



Agindaso Abinoji-yag

"He/she reads or counts children"

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By Sadie Hart, ICWA Compliance Monitor

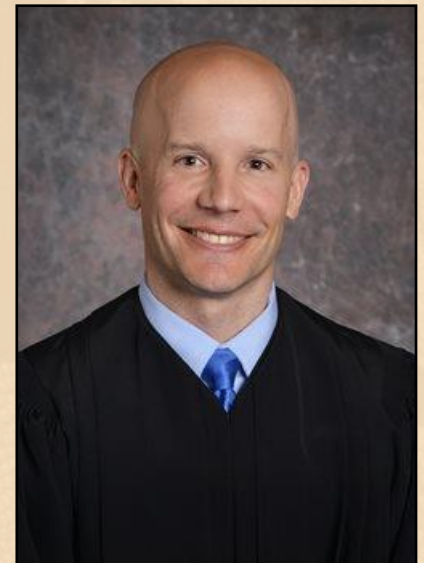
ICWA Compliance Newsletter Q1 2024

2023 Ramsey County Data Roll Out and Judicial Changes

In addition to the continued improvements in ICWA compliance in 2023, there have been several judicial changes over the last few months. At the end of 2023, Judge Stephen Smith transitioned out of the ICWA Court and Judge JaPaul Harris briefly heard ICWA cases before his appointment to the Minnesota Court of Appeals. He was replaced by Judge Jacob Kraus in March.

Judge Kraus was appointed to the bench by Governor Tim Walz in 2022. He has previous child protection experience, having served as a line attorney and a senior attorney in the Child Protection Division of the Hennepin County Attorney's Office. Judge Kraus also prosecuted felony criminal cases in the Office's Adult Prosecution Division.

Before that, Judge Kraus served in the Minnesota Attorney General's Office as a division manager of the Consumer Protection and Human Services divisions. He started his career in private practice, and was a law clerk in Ramsey County District Court before law school. Judge Kraus has two kids and spends most of his volunteer time with kids, whether coaching youth sports or volunteering for the local public school.



Judge Jacob Kraus

Of the new assignment, Judge Kraus said: "I am very excited about my new role in Juvenile Court, including serving the ICWA Court. While my previous experience helps me understand how the child protection system works, I look forward to working on these issues from a completely different seat in the room – focusing on what's best for kids, what parents need, how the county can support those efforts, and what the tribes believe is best -- while collaborating with and learning from tribes, justice partners, the community, and all other stakeholders in this important work. I appreciate the time and outreach that Judges Smith and Harris provided to me during this transition, and I look forward to meeting many readers of this newsletter over the next several months."

Welcome to the ICWA team, Judge Kraus!

The following data provides a four year overview of ICWA compliance in Ramsey County. The data was collected at hearings, talking to the parties involved, and reading case files. Please note that this data only reflects hearings the court monitor attended and does not include all Ramsey County ICWA hearings. The following are snapshots highlighting numerous great accomplishments and improvements that have been made over the years!

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Hearing Attendance

Attendance among mothers has decreased from 52.3% of the time in 2020 to 44.9% of the time in 2023. This decrease may be caused by social services diverting families away from court when possible. These families are more likely to utilize voluntary services and engage more frequently with social services pre-court.

Attendance among fathers has remained consistent over the past 4 years.

When parents attended and had counsel their attorney appeared at 100% of hearings.

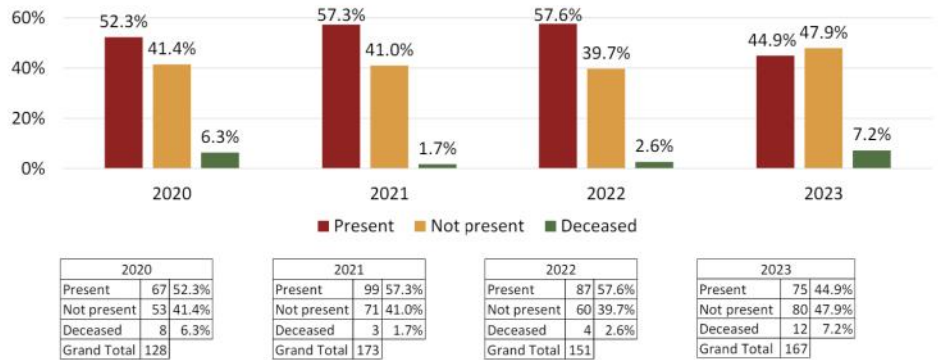
This data does not include extended foster care hearings or hearings in which custody of the child has been transferred away from the parent.

Though children rarely attended court, youth over the age of 10 were represented at 100% of hearings in 2023.

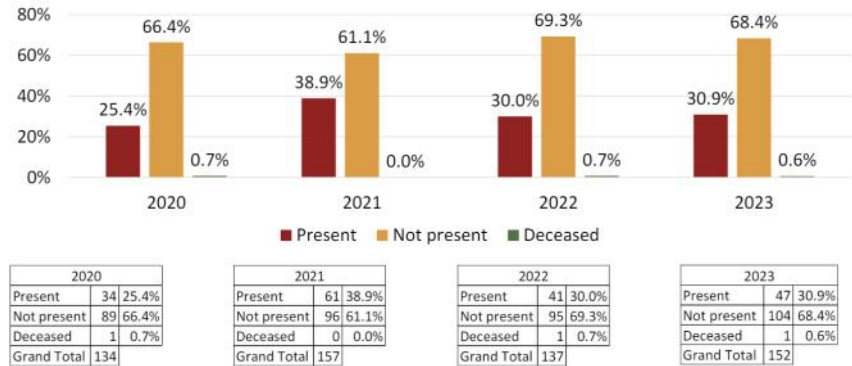
Tribes with the most hearings in 2023 included Leech Lake Band of Ojibwe (27), White Earth Nation (26), Red Lake Nation (24), Cheyenne River Sioux Tribe (19), and Mille Lacs Band of Ojibwe (14).

Leech Lake Band of Ojibwe attended 100% of hearings, White Earth Nation attended 85%, Red Lake Nation attended 88%, Cheyenne River Sioux Tribe attended 95%, and Mille Lacs Band of Ojibwe attended 100%.

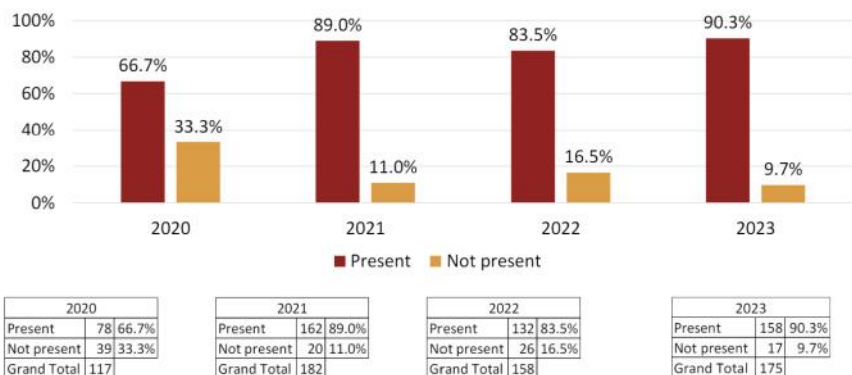
Attendance of Mothers



Attendance of Fathers



Attendance of Tribes (if Identified)



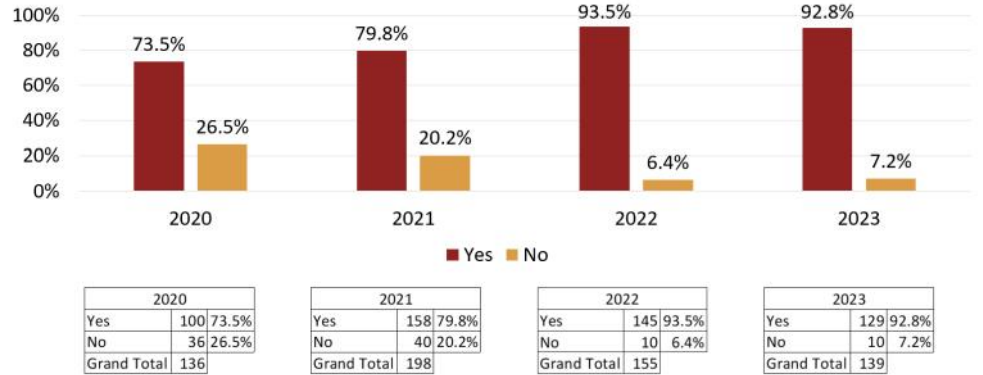
Active Efforts

The court consistently considers active efforts throughout the case. At each Emergency Protective Care hearing in 2023 the court made a finding that active efforts were made to prevent the child's removal from the home. From 2020 to 2023 there has been an increase in discussion regarding active efforts when a finding is made from 76.2% of the time to 100% of the time.

In court discussion typically includes how social services works with parents to complete case plan requirements, engages with the tribe, and facilitates visitation.

There were 5 disputes regarding active efforts findings in 2023. These issues were raised by mothers and tribes and included lack of visitation and needing increased support from the social worker.

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



2020	
Yes	100 73.5%
No	36 26.5%
Grand Total	136

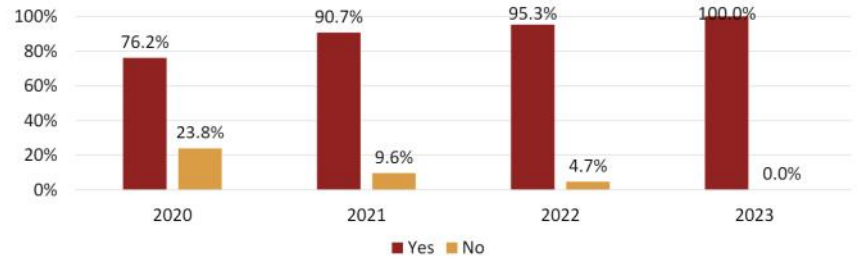
2021	
Yes	158 79.8%
No	40 20.2%
Grand Total	198

2022	
Yes	145 93.5%
No	10 6.4%
Grand Total	155

2023	
Yes	129 92.8%
No	10 7.2%
Grand Total	139

Was testimony presented to support the active efforts finding?

Data not included for active efforts towards permanency/adoption.



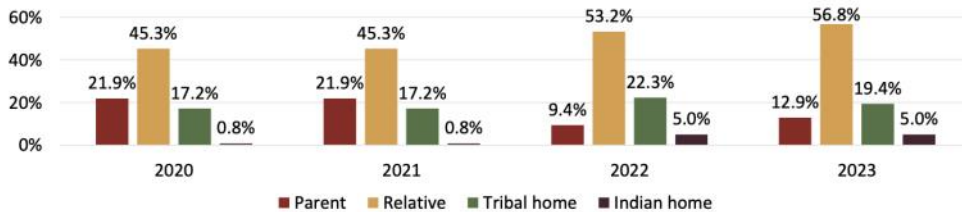
2020	
Yes	61 76.2%
No	19 23.8%
Grand Total	80

2021	
Yes	97 90.7%
No	10 9.6%
Grand Total	107

2022	
Yes	102 95.3%
No	5 4.7%
Grand Total	107

2023	
Yes	95 100.0%
No	0 0.0%
Grand Total	95

Type of placement (ICWA compliant)



2020	
Parent	28 21.9%
Relative	58 45.3%
Tribal home	22 17.2%
Indian home	1 0.8%
Total compliant placements	109

2021	
Parent	18 10.2%
Relative	88 49.7%
Tribal home	32 18.1%
Indian home	6 3.4%
Total compliant placements	144

2022	
Parent	13 9.4%
Relative	74 53.2%
Tribal home	31 22.3%
Indian home	7 5.0%
Total compliant placements	125

2023	
Parent	18 12.9%
Relative	79 56.8%
Tribal home	27 19.4%
Indian home	7 5.0%
Total compliant placements	131

Percentages are out of all placements, not only placements that are ICWA compliant.

Child Placements

In 2023 children remained with the custodial parent on a trial home visit or under protective supervision, or were placed with a noncustodial parent, 12.9% of the time.

In 2023 children were placed with relatives 56.8% of the time and placed in tribal homes 19.4% of the time.

Child Placements (continued)

Tribal homes include homes that have been licensed, approved, or specified by the Indian child's tribe.

When a tribal representative was present at the hearing their placement recommendation was the same as the petitioner's recommendation 100% of the time.

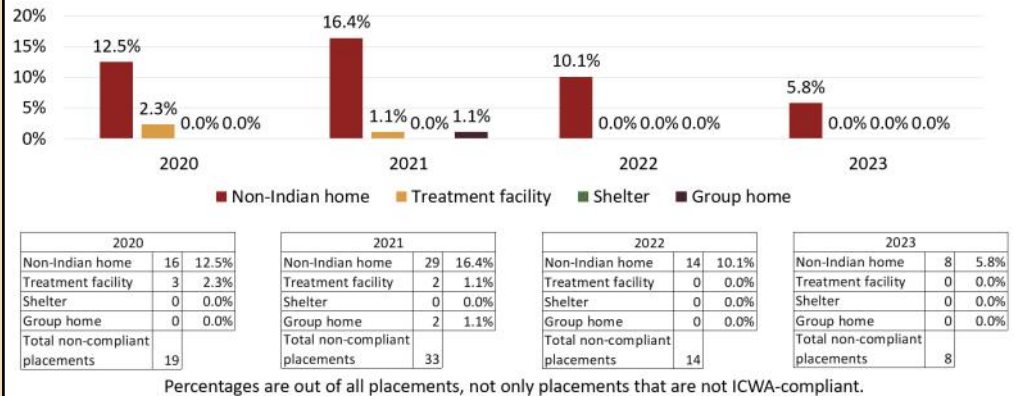
In 2023 when a child was placed outside of the placement preferences it was in a non-Indian home rather than a treatment facility, shelter, or group home. Good cause to deviate from the placement preferences was found at 100% of the hearings when it was required.

When placement preferences were not followed it was due to the unavailability of relative, tribal, or Indian homes, or the objection/preference of the parent or child.

When children were not placed with a relative there was a significant increase in discussion regarding why the child could not be placed with a relative or how to smoothly transition the child to placement with a relative.

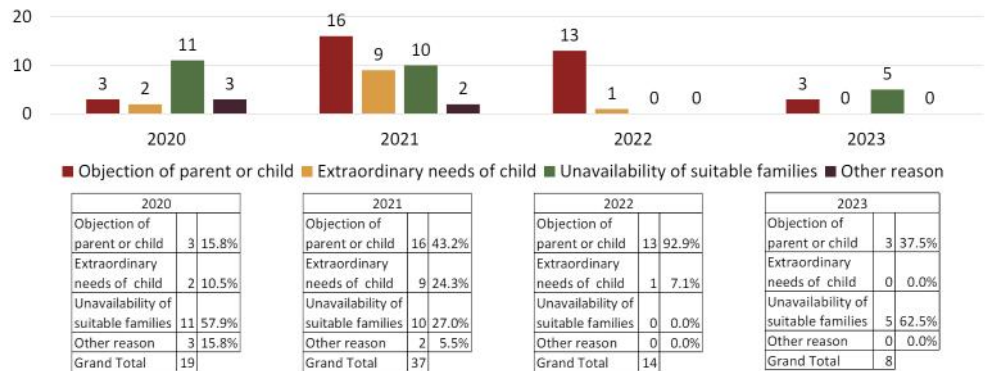
There was also increased discussion about ways to partner with tribes to locate and support relatives who could be permanent placement options.

Type of placement (not ICWA compliant)

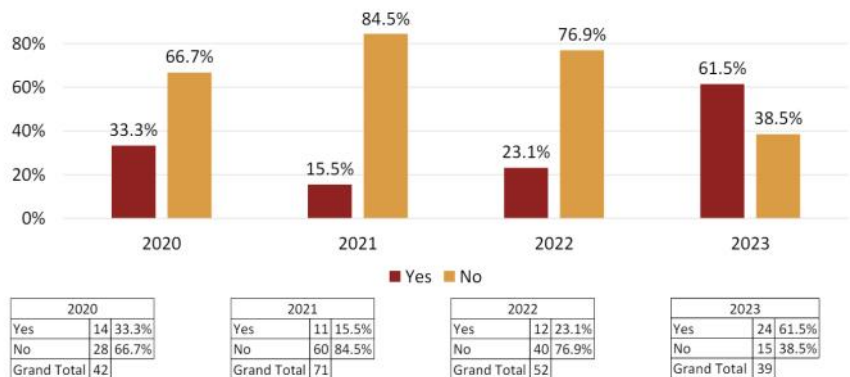


If placement preferences were not followed, why not?

The court made a finding that there was good cause to deviate from placement preferences at 100% of hearings in which it was required.



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



Ain Dah Yung Center's 25th Annual Cherish the Children Powwow

This year's Cherish the Children Powwow hosted over 1200 attendees each day and over 170 dancers. Cheryl Goodman and Milagro White Face were crowned as Princess and Brave and will represent Ain Dah Yung Center over the next year. Miigwech to everyone who made the powwow a huge success! See you next year!



About the Quarter 1 Data

Data was collected from January 1, 2024 to March 31, 2024. 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 hearings.

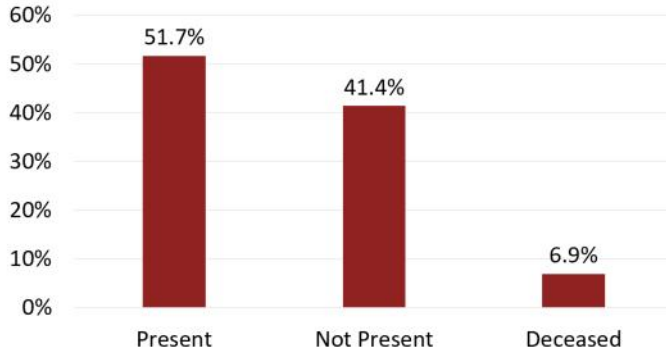
Tribal Attendance

The following chart indicates the tribes involved in ICWA cases in Ramsey County during Quarter 1. The chart includes the tribes involved, the number of hearings that occurred, and the number of times the tribe attended hearings. This data reflects hearings the court monitor attended and does not include all Ramsey County ICWA hearings.

TRIBE	NUMBER OF HEARINGS	TRIBE PRESENT
Bois Forte Band of Chippewa	1	1
Cheyenne River Sioux Tribe	6	3
Choctaw Nation of Oklahoma	1	0
Leech Lake Band of Ojibwe	7	7
Lower Sioux Indian Community	1	1
Mille Lacs Band of Ojibwe	2	2
Oglala Sioux Tribe	1	1
Red Lake Nation	3	3
Rosebud Sioux Tribe	1	1
White Earth Nation	7	6
Winnebago Tribe of Nebraska	2	2
Unknown/Tribe Not Identified	7	-

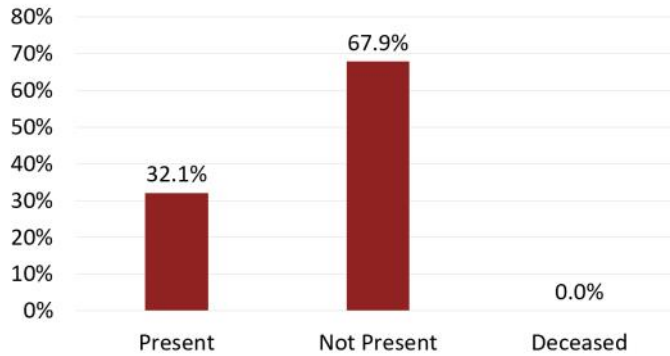
Attendance of Mothers

Present	15	51.7%
Not Present	12	41.4%
Deceased	2	6.9%
Grand Total	29	



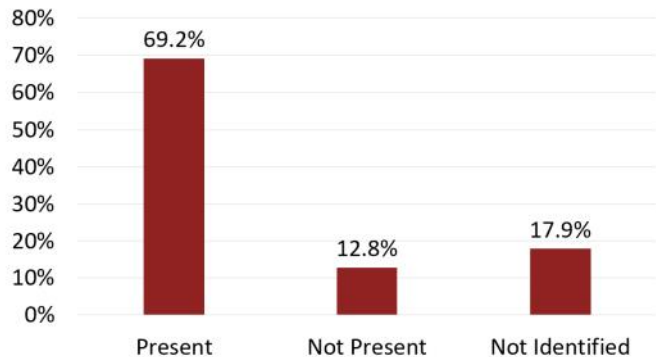
Attendance of Fathers

Present	9	32.1%
Not Present	19	67.9%
Deceased	0	0.0%
Grand Total	28	



Attendance of Tribes

Present	27	69.2%
Not Present	5	12.8%
Not Identified	7	17.9%
Grand Total	39	



Hearing Attendance

In Quarter 1 2024 mothers attended hearings 51.7% of the time, an increase from 43.8% of the time in Quarter 1 2023. Fathers attended hearings 32.1% of the time in Q1 2024, a small decrease from 37.2% of the time in Quarter 1 2023.

When parents attended and had counsel their attorney appeared at 100% of hearings. This data does not include extended foster care hearings or hearings in which custody of the child has been transferred away from the parent.

There were 7 hearings in Quarter 1 2024 where the tribe was not identified. When identified, the tribe attended 84.4% of the time. This includes hearings where the tribe was in the process of determining whether the child was eligible for membership in their tribe.

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