Welcome Judge Nelson!

Judge Laura Nelson was appointed to the bench in 2016 and started her judicial career in a misdemeanor rotation. After over a year in family court she transitioned to her current child protection rotation. Prior to her appointment to the bench, she practiced at The Advocates for Human Rights, focusing on violence against women and domestic violence, and later Robins Kaplan, where she practiced primarily antitrust and trademark law. We sat down with Judge Nelson to discuss her experiences as a judge in child protection as well as the Indian Child Welfare Act (ICWA).

Judge Nelson had a variety of experiences with child protection before becoming a judge. She started her career as a law clerk in child protection for Judge Kathryn Quaintance in Hennepin County, during which time she worked with some ICWA cases. During her tenure at The Advocates for Human Rights, she completed a project in the Republic of Georgia on behalf of the United Nations that focused on the child protection system. At Robins Kaplan she also had the opportunity to represent Guardians ad Litem in child protection hearings. “I think that there’s some benefit to having had exposure to child protection. I think that it’s a niche area and that a lot of times people haven’t had a chance to see it before they do it, so that’s helpful.”

“I really like child protection. I don’t pretend that it’s not a system without imperfections, and certainly it’s a deep dive into other people’s trauma. I am somewhat optimistic by nature, and I feel like we see so many folks who, given a helping hand, are able to do just amazing things to get themselves on a stronger footing. That’s what I hold on to, because some days are tough, and some days that’s not what we’re seeing.”

She also talked about the resilience of the children and youth she serves. “You see kids that have been through way more than any individual should ever be through in their lives at a really young age, and they’ve got that grit. Given a little bit of stability and a little bit of support they are going to take over the world. I hold on to those stories. That’s what I think of when I think of child protection.”

Judge Nelson spoke about the issues families face in child protection. “I don’t think there’s enough culturally appropriate services for any family. I went to the Ain Dah Yung Center Open House and went on the tour, and it was fantastic. It was really cool to see what was provided for kids there and what was going on there.”
Welcome Judge Nelson! (Continued from page 1)

“I think that we see so many families who have such a myriad of needs and services. I would like to see more comprehensive services, so that your families are not spending their entire stockpile of energy trying to transport from one place to another on public transportation, and then somehow figure out how to parent on top of it. We just don’t have enough services. And what we have isn’t robust enough, which isn’t to say that I think people aren’t doing the best they can do, but it’s not enough.”

“We see so many different things going on. Sometimes by the time a situation has come to the attention of a mandated reporter, there are pieces that can’t be put back together and there is harm that is done to children, and by extension their parent-child relationship, that can’t be fully healed. And I don’t know if there’s any list of services or ideal world that addresses that. But there’s a vast majority of child protection that is about a mismatch of needs and resources. And there’s a whole lot we can do about that.”

Judge Nelson also commented on the unique aspects of ICWA cases and higher standards. “I wish that we required active efforts for all of our families. I think that when we look at interim placement decisions, and not just the harm removal does to a child, we should also look at cultural familiarity. Those are decisions that we now are forced to look at in ICWA cases because of this horrendous history that we have, and they are really live issues for many of the families that we deal with. I think that there’s a lot we could take from our ICWA cases and broaden out to all of our families that would probably be to the benefit of the system more broadly.”

Judge Nelson talked about her experiences working with tribes, particularly the active participation of tribal representatives in her courtroom. Not only do they provide insight and guidance for her, they provide it for the other parties. “I think that there’s something about the fact that we’re not divorced from our communities, particularly when it comes to raising kids. You have the ‘it takes a village to raise a child’ idea and I think that sometimes we really lose that thread in child protection and we create this big list of things that parents are expected to be able to do. And to me, one of the things that having the tribes actively participate in these cases means is that there’s community who is standing up for and supporting this child and this parent at the same time, and acknowledging that larger context that I feel like we artificially cut off from too much. I wish that we had ways to bring that in for all of our families.”

When asked about the spirit of ICWA, Judge Nelson said, “I’m trying to get it right. And I’m trying to ask the people who are in the courtroom with me to get it right. And I believe in being procedurally accurate, but I also believe in being pragmatic. I think sometimes that concept of spirit really is about pragmatism and about what we actually trying to do here.”

Judge Nelson also discussed what the ideal child protection process would look like in her courtroom. “I think that ideally, we would look at taking fewer kids out of their homes to begin with and putting more services into homes. For example, there are models where you move foster parents into an existing home as opposed to taking kids out, that idea of buttressing and scaffolding around an existing family as opposed to taking them in pieces, giving individual help, and then knitting them back together.”

“Ideally, child protection would have a lot more resources. When you look at the housing piece, that’s such a fundamental step – housing and reliable transportation. Everything else that we ask folks to do, if they don’t have safe and stable housing, is somewhat Sisyphean to begin with, and it can feel insurmountable. If we could be having safe and stable housing as just a baseline that would be a big step.”

Thank you, Judge Nelson, for taking the time to sit down with us for an interview and committing to our families!
The Future of ICWA in Minnesota: Developing a 10 Year Vision Conference

In mid-September ICWA stakeholders from throughout the state gathered at Treasure Island Resort and Casino in Welch, Minnesota, to discuss the future of ICWA in Minnesota and develop a ten year vision. This group was in collaboration with Casey Family Programs and facilitated by Indigenous Collaboration, Inc., which provides facilitation and training grounded in respect for the value and contribution each participant brings to the table. Paul Kabotie and Lesley Kabotie of Indigenous Collaboration, Inc. previously facilitated a visioning session in Minnesota that set the foundation for this conference.

To kick off the conference, participants reviewed the current state of Indian child welfare in Minnesota and reflected on the progress made over the years. The group then discussed long-term priorities and significant points of impact to focus on as well as identifying obstacles to these goals.

Participants strategized about targeted accomplishments over the next ten years and divided into implementation teams to carry out specific tasks, such as increasing ICWA training and increasing awareness around ICWA and its requirements. These implementation teams will report back to the ICWA Advisory Council to ensure ongoing efforts are made.

Thank you to Casey Family Programs and Indigenous Collaboration, Inc. for this event! We look forward to seeing the implementation of these visions in Indian child welfare in Minnesota over the next ten years!

Court Updates

Beginning this quarter, the ADYC Compliance Newsletter will include positive observations from ICWA hearings as well as ICWA highlights that demonstrate the great work happening in Ramsey County.

Date: 8/6/19
Judge: Nelson
Observation: A father thanked his ongoing case manager Dustin Thomforde in court for being a support system for him and his family, indicating that this is the first time in his life that he felt supported. Judge Nelson commended the social worker’s hard work and relationship with the family but reminded the father that his hard work is what is driving his progress.

Date: 8/16/19
Judge: Hilgers
Observation: At an extended foster care hearing the youth thanked the court for helping him get this far in life and said he looked forward to his next steps as he transitioned into college.

ICWA highlight: Respecting Tribal Sovereignty
Date: 7/25/19
Judge: Marek
Observation: A father identified White Earth Ojibwe heritage but said he believed he was not eligible for enrollment. Judge Marek thanked the father for this information but indicated that the case should still be treated with the protections of ICWA until there was verification from the tribe, since only the tribe can make a tribal membership determination.

Citations:
25 CFR § 23.108(a-b) Who makes the determination as to whether a child is a member, whether a child is eligible for membership, or whether a biological parent is a member of a Tribe?

(a) The Indian Tribe of which it is believed the child is a member (or eligible for membership and of which the biological parent is a member) determines whether the child is a member of the Tribe, or whether the child is eligible for membership in the Tribe and a biological parent of the child is a member of the Tribe, except as otherwise provided by Federal or Tribal law.

(b) The determination by a Tribe of whether a child is a member, whether a child is eligible for membership, or whether a biological parent is a member, is solely within the jurisdiction and authority of the Tribe, except as otherwise provided by Federal or Tribal law. The State court may not substitute its own determination regarding a child’s membership in a Tribe, a child’s eligibility for membership in a Tribe, or a parent’s membership in a Tribe.
Chi-miigwech to the National Indigenous Women’s Resource Center (NIWRC) for inviting Ain Dah Yung Center to participate at this year’s event: “Coming Together to Create a Cultural Response to Address the Impact of Domestic Violence on Women and their Children.”

It was an honor and privilege for me, Jasmine Grika, as the Nokomis Circle Liaison, to humbly sit next to three knowledgeable individuals who have made, and continue to make, a difference in Indian Country.

The question for the panel, “does child protective services protect our children?,” sparked an informative and awakening discussion around child protection and Indian child welfare. Although the short answer is no, that does not mean this question lacks complexity; any government system in place is stemmed from historical policies that were put in place to destroy us as a people.

The good news is that this is increasingly becoming a topic of discussion on many platforms, and current issues regarding Indian child welfare are being addressed by creating solutions and best practices. From participating in this panel, I walked away with gratitude and hope: it is with gratitude to know and work with Ramsey County on one of those solutions and best practices - the Nokomis Circle Initiative; and hope for the future for our American Indian families and Indian child welfare.

Other sessions at the training included empowering children in shelter, strategies for working with child protective services when domestic violence is involved, and foster care and sex trafficking. Participants and presenters from across the country shared their personal and professional experiences and extensive knowledge. Attendees left the conference with new tools to improve child protection and domestic violence responses in their communities.

Ramsey County goes to Denver! Casey Family Programs hosted the second ICWA Courts Collaborative event in Denver, Colorado. This event included stakeholders who work with Indian child welfare and want to create a difference when it comes to families’ experiences throughout the child protection process as well as successful outcomes for families.

It was an event that created space and opportunity for counties across the nation to come together and learn from one another to help enhance and improve their current ICWA practices. The Ramsey County team left invigorated and energized to help advance current practices. Personally, I left excited and with the reminder of how important this work is and why I do this work.

Additionally, everyone at this event was reminded that we each have a responsibility in a family’s outcome, and when each of our roles is fully and respectfully engaged, we create the dream team and help guide a family to a path of success.

Thank you Judge Smith and Ramsey County for inviting Ain Dah Yung Center to participate in this important event and thank you to Casey Family Programs for hosting and providing a space to fill with innovative and inspiring thoughts, helping shift the future for the better.

Some of you may have heard I am moving on to the next chapter of my journey. This journey as the Nokomis Circle Liaison has brought me so much more than I anticipated and makes this decision that much more difficult.
I have never felt more hopeful for the future of Indian child welfare, and I have each of you to thank for that. It has been a blessing to get to work with each of you and see the dedication each of you uphold in your everyday work when it comes to the children, parents, and families we work with.

I have learned so much from all of you! I can only hope that I provided as much to all of you as you have me. From the bottom of my heart, chi-miigwech (much thanks, Ojibwe) for all you do and for being a part of my journey - I appreciate you and I know our paths will continue to cross.

I look forward to seeing the positive impact each of you continue to make. Gigawabamin (See you later, Ojibwe)!

The Liaison Low Down (Continued from page 4)

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ICWA Violations

The ADYC Compliance Newsletter includes ICWA violations which may be from hearings held at court and/or from case files. We are blessed to have such a close working relationship with Ramsey County folks and the judges who preside for our families. Going forward judges’ names will not be listed with the violations due to the increased compliance and positive relationship we have established, though they may be included in the future if we see more non-compliance. We are pleased to report that there were minimal violations observed during Quarter 3! We look forward to our continued partnership as we work together to find ways for our families to be successful!

Violation type: Foster Care Placement
Date: 7/11/19
Issue: An Indian child was ordered into foster care without the determination, by clear and convincing evidence, that continued custody of the child by the parent would result in serious emotional or physical damage to the child. The stayed adjudication order also did not include the serious emotional or physical damage determination or clear and convincing evidence standard.

Violation type: Appointment of Counsel
Date: 7/18/19
Issue: The adjudicated father appeared without an attorney. He was informed of his right to apply for court appointed counsel at the end of the hearing.

Violation type: Appointment of Counsel
Date: 7/25/19
Issue: The father appeared without an attorney. He was appointed an attorney at the end of the hearing and an attorney appeared for him at the next hearing.

Citations:
Advisory of ICWA rights - 25 CFR § 23.111(g) What are the notice requirements for a child-custody proceeding involving an Indian Child? If a parent or Indian custodian of an Indian child appears in court without an attorney, the court must inform him or her of his or her rights, including any applicable right to appointed counsel, right to request that the child-custody proceeding be transferred to Tribal court, right to object to such transfer, right to request additional time to prepare for the child-custody proceeding as provided in § 23.112, and right (if the parent or Indian custodian is not already a party) to intervene in the child-custody proceedings.

Appointment of counsel - Indian Child Welfare Act, 25 U.S.C. § 1912(b): In any case in which the court determines indigency, the parent or Indian custodian shall have the right to court appointed counsel in any removal, placement, or termination proceeding.

Foster care placement orders; evidence; determination of damage to child - Indian Child Welfare Act, 25 U.S.C. § 1912(e): No foster care placement may be ordered in such proceeding in the absence of a determination, supported by clear and convincing evidence, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.
Tribal Attendance

The following chart indicates the tribes involved in ICWA cases in Ramsey County. 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 cases.

<table>
<thead>
<tr>
<th>TRIBE</th>
<th>NUMBER OF HEARINGS</th>
<th>TRIBE PRESENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad River Band of the Lake Superior Tribe of Chippewa Indians</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Bois Forte Band of Chippewa</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Cheyenne River Sioux</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Chippewa Cree Indians of the Rocky Boy’s Reservation</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Choctaw Nation of Oklahoma</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Fond du Lac Band of Lake Superior Chippewa</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Ho-Chunk Nation</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Kiowa Tribe of Oklahoma</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Lac Courte Oreilles Band of Lake Superior Chippewa Indians</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Leech Lake Band of Ojibwe</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Lower Sioux Indian Community</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Mille Lacs Band of Ojibwe</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Northern Cheyenne Tribe</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Oglala Sioux Tribe</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Omaha Tribe of Nebraska</td>
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<td>1</td>
</tr>
<tr>
<td>Red Lake Nation</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Rosebud Sioux Tribe</td>
<td>5</td>
<td>5</td>
</tr>
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<td>Saginaw Chippewa Indian Tribe of Michigan</td>
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<td>1</td>
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<tr>
<td>Sisseton Wahpeton Oyate</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Spirit Lake Tribe</td>
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<td>2</td>
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<tr>
<td>Three Affiliated Tribes</td>
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</tr>
<tr>
<td>Turtle Mountain Band of Chippewa Indians</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>White Earth Nation</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Unknown*</td>
<td>32</td>
<td>-</td>
</tr>
</tbody>
</table>

*There was little or no indication in the paperwork or discussion in the courtroom to determine eligibility for specific tribes.
About the Quarter 3 Data

Data was collected from July 1, 2019 to September 30, 2019. This data is collected by the court monitor at hearings held at court, 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 cases.

### Attendance Data Comparison

Mothers attended hearings 63.0% of the time in Quarter 3 of 2019, a slight increase from the same time last year.

Fathers, however, attended hearings only 29.6% of the time, a decrease from last year. A lack of engagement and interest from fathers in completing reunification efforts continues to be a barrier in child protection. In Quarter 3 of 2019 there were four hearings in which fathers were unidentified.

Common reasons for parents who are interested in attending court but not present are a lack of transportation to court hearings, parking, length of wait time, and conflicts with work schedules.

Attendance data for parents does not include hearings in which parental rights have been terminated.

Children were present only 14.6% of the time in Quarter 3. There continues to be discussion about ways to engage children and encourage them to attend court hearings.

Tribal representatives attended hearings 54.0% of the time in Quarter 3. At many hearings the tribal affiliation of the child was in the process of being determined, which accounts for some of the hearings in which tribal representatives were not present.

Data for ICWA cases where tribal affiliation is unknown or vague is not included.
Placement Preferences

Tribes presented placement recommendations 26.8% of the time in Quarter 3, remaining consistent from last year. While placement preferences are often discussed in court, the tribe’s specific placement recommendations are generally made early in child protection proceedings.

The agency’s recommendations continue to be consistent with tribal preferences. This reflects great teamwork between the agency and tribes!

Placement is indicated in the chart below. Placement with parent includes custodial and non-custodial parents, including protective supervision and trial home visits.

Did the tribe seek to present a recommendation regarding placement?

<table>
<thead>
<tr>
<th></th>
<th>Q2 2018</th>
<th>Q3 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>No</td>
<td>56</td>
<td>60</td>
</tr>
<tr>
<td>Grand Total</td>
<td>83</td>
<td>87</td>
</tr>
</tbody>
</table>

Was the tribe’s recommendation regarding placement the same as the petitioner’s?

<table>
<thead>
<tr>
<th></th>
<th>Q3 2018</th>
<th>Q3 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Grand Total</td>
<td>28</td>
<td>27</td>
</tr>
</tbody>
</table>

Good Cause to Deviate

In each of the hearings in which placement preferences were not followed, the children were placed in non-Indian homes or in a group home. The judge found good cause to deviate from the placement preferences in each case.

The unavailability of suitable families, including Indian foster homes, continues to be an issue in Ramsey County.

Contact Information
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twitter.com/AinDahYungCtr
ADYC and the Nokomis Circle Project have benefited highly from Jasmine Grika’s actions and leadership, alongside Ramsey County, in solidifying the Nokomis Circle Project and helping to bring it to a place where we now have greater partnerships between child protection and our children and their families. We were so excited to have Jasmine join us at a critical time when we jump started this new initiative numerous years ago and look forward to the next phases of this much needed program. We are so grateful to Jasmine for all her work in helping to shape this foundation for our families and know that she will continue to do wonderful things as she pursues her interest in the arenas of systems and policy change. Jasmine also was moved to provide overall program/staff coordination of Oyate Nawajin and appreciate her efforts to form unity amongst these program areas. Chi Migwetch Jasmine for all you did for ADYC, these programs and our community! You will always be an ADYC family member and we wish you the absolute very best!!

The following is the job posting for the Oyate Nawajin Coordinator- Nokomis Circle Liaison position. Please forward freely to those who might qualify:

Oyate Nawajin Coordinator- Nokomis Circle Liaison

**SALARY:** DOQ. Full-time exempt position with excellent benefits. Predominately Monday—Friday, 9 am—5 pm. Must be available to work occasional evening and weekend hours. Flexibility is required.

**SUMMARY:** The Nokomis Circle Project is designed to create a bridge between Child Protection Services (CPS) and the needs of our American Indian families at the brink of experiencing child protection involvement to help ensure that families are successful in keeping and/or returning their children home. This position also oversees the Family Advocacy and Court Monitoring—Oyate Nawajin Programs and will provide staff supervision and program management.

**ACADEMIC REQUIREMENTS:** Bachelor's degree in social services, human services or related field is preferred. Program coordination and supervision experience preferred.

**EXPERIENCE:** A minimum of 3 years of experience working with families in a social service setting. Must have demonstrated experience providing advocacy and case management to American Indian families experiencing or at-risk of involvement with the child protection system. Must possess a strong knowledge of the child protection services system. Must possess a strong knowledge of community resources. Knowledge of the Indian Child Welfare Act and Minnesota Indian Family Preservation Act and their application within judicial proceedings of court and legal advocacy required. Excellent case management and documentation skills a must. Candidates must be knowledgeable of the Native American Indian culture, values, and family systems. Program coordination and supervision experience a plus.

**ADDITIONAL REQUIREMENTS:**

- Must have valid MN Driver’s License, a vehicle, and valid vehicle insurance and pass DHS Background Check.
- Needs to demonstrate strong networking skills and be able to work collaboratively with Ramsey County, American Indian families and community agencies.
- Must have strong advocacy skills on behalf of families as well as the ability to guide and enhance families’ knowledge of the Child Protection System.
- Must have a clear understanding of structural racism and historical trauma and its impact on the American Indian community.
- Strong communication skills, including inter-personal communication and written reports. Must be self-motivated and self-directed. Ability to help facilitate team approaches that result in workable case plans and to contribute to resolution of confliction which may arise between Child Protection, families and agencies.
- Program coordinator experience preferred including— program management and supervision. Must have strong organizational skills.

**CLOSING DATE:** October 21st, 2019

If interested, please email cover letter and resumé to jill.ross@adycenter.org. For more information about the Ain Dah Yung Center, visit us at adycenter.org.
MINO OSKI AIN DAH YUNG is getting ready to start leasing up in the next few weeks! Young people will have a place to call “home” while they re-establish and strengthen their cultural identity, participate in workforce and educational achievement, and have the time they need to attain their personalized goals towards the success that each of them so deserves. Please join us for the GRAND OPENING and CELEBRATION!

SAVE THE DATE
GRAND OPENING CELEBRATION!

WEDNESDAY, NOVEMBER 20TH 2019  4:00—7:00pm

Ain Dah Yung Center is honored to present:

MINO OSKI
AIN DAH YUNG

(Good New Home – Ojibwe)

Boozhoo Everyone!!

Please mark your calendars to join us at the Celebration and Grand Opening

- Welcome Program
- Honored Speakers
- Refreshments and Tours
- Native Singing and Dancing
- Art Gallery

Follow us at - facebook.com/ADYCenter