

**Indian Child Welfare Court Monitor
Quarterly Report
July 1, 2010-September 30, 2010**

There were 22 hearings monitored this quarter. Of the cases monitored:

- Six children remained in the home under protective supervision.
- 13 children were ordered into or remained in out of home placement.
- The court terminated its jurisdiction this quarter on one case.
- One case was determined to have non-ICWA status.

Number of Children
19

Number of Children in Preservation i.e., with parent(s)	Number of Children in Reunification i.e., Out-of-Home
6	13

Placements of Children in Out of Home	
With Relatives	Foster Care
6	7

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

CHIPS PROCEEDINGS	NUMBER OF HEARINGS	COURT RULING/SETTLEMENT
EPC	1	Mother not present, children remain in foster care
Admit/Deny Hearing	2	Proper notice was not provided to the Tribe, hearing continued for service
Pretrial	1	Mother makes CHIPS admissions
Trial	-	-
Dispositional Review	7	Mother not working towards case plan completion, Permanency Petition will be filed soon
Motion	1	Motion granted for Mother to be present for child's surgery

The permanency hearings were as follows:

PERMANENCY PROCEEDINGS	NUMBER OF HEARINGS	COURT RULING/SETTLEMENT
EPC	-	-
Admit/Deny Hearing	3	Parents made admissions
Pretrial	-	-
Trial	-	-
Dispositional Review	5	Judge gives Mother warning to progress on case plan, running out of time
Motion Hearing	-	-
State Ward Review	1	Review every 90 days to note progress towards adoption
Post TPR Review	1	The adoption is finalized, the Tribe and mother supports the adoption

Parties and others in attendance were as follows:

- Mothers were present at 16 hearings.
- Fathers were present at one hearing.
- Guardians ad Litem were present at 22 hearings.

The tribes that were involved in court proceedings this quarter were:

TRIBE	NUMBER OF HEARINGS	TRIBE PRESENT
White Earth Band of Ojibwe	3	1
Red Lake Band of Ojibwe	3	0
Lac du Flambeau	1	1
Standing Rock Sioux Nation	2	2
Sisseton Wahpeton	2	1
Cheyenne River	2	2
Rosebud Sioux Nation	6	5
Mescalero Apache	1	1

Of Note:

On July 13, 2010 before Judge Alshouse, the Mother's Attorney and Tribe made an objection to the request for an Active Efforts finding regarding kinship. Judge Alshouse continued the matter for 30 days for Parties to submit their arguments in writing. On August 3, 2010 the Parties

appeared for a Motion hearing on Active Efforts. Judge Alshouse found the State provided Active Efforts for Reunification, but NOT for the kinship search.

On September 28, 2010 before Judge Stephenson, the Parties appeared for an Admit/Deny Hearing on the CHIPS Petition. The Tribe stated they had not received proper notice of the proceedings. The Mother's Attorney requested the children be returned to their Mother. Judge Stephenson continued the matter for three weeks for proper notice to be sent to the Tribe, and for the Social Worker and Guardian ad Litem to view the Mother's residence, and if appropriate, return the children to the care of their Mother. There were two hearings that were held prior to formal ICWA notices being sent.

Prepared by:

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