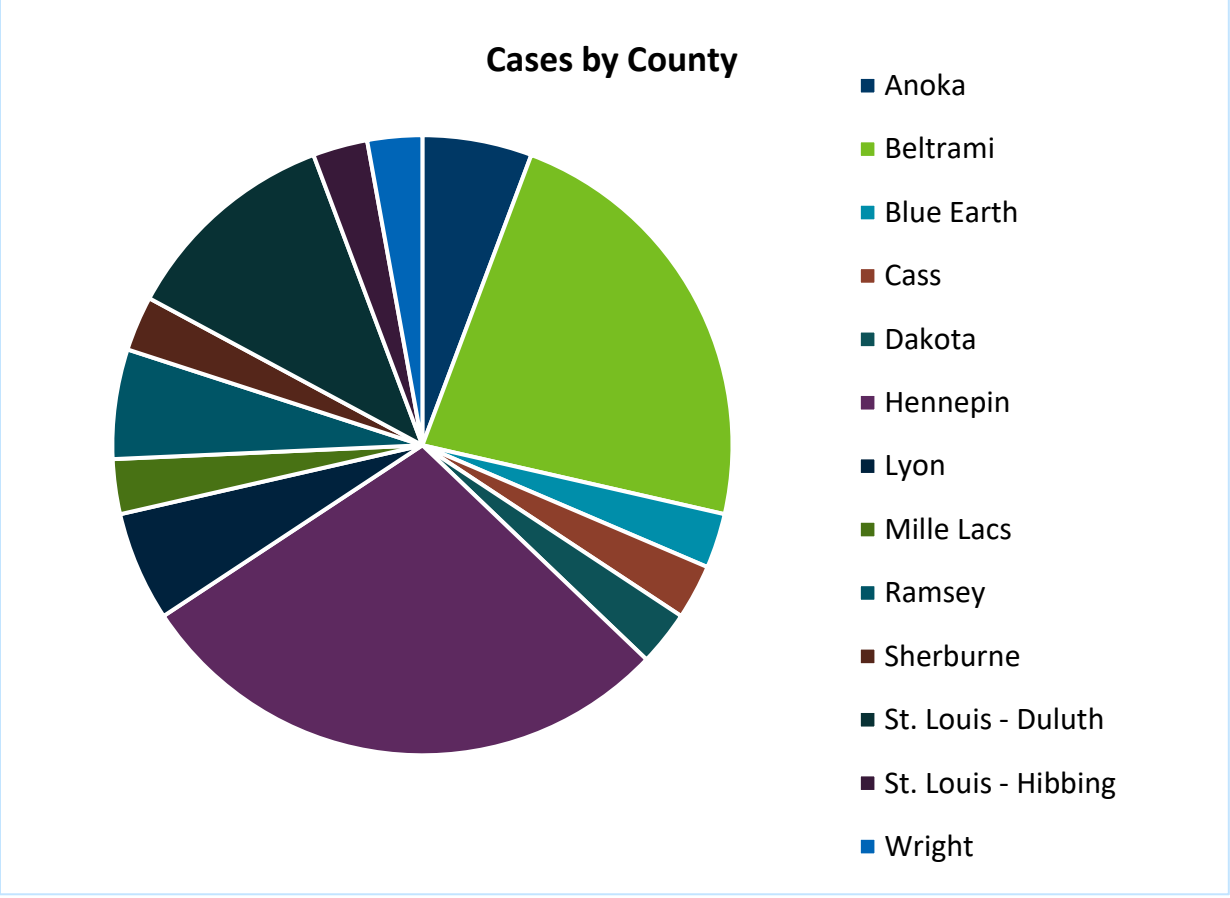
Number of new cases/inquiries for this reporting period: **35**

Number of court hearings observed for this reporting period: **54**

Total number of cases that are being monitored/investigated: **211 cases** (since 1/21/2024)

Table 1. Counties identified during reporting period. *

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



*Some counties with less than 2% are not shown in the graph; Appendix 1 provides the full list of counties.

Tribes

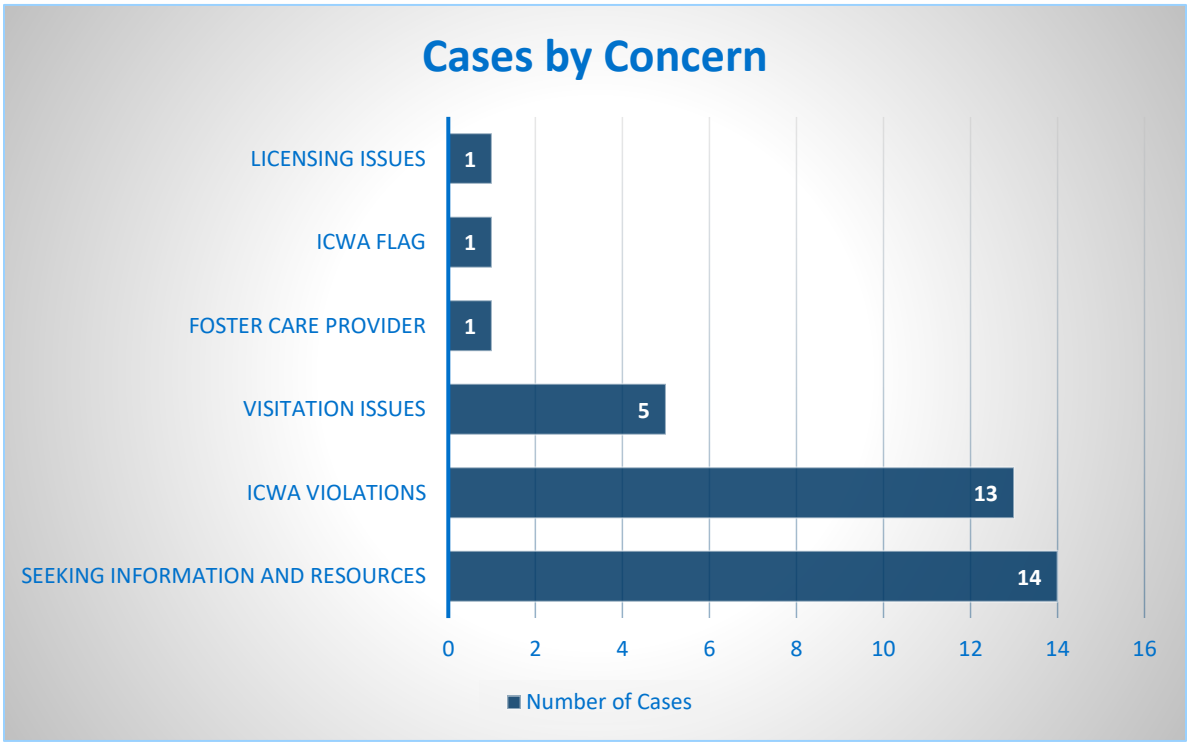
Table 2. Tribes identified during this reporting period.

Tribe	Number of Cases	Number of Cases (% of col)
Other	6	17.1%
Lac Courte Oreilles	4	11.4%
Leech Lake Band of Ojibwe	4	11.4%
Red Lake Nation	4	11.4%
No Tribe	3	8.6%
Bad River Band	2	5.7%
Bois Forte Band of Chippewa	2	5.7%
Fond du Lac Band	2	5.7%
Mille Lacs Band of Ojibwe	2	5.7%
Rosebud Sioux	2	5.7%
Non-Federally Recognized Tribe	1	2.9%
Oglala Sioux	1	2.9%
Turtle Mountain Band	1	2.9%
White Earth Nation	1	2.9%

Cases by Concern

Table 3. Reasons for contacting the agency.

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



Selected Matters from Cases During the Period of this Report

- ICWA/MIFPA mandates that service be made via registered or certified mail, return receipt requested. A Judge stated in court that personal service is better than mail for Green Cards.
- In a third-party custody family-court matter, Ombudsperson filed a letter with the Court for ICWA/MIFPA violations:
    - No required ICWA Notices sent via certified mail or registered mail, return receipt requested,
    - Lack of Active Efforts and
    - No Qualified Expert Witness Testimony from Tribe to support the out-of-home placement of the child.
- Many years ago, a county transferred custody of several children to an individual, who became their Legal Custodian/Legal Guardian. Recently, a different county brought a CHIPS case against the Legal Custodian/Legal Guardian and removed the children from the Custodian's care.
    - In reviewing that initial case, the Ombudsperson found that the first county did not send the ICWA Notices via registered or certified mail, return receipt requested, as required.
    - If there is a notice violation, the law allows a party to file a petition to invalidate the underlying CHIPS proceeding.
    - The Ombudsperson filed a letter with the initial county regarding the violations and sent copies to the current county and all parties involved in both cases.
- The Ombudsperson facilitated a meeting with the county, Tribe, parent attorneys, and the Guardian ad Litem regarding their positions on having a Tribal Elder facilitating a Talking and Sharing Circle. (Everyone agreed and Ombuds provided information and resources to the parties.)
- An ICWA case regarding a youth who recently turned 18 and who asked the Court to keep the case open until youth turned 19 so that youth could receive continued support from the county. The Tribe was not involved with the case. The youth had chosen not to participate in the Extended Foster Care Program. The Court found the case could no longer remain open and encouraged the youth to work with the services that were now available since youth is now an adult.
- In an ICWA case involving a young child, the Court required the parties to return two days later for continued argument, as there was not enough time to hear from all parties during the originally scheduled hearing. The judge indicated he was *"struggling to find imminent harm under ICWA"* and expressed *"difficulty understanding why the child should remain in out-of-home placement and how it would not be in the child's best interest to return the child to the mother."* After hearing the complete argument, the Court agreed with the Tribe that there was no imminent harm in placing the child with the mother on an immediate trial home visit, as she was currently residing where support and services were immediately available. Over the county's strenuous objections, the judge ordered the trial home visit to begin immediately. Child was ordered to be placed with child's mother the very next day.
- A Native teenager had been requesting to live with a particular family member. When that didn't occur, the teenager ran away from the assigned foster home. Once a plan was filed confirming the youth would be placed with the relative, who the youth and mother had agreed upon, the youth returned.
- Incarcerated parents advised the Court of continued challenges and barriers when scheduling visits with their children.
- At a court hearing, a parent attorney noted "*Active Efforts includes creating a plan to close the case and the county should discuss with the parent's what resources remain available to them after the case closes."*
- Inconsistency across procedures regarding Green Cards in truancy and protective supervision cases. Counties provided the required 24-hour MIFPA Notice, but the inconsistency is on counties providing the ICWA Notice – most provide it, but a handful do not when the case involves truancy or protective supervision because the children were not removed from the home.

Feedback from the Community

"The Office of Ombudsperson for American Indian Families has been an invaluable resource to me and other juvenile defenders in my district. The Office is prompt to respond to concerns about ICWA violations and is willing to sit down to work through situations in ways that are creative, collaborative, and culturally appropriate. Their virtual presence and willingness to observe court proceedings has undoubtedly had a positive impact on the lives of Native American children and families in rural Minnesota." —Youth attorney [8/20/26]

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:

- Two new Board Members were onboarded by the Ombudsperson.
- Special Board Meeting on August 19, 2026.
- Regular Board Meeting on September 9, 2026.

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

County of Residence	Number of Cases	Number of Cases (% of col)
Anoka	2	5.7%
Beltrami	8	22.9%
Blue Earth	1	2.9%
Cass	1	2.9%
Dakota	1	2.9%
Hennepin	10	28.6%
Lyon	2	5.7%
Mille Lacs	1	2.9%
Ramsey	2	5.7%
Sherburne	1	2.9%
St. Louis - Duluth	4	11.4%
St. Louis - Hibbing	1	2.9%
Wright	1	2.9%