



Agindaso Abinoji-yag

"He/she reads or counts children"

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By Stella Barnes, ICWA Court Monitor and Resource Navigator

ICWA Compliance Newsletter Q3 2025

Behind the Bench: Interview with Judge Nicole Starr

Judge Starr was appointed to the bench in 2015 by Governor Mark Dayton. Throughout her distinguished career, she has been a tireless advocate with a strong focus in child welfare. Her commitment to serving the most vulnerable members of our community is evident in all aspects of her work. It is my honor and pleasure to introduce Judge Starr.

Can you tell me about your personal history?

I was born in South Korea and came to the United States when I was six months old and have lived in Minnesota all of my life. I've traveled and for small portions of time lived in other places. But Minnesota is my home. I grew up in the Western suburbs, so I went to high school in Hopkins and went to the University of Minnesota. I am a Minnesotan through and through.



What led you to become a judge?

I started working as a public defender in Ramsey County in Saint Paul. I graduated from law school from the University of Minnesota, and then for a year I worked and lived in Johannesburg, in South Africa, in the Constitutional Court. Constitutional Court is the court of constitutional space. It's like the United States Supreme Court.

It was awesome. It was 10 years into the newest constitution in South Africa, and there were really, really big questions about land rights. One of the cases we worked on was about people who had lived in South Africa well before it was colonized, and did they in fact have rights to these incredibly wealthy mines? What did the Constitution say about that? And the constitution said yes, they did. I got this experience

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where the country was asking big questions and they were doing incredibly big things using the rule of law.

So I'm super excited and I come home to Minnesota. I started clerking in District Court in Hennepin County in child protection. If you could choose almost the exact opposite, or at least what felt like the exact opposite to me, those two experiences felt really stark. On the one hand in South Africa, we're asking these giant questions that are super important. And on the other hand in Minneapolis, we're asking really intensely personal questions about peoples' everyday experiences, and how we can better support families in in Minneapolis.

I clerked for a while, then I left clerking and did a side case with the ICWA Law Center with Shannon Smith. If ever you wanted to experience what it's like to be with an excellent litigator in a situation where things really felt stacked against you, that was it. We had a client who was in the child protection system, and her children had been fostered by a white family. The family had a large Minneapolis law firm working for them pro bono to keep these children, and it was like a dog fight. Shannon really led the charge. It was incredibly hard fought and we would work late, this law firm would send stacks of disclosure at 5:00 in the evening, at the time on a fax machine, and they would just bury the Law Center. We get to the day of trial and this mother is just beat. If I were ever in a desperate situation I'd want Shannon on my side, and this mom just wasn't able to withstand it. It was an incredible experience of realizing how important the Indian Child Welfare Act is, and also some of the limitations, and really looking at how systems can help people and how they can hurt people.

I then spent 10 years as a public defender. So if that experience didn't get me wound up on the side of the underdog and really want to think about how do you keep the government from overreach, 10 years as a public defender solidified that. And after spending ten years in Ramsey County, I practiced in my neighborhood. It was important to me to be grounded in the space where I live and work. So my neighbors were sometimes my clients. Then I became a judge, and now I don't know my neighbors quite as well. To be totally honest, they moved out of the Midway and my child became a grown up. So I don't see people quite in the same way. But the part of being a judge that's incredibly fulfilling, is being somewhere and someone coming up to you and saying, "Hey, do you remember me? Do you remember my court case?" And oftentimes I do. I had a woman come to my judges group for justice involved women over at the Wilder Center. I've had multiple women show up who I've sentenced when I was in Criminal Court, and also women out of child protection who asked if I remembered them. They tell me a way that I had an impact on their lives, how they're doing. The good things, the bad things, the tough stuff. It's really fulfilling to be in community with people in that way.

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Can you tell me more about the Women's Judges Group at the Wilder Center?

The Women's Judges group meets every Wednesday. We share a meal and have a curriculum that's considered to be a good curriculum around trauma and substance use disorders. We meet and sometimes all we do is check in, sometimes we're able to get through some of the curriculum and we do an art project. Sometimes we're just holding space for each other. And there's no magic behind it. It is just dedicated time and space for women identified people coming together and knowing that somebody cares about them, even if they don't. And we care to even though they know we can't fix everything. In fact, I think most of the women don't want us to fix things. They just want us to listen and acknowledge and support them in in whatever they're doing.

Why is ICWA important to you?

I think it's the beginning of writing down a commitment to families and community. I would say it's just the beginning, because I think we can do a lot better. That's not to take away from the folks who put incredible work into the ICWA and the Minnesota Indian Family Preservation Act. These are really, really important, but to me they are skeletal commitments to a much larger question. How do we get out of the way of Native families so that they can live in Native communities and thrive and be safe and whole without American government intervention? The ICWA is about creating really stringent guidelines to keep Native families together. In a perfect world, the United States would get out of the business of removing Native children from Native families, and we would be working to support indigenous solutions that come from indigenous communities.

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What are your thoughts on full implementation of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act?

We constantly talk about and have all these platitudes about kids and community and I think people really believe them. I know I do, and I know the folks who say this truly believe it. And the truth of it is, none of this will happen accidentally, and all of it is going to require not just important laws, right?

The laws create the framework, but within those laws, there are really incredible shifts about how we think about communities and how we think about the government's role in communities. And I'm not saying that the government should have no role, but the rule cannot continue to be one that at times feels really antagonistic to building and sustaining. Communities lead efforts to solve problems that most communities never created in the first place, and are not actually inherently the problems created by any one community. They are systematically created by years of racism and colonialism, and us not fully acknowledging that's how we got to this space and to be explicit about that. That's what we also have to think about to get out of that space. I think it can be tough because that's not how we talk in

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court. We don't go into court and say, hey, you know, I'd love to talk about colonialism and racism. I think it's not how courts talk and we probably don't get a lot of threads using those arguments in court. It's very much trying to figure out how do we translate lived experience into these legal structures in a way that is meaningful change for families.

So I think in many ways the Indian Child Welfare Act and the Minnesota African American Family Preservation and Child Welfare Disproportionality Act have this piece that government should actively be doing something, which is really different than most American law.

“There are too many examples or ongoing hurts that continue to shape how people love each other, and live together, and grow families together, and come together and come apart.”

Do you find that your experience in constitutional court in South Africa was informative of your current work in Ramsey County?

When you think about American constitutional law, American law says the government can't take away my speech, and the government can't force me to have a type of religion or take away my firearms. It's always the government must stay out of these spaces, which is great in some ways, but it doesn't fully acknowledge all the work the government has done to create institutionalized

generational poverty. Take massive land removal and alienation from land and space. Or the inability to gain and hold on to wealth, generationally either through housing or education. We can sort of go through all of that.

The Constitutional Court in South Africa had a real push of the government designed in recognition of apartheid. So this Constitution says we recognize that we had a country that was designed to be unequal and to take resources from one group, the Black Africans and move it to another group of people, White Africans, British and Dutch colonizers, and some settlers. So you have this completely different idea of what the Constitution can do.

And the United States doesn't quite do that. We're not as historical in the way that our Constitution works. And the way a lot of our legislation works, there's a real hesitation to acknowledge as a country that we've hurt groups of people. You can sort of point out systematically how things have really shaped communities and in lots of ways generationally hurt communities.

So that's the very long way of saying that the legislation at least has served as this look back, or this acknowledgement of the Indian Child Welfare Act. For example, being dispossessed of land is an original hurt that continues to hurt, boarding schools and generations of people removed and stolen and murdered is a harm that continues to harm. There are too many examples or ongoing hurts that continue to shape how people love each other, and live together, and grow families together, and come together and come apart. As we're thinking about those intimate spaces, the law should be thinking not just about how to keep families together, but acknowledging the root causes of these families' generational hurt.

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What do you do for fun?

I like to sleep. I wish sleep was perceived more like status quo. When people say, “Oh, I love to run marathons,” and you're like, you know what? I like sleeping. It just feels like people don't totally like it. I also love women's basketball. I cannot get enough of it, both professional and at the University of Minnesota. And I love my dogs. If I could spend at least a couple hours a day simply speaking with my dogs and petting them, I think I'd have a perfect life.

“As we're thinking about our next generations out, what are the questions that our next generations are asking us to start thinking about today?”

Is there anything else you want to add?

I think my biggest ongoing question is, we've had the Indian Child Welfare Act for over 30 years. We have made incredible changes and as much as things have changed, there are really big areas where things have not changed. I think about the questions moving forward, and what next? Is it that we have to dig deeper into the law itself? Is it that we're missing something in the law? Is it that these are bigger questions that can't be solved by law? Have we come to a moment with the Indian Child Welfare Act and

the Minnesota Indian Family Preservation Act where we have to start thinking about the 2.0? As we're thinking about our next generations out, what are the questions that our next generations are asking us to start thinking about today? Minnesota is good, but we're not great and we should be great, because everyone I talk to systematically, deeply, deeply cares. So it's not that we don't care. So then the question is, what's our next step in ways to support Native families in creating a future where they're whole and thriving?

A warm thank-you to Judge Nicole Starr for participating in this interview.

Ramsey County Courts Tribal Flag Ceremony

On Monday September 29, the Second Judicial District held a Tribal flag ceremony at the Landmark Center in St. Paul. This included flags from the Minnesota Chippewa Tribe and 11 federally recognized Minnesota Tribal Nations.

The flags were presented before a crowd of over 170 attendees by Veteran Honor Guards. Former Lower Sioux Indian Community President Robert Larsen and Elder John Day of the Leech Lake Band of Ojibwe opened by leading everyone in prayer. Attendees included Tribal leaders, community members, Minnesota Supreme Court justices, Court of Appeals judges, District Court judges, and justice partners.

Ramsey County Courts Tribal Flag Ceremony

Ramsey County Courts maintain an ongoing partnership with Tribal Nations through active participation in the Tribal Court State Court Forum, the Minnesota Tribal-State Agreement, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation Act.

Ramsey County judges, clerks, and personnel have been steadfast advocates for Native families, working to uphold and protect the right of Native children to remain connected to their culture and Tribal Nations. The court honors the sovereignty and enduring presence of Native American Tribes and families, who will now see their identities and heritage reflected when they enter the courthouse.



The ceremony was a collaborative achievement made possible through the joint efforts of community members, justice partners and court administration. Coming just weeks after the unveiling of the Tribal Flag Plaza at the base of the Minnesota State Capitol, this event represents another meaningful step forward—honoring not only the government-to-government relationship, but also the Ramsey County Courts’ continued commitment to the individuals and families they serve and to Tribal Nations throughout Minnesota.

“Ramsey County Courts serve American Indian families every day, so we are honored to have their Tribal flags flown at the courthouse,” said Judge Nicole Starr. “Flying these flags is a public expression of our partnership with Tribal Nations.”



Orange Shirt Day: National Day for Truth and Reconciliation

As many of us in the community may know, September 30 is Orange Shirt Day. The orange shirt is a symbol of solidarity to acknowledge the profound, multi-generational losses of family, culture, freedom, and self-esteem experienced by Indigenous children in residential schools. Centered around the phrase “Every Child Matters,” it serves as a reminder of the children that were lost and never returned home.

This day was inspired by Phyllis Jack Webstad, a Stswecem’c Xgat’tem First Nation elder, who wore an orange shirt to her first day at St. Joseph Mission residential school in 1973. The shirt was taken with the rest of her clothes, and is now a symbol and reminder of cultural genocide that was a direct result of residential boarding schools.

In Canada this is a national holiday. Commemorated in 2013, it’s called the National Day for Truth and Reconciliation. The holiday serves as more than a symbolic gesture. The name takes accountability for atrocities committed by the Canadian government. The movement promotes reconciliation and healing for First Nations, Inuit, and Métis peoples.

The Truth and Reconciliation Commission of Canada is a government organization which ran from 2008 to 2015, documenting the impact of Canadian Indian residential schools on Indigenous families. It provided survivors an opportunity to share their experiences during meetings held across the country.



This displayed the impact of harm that was not widely acknowledged to the general public, and prompted The Indian Residential Schools (IRS) Settlement Agreement of 2006. This is the largest class action settlement in Canadian history, and awarded a 1.9 billion dollar compensation package for former IRS students.

In a similar state-side effort, the United States Senate unanimously passed The Truth and Healing Commission on Indian Boarding School Policies Act in December of 2024. If passed through the U.S. House of Representatives, this bill could be the start of a new level of healing as a nation that says it stands with American Indian families. The Commission has been charged with creating recommendations for federal action to address the intergenerational implications of Indian Boarding School policy and encourages the development of solutions to stop present-day removal of American Indian and Alaska Native children from their tribal communities.

For more information about the bill, visit <https://www.congress.gov/bill/118th-congress/senate-bill/1723> and <https://narf.org/s-1723-truth-healing-act/>

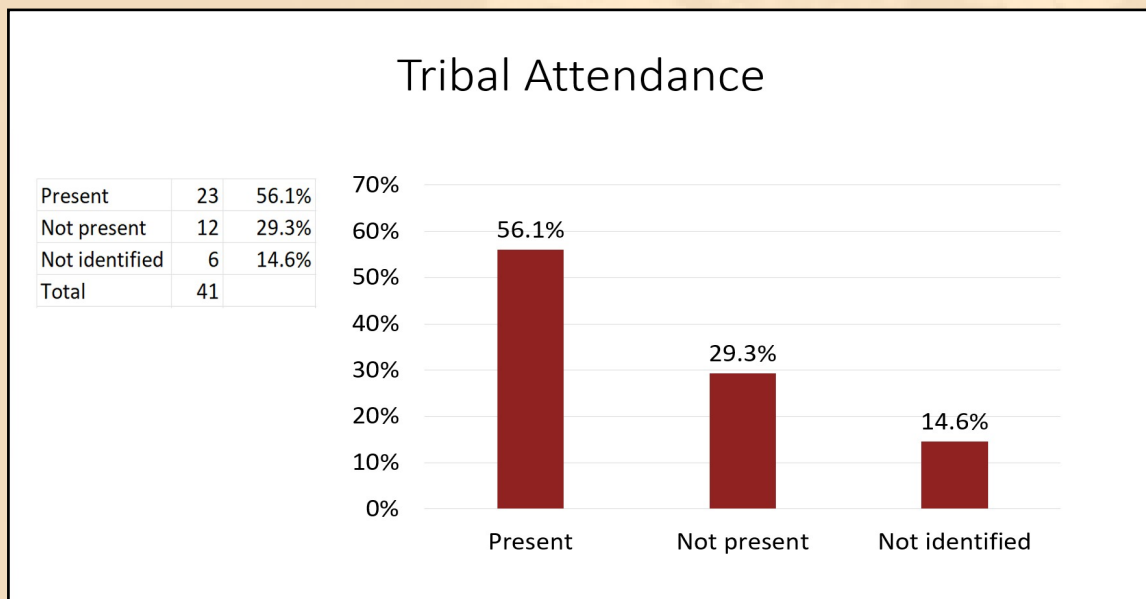
About the Quarter 3 Data

Data was collected from July 1, 2025 to September 30, 2025. This data was collected by the court monitor at hearings, talking to the parties involved, and reading case files. This data reflects hearings the court monitor attended and does not include all Ramsey County ICWA/MIFPA hearings.

Tribal Attendance

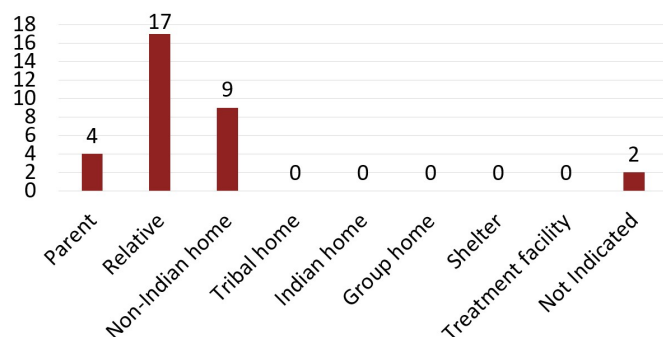
The following chart indicates the tribes involved in ICWA/MIFPA cases during Quarter 3. The chart includes the Tribes involved, the number of hearings that occurred, and the number of times the Tribes attended hearings. For observed hearings that occurred, Tribes attended 56.1% of the time. There were 12 hearings where Tribal representatives were notified and not present. There were 6 cases where Tribal affiliation was not identified. For these cases, the judge made active efforts findings.

TRIBE	NUMBER OF HEARINGS	TRIBE PRESENT
Bois Forte Band of Chippewa	1	0
Cherokee Nation	1	0
Crow Creek Sioux Tribe	1	0
Leech Lake Band of Ojibwe	11	9
Mille Lacs Band of Ojibwe	2	2
Oglala Sioux Tribe	1	0
Red Lake Nation	7	5
Sisseton-Wahpeton Oyate	1	0
Upper Sioux Community	1	0
White Earth Nation	7	5
Winnebago Tribe of Nebraska	2	2
Unknown/Tribe Not Identified	6	-



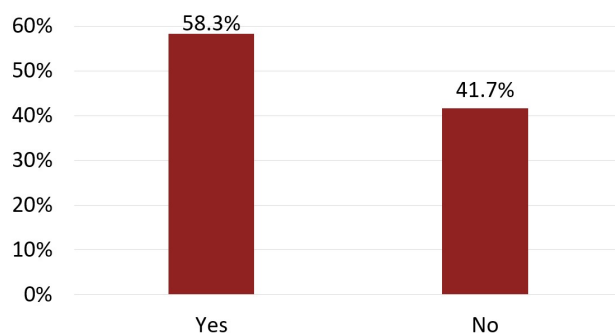
Placements

Parent	4	12.5%
Relative	17	53.1%
Non-Indian home	9	28.1%
Tribal home	0	0.0%
Indian home	0	0.0%
Group home	0	0.0%
Shelter	0	0.0%
Treatment facility	0	0.0%
Not Indicated	2	6.3%
Grand Total	32	



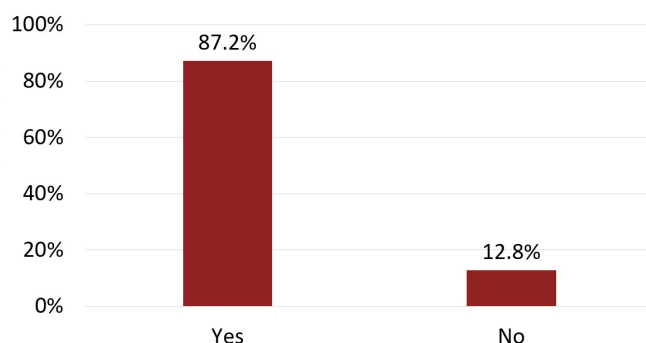
Was there discussion as to why the child was not placed with a relative?

Yes	7	58.3%
No	5	41.7%
Total	12	



Did the judge find that the agency made active efforts to prevent removal or to return the child home?

Yes	34	87.2%
No	5	12.8%
Total	39	



Placements and Case Planning

Children in out-of-home placement were placed with relatives 53.1% of the time, and with non-custodial parents 12.5% of the time. For the 9 non-Indian home placements, the court made a finding that there was good cause to deviate from the ICWA placement preferences.

When children were not placed with relatives, there was discussion 58.3% of the time about the reasons preventing placement with a relative. This includes overcoming barriers to move children into a relative home, as well as placements approved by the tribe or custodial parent.

Judges in Ramsey County made active efforts findings in 87.2% of observed cases. In one case, an active efforts finding was stayed following an objection to the ruling until a detailed report from the social worker was filed. Active efforts reports are required only with an objection to the finding.

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