

**Indian Child Welfare Court Monitor  
Quarterly Report  
April 1, 2009-June 30, 2009**

I began monitoring hearings mid-quarter on May 18, 2009. The compliance findings listed below are in regard to the second half of the quarter.

There were 19 hearings monitored this quarter. Of the cases monitored:

- Nine children remained in the home under protective supervision.
- 17 children were ordered into or remained in out of home placement.
- One child is in the custody of a non-custodial parent.
- Three children were ordered into Long Term Foster Care.
- The Court terminated its jurisdiction this quarter on one case due to case plan completion with the condition that the parent works voluntarily with the Department for the children to continue to receive services.
- Two cases are pending non-ICWA status.

Number of Children
30

Number of Children in Preservation i.e., with parent(s)	Number of Children in Reunification i.e., Out-of-Home
10	20

Placements of Children in Out of Home	
With Relatives	Foster Care
6	14

The Children in Need of Protection or Services (CHIPS) hearings were as follows:

CHIPS PROCEEDINGS	NUMBER OF HEARINGS	COURT RULING/SETTLEMENT
EPC/OSC	-	-
Admit/Deny	3	Mother found in default with CHIPS adjudication
Pretrial	2	Mother made admissions and a CHIPS adjudication was made
Trial	-	-
Dispositional Review	4	Child returned to care of mother  Change of disposition made from Trial Home Visit to Protective Supervision

The permanency hearings were as follows:

<b>PERMANENCY PROCEEDINGS</b>	<b>NUMBER OF HEARINGS</b>	<b>COURT RULING/SETTLEMENT</b>
EPC	-	-
Admit/Deny	3	Mother found in default, with a stayed TPR order pending child's tribal eligibility
Pretrial	4	Two children ordered into Long Term Foster Care  Mother made admissions
Trial	-	-
Dispositional Review	3	Two children dismissed from Petition
Motion	1	Motion denied for Trial Home Visit

Parties and others in attendance at the 19 hearings were as follows:

- Mothers were present at 13 hearings.
- Fathers were present at 3 hearings.
- Guardians ad Litem were present at 19 hearings.
- Community organization advocates were present at 6 hearings.

The Tribes that are involved in court proceedings this quarter are:

<b>TRIBE</b>	<b>NUMBER OF HEARINGS</b>	<b>TRIBE PRESENT</b>
White Earth Band of Ojibwe	2	1, and provided 1 written recommendation in absence
Leech Lake Band of Ojibwe	5	5
Red Lake Band of Ojibwe	2	1
Fond du Lac	1	-
Lac du Flambeau	1	-
Oglala Sioux Nation	3	2
Cheyenne River	2	2
Mescalero Apache	1	-

**VIOLATIONS:**

This quarter, there was one violation noted. Of the 19 hearings monitored, **5.26% were out of compliance.**

**Expert Witness Testimony:**

There was a Pretrial Conference on June 6, 2009. As of the said date, there has been no Expert Witness Testimony obtained for the out-of-home placement of the children. The date of out-of-home placement was April 18, 2006. At the Pretrial Conference the Mother made admissions and children were ordered into Long Term Foster Care.

(25 USC § 1912 (1978))

**Right to Counsel: NO VIOLATIONS**

(25 USC § 1912 (1978))

**Emergency Removal: N/A**

(Minn. Stat. Section 260C.175, subd.1)

Prepared by:

Sunshine J. Day

ICWA Court Monitor

Indian Child Welfare Court Monitor Quarterly Report