



# ADYC COMPLIANCE NEWSLETTER

By Sadie Hart, ICWA Compliance Monitor

Q1 2021

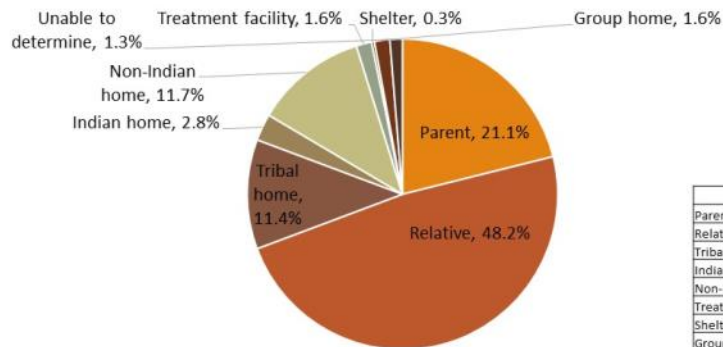
## 2020 Data Roll Out

While the COVID-19 pandemic created and exacerbated challenges within the child welfare system, we are thankful to see continued improvements in Ramsey County as we rolled out our 2020 Ramsey County Data at the Ramsey County ICWA Advisory Board meeting in March. Data is 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!

### Placement

Placement types remained consistent from 2019 to 2020, with almost half of children placed with relatives. Approximately 21% of children remained with their custodial parent, either under protective supervision or a trial home visit, or were placed with the non-custodial parent.

### Type of placement for 2019

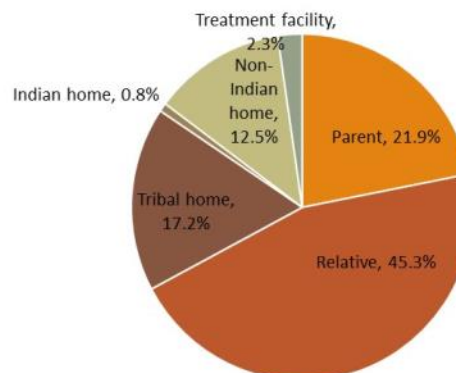


2019		
Parent	67	21.1%
Relative	153	48.2%
Tribal home	36	11.4%
Indian home	9	2.8%
Non-Indian home	37	11.7%
Treatment facility	5	1.6%
Shelter	1	0.3%
Group home	5	1.6%
Unable to determine	4	1.3%
Grand Total	317	

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### Type of placement for 2020



2020		
Parent	28	21.9%
Relative	58	45.3%
Tribal home	22	17.2%
Indian home	1	0.8%
Non-Indian home	16	12.5%
Treatment facility	3	2.3%
Grand Total	128	

**Placement (continued)**

Placement preferences were followed 85.2% of the time in 2020, roughly the same as in 2019.

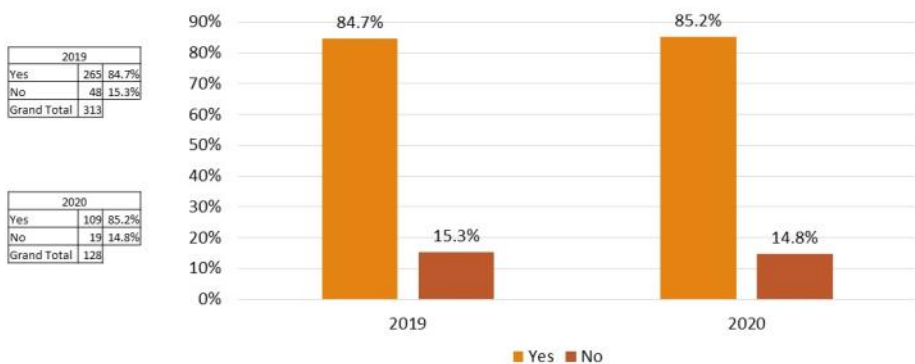
When ICWA placement preferences were not followed, it was generally due to the unavailability of suitable foster families, such as relatives or American Indian foster homes, highlighting the need for the recruitment of more American Indian foster families in Ramsey County.

When a tribal representative was present at the hearing they presented a recommendation regarding placement 82.4% of the time in 2020, which was an increase from 69.4% in 2019. While placement decisions are generally determined early in the case, this reflects the agency's ongoing communication and collaboration with the tribe to ensure the tribe continues to support the placement.

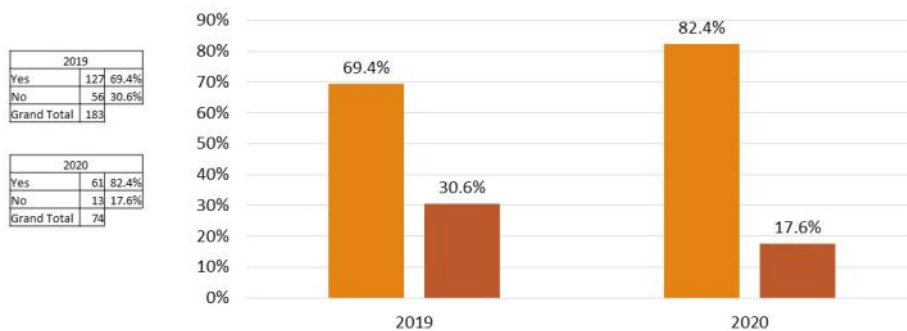
When the tribe did present a recommendation regarding placement, it was the same as the agency's recommendation 100% of the time in 2020, an increase from 92.1% in 2019.

This reflects the great communication and teamwork between the agency and tribes! The agency worked closely with tribes to ensure that they are involved in placement decisions for the child.

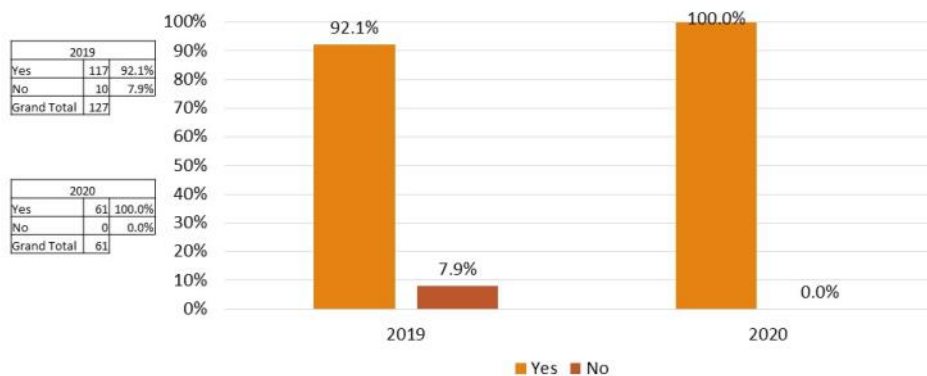
Were the placement preferences followed?



When the tribe was present, did the tribe seek to present a recommendation regarding placement?



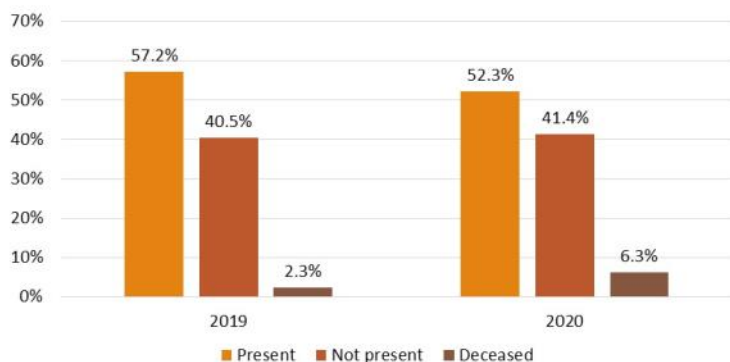
Was the tribe's recommendation regarding placement the same as the petitioner's?



## Attendance of Mothers

2019		
Present	174	57.2%
Not present	123	40.5%
Deceased	7	2.3%
Grand Total	304	

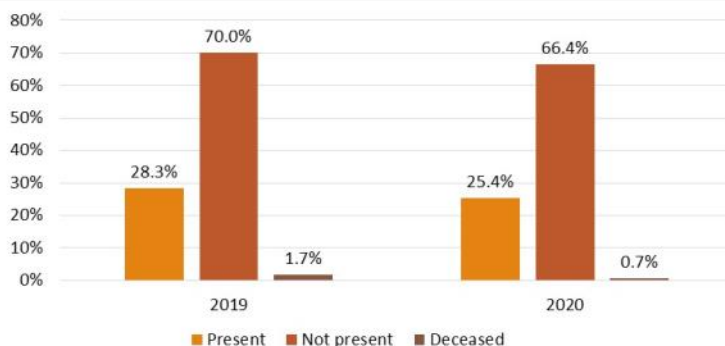
2020		
Present	67	52.3%
Not present	53	41.4%
Deceased	8	6.3%
Grand Total	128	



## Attendance of Fathers

2019		
Present	82	28.3%
Not present	203	70.0%
Deceased	5	1.7%
Grand Total	290	

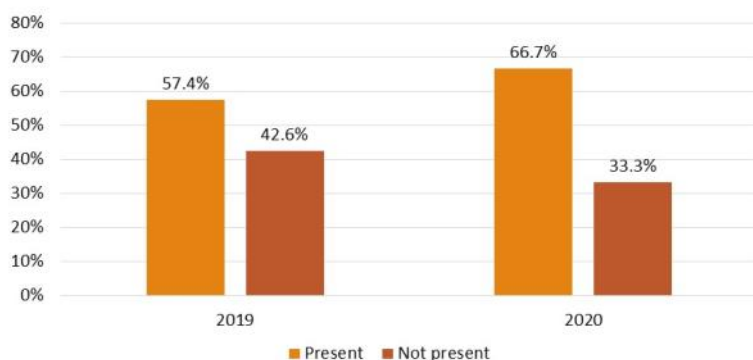
2020		
Present	34	25.4%
Not present	89	66.4%
Deceased	1	0.7%
Grand Total	134	



## Attendance of Tribes

2019		
Present	197	57.4%
Not present	146	42.6%
Grand Total	343	

2020		
Present	78	66.7%
Not present	39	33.3%
Grand Total	117	



## Attendance

Attendance of mothers and fathers decreased slightly from 2019 to 2020. As the judicial system adapted to changes required by the COVID-19 pandemic, pre-adjudication hearings were held either remotely or in-person while review hearings were held administratively.

At the end of 2020 as the capacity for remote hearings increased to include review hearings, there was a noticeable decrease in attendance of parents. In particular, mothers were present only 40% of the time in Quarter 4. The agency continues to work to reengage parents with the judicial system.

Tribes increased their rate of attendance from 57.4% in 2019 to 66.7% in 2020. Remote and time-certain hearings have made it easier for tribal representatives to attend hearings. More tribal involvement has made a large impact on child protection cases in Ramsey County, both in court and out of court.

Increased tribal participation in court provides valuable information to the judge and parties when determining what services could help the family and what is in the best interest of the children.

This is great collaboration between the agency and tribes!

### Active Efforts

Active efforts were considered at most hearings, though this question reflects only active efforts towards reunification and does not reflect active efforts towards permanency. There was a 4% increase in the finding from 2019 to 2020.

Testimony to support the active efforts finding increased from 57.2% in 2019 to 76.2% in 2020.

Testimony to support the active efforts finding must include how the agency's efforts were active and not only an explanation of the efforts that were made.

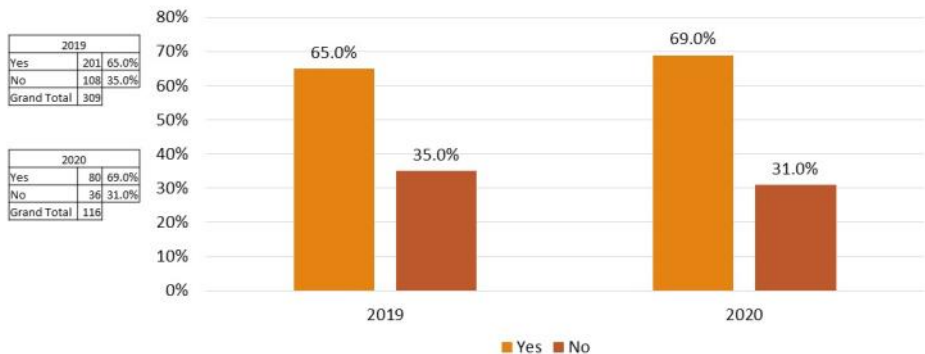
More in-court discussion about active efforts and services creates more transparency in the process and provides the court with valuable knowledge to inform decisions.

The overall number of disputes regarding active efforts decreased from 12 in 2019 to only 4 in 2020.

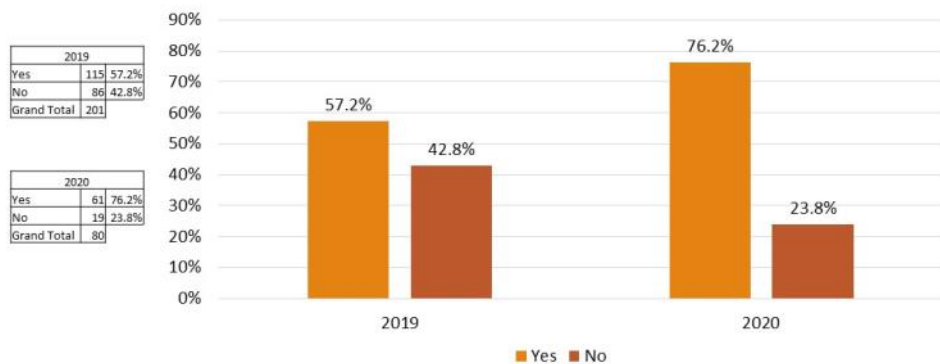
When active efforts were disputed, the issue was raised by the mother, father, or the tribe. Many concerns were due to communication issues or case plan requirements related to the unavailability of services during COVID-19.

This decrease in active efforts disputes shows the great partnership between the agency and all parties!

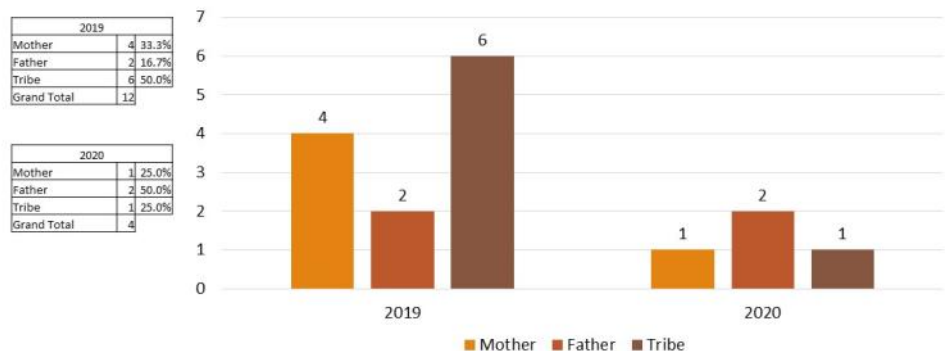
### Did the judge find that the agency made active efforts to prevent removal or to return the child to the home?



### Was testimony presented to support the active efforts finding?



### If active efforts were disputed, who disputed active efforts?





## Liaison Lowdown: 2020 Data Roll Out

By Mariah Smith

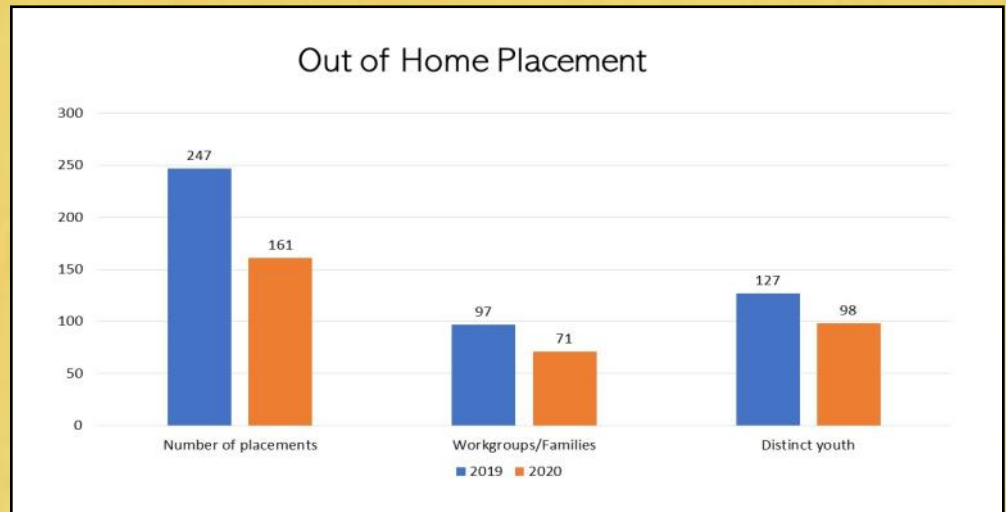
Happy Spring! We have nearly made it through the winter weather and warmer days are on the horizon. Last week I was driving through Fond Du Lac as the snow was turning to water and was overjoyed to see Maple Trees tapped. I look forward to this time of year after months of hibernation.

To begin, we are proud of the work Oyate Nawajin has accomplished with our families despite the COVID-19 pandemic. We adjusted how we supported them by providing families with laptops and wifi to attend groups weekly via Zoom, so that families could stay engaged and connected with one another. For some additional fun, we invested in some Indigenous meats from Sleepy Bison Acres and started cooking groups using bison and venison (venison was courtesy of our Family Advocate, Tyler Bouwens). For our most recent group on March 22<sup>nd</sup>, we grilled bison burgers and hot dogs during a socially distanced barbeque at Lake Phalen Park. Our next cooking group will be on May 25<sup>th</sup>.

We also hosted families on a wonderful apple orchard trip last fall, held our Annual Community Holiday Party, plus were awarded the Department of Human Services Early Intervention Grant which we've used to support 13 families thus far with not only these culturally responsive family support groups and activities, but assisting families with remaining out of child protective services and sustaining safety, stability and restoration as needed. In addition, this provides further resources to support basic needs such as food, shelter, transportation, and household goods.

As part of our Oyate Nawajin/Nokomis Circle (NC) Liaison Program presentation with Ramsey County, we shared our data for overall program outcomes and for our out of home placements, among other NC outcomes. The graph below showcases the number of families experiencing out of home placement during 2020 in comparison to 2019. As you can see, placements were more stable in 2020. One potential impact could be, due to the pandemic, there was a desire to not move children around. However we do know that having the Ramsey County ICWA Intake Unit in partnership with ADYC's Nokomis Circle Liaison Program, has definitely made a positive impact in ensuring our families have the guidance and support they need to manage their case plans successfully or divert becoming involved in CPS all together.

Lastly, in regards to the Nokomis Circle Liaison Program, we identified that further data collection and the streamlining of this data will refine outcomes for 2021. After the presentation mentioned above, we opened the floor up to feedback from all parties and in partnership with Ramsey County, we look forward to a more "pandemic free" strategic plan to achieve this goal. We are greatly appreciative of the Ramsey County leadership who joined us as we demonstrate our shared efforts in decreasing the disparities for our Native children and their families!



## 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 professionals and the judges who preside for our families. We are pleased to report that there were no violations observed during Quarter 1! We look forward to our continued partnership as we work together to find ways for our families to be successful!

## Court Updates

The ADYC Compliance Newsletter includes positive observations from ICWA hearings as well as ICWA highlights that demonstrate the great work happening in Ramsey County.

**Observation:** Social Worker Skye Johnson expressed how proud she is of a youth in the independent living program and the great working relationship they have. The tribal worker noted the bright future the youth has ahead of her. The youth's attorney commended Skye and noted that the youth feels safe with her and they have a great working relationship.

**Observation:** Red Lake Nation Social Worker Mika Barrett expressed her joy in the children reaching permanency with their grandparents while maintaining relationships with their parents, noting that this outcome is in line with the spirit of ICWA.

**Observation:** Parent Attorney Suzanne Guertin read part of a letter from her client's counselor detailing

the great work the mother has been doing and her commitment to the program. Judge Smith recognized that the mother has done excellent work getting healthy again and to continue the very good work she is doing.

**Observation:** After a parent explained that the child was not previously eligible for tribal membership as established during a previous child welfare proceeding, Judge Hilgers explained why the tribe needed to be notified for the current proceeding, indicating the potential for changes in membership eligibility for the tribe and the importance that the case be treated with the protections of the Indian Child Welfare Act while the tribe determined the membership status of the child.

## 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.

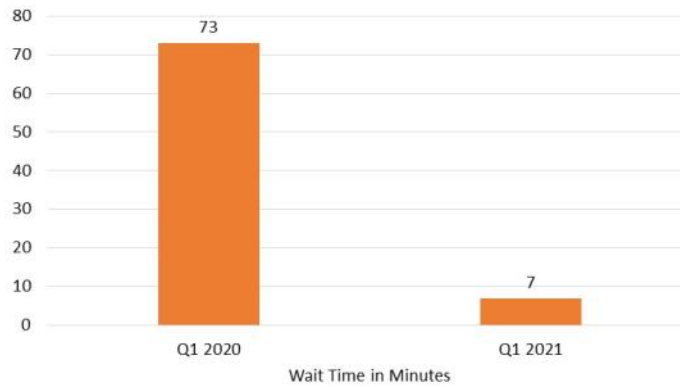
TRIBE	NUMBER OF HEARINGS	TRIBE PRESENT
Bad River Band of the Lake Superior Tribe of Chippewa Indians	1	1
Bois Forte Band of Chippewa	2	2
Cheyenne River Sioux Tribe	1	-
Choctaw Nation	2	2
Ho-Chunk Nation	1	1
Lac Courte Oreilles Band of Lake Superior Chippewa Indians	1	-
Leech Lake Band of Ojibwe	10	10
Lower Sioux Indian Community	2	2
Mille Lacs Band of Ojibwe	5	5
Red Cliff Band of Lake Superior Chippewa	3	3
Red Lake Nation	5	5
Rosebud Sioux Tribe	2	1
Standing Rock Sioux Tribe	1	1
White Earth Nation	8	6
Unknown*	9	-

## About the Quarter 1 Data

Data was collected from January 1, 2021 to March 31, 2021. 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.

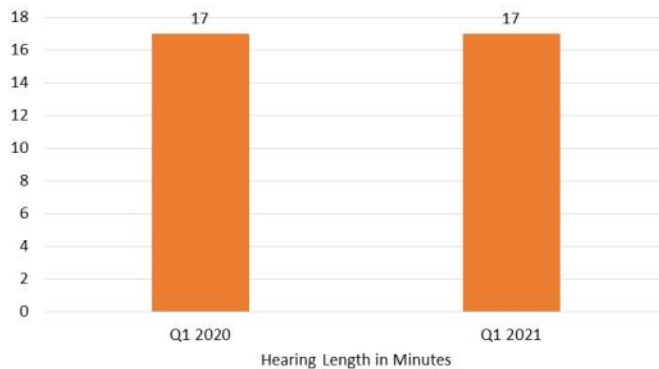
### Average Length of Hearing Wait Time

Average Wait Time	
Q1 2020	73 minutes
Q1 2021	7 minutes



### Average Length of Court Hearing

Average Wait Time	
Q1 2020	17 minutes
Q1 2021	17 minutes



### Court Time

Virtual hearings due to the COVID-19 pandemic have highlighted some unique challenges and opportunities for the court system. Prior to virtual hearings, long wait times were a barrier for parents to participate in the court process. But virtual time-certain hearings, scheduled in 20-minute increments, have decreased wait times significantly from an average of 73 minutes in Quarter 1 of 2020 to 7 minutes in Quarter 1 of 2021.

At the same time, the average hearing length has remained consistent at 17 minutes.

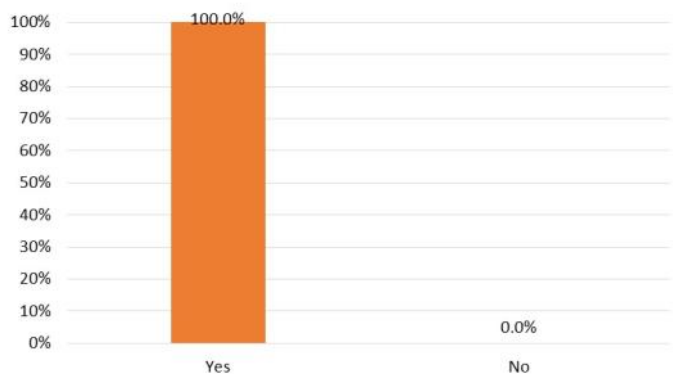
Ensuring that parents have the technology to participate in virtual hearings and remain engaged in the court process continue to be priorities for the agency.

### Emergency Hearings

When required at emergency hearings, the judge made a finding that the emergency removal was necessary to prevent imminent physical damage or harm to the child 100% of the time. The judge also made a finding that active efforts were made to prevent removal 100% of the time.

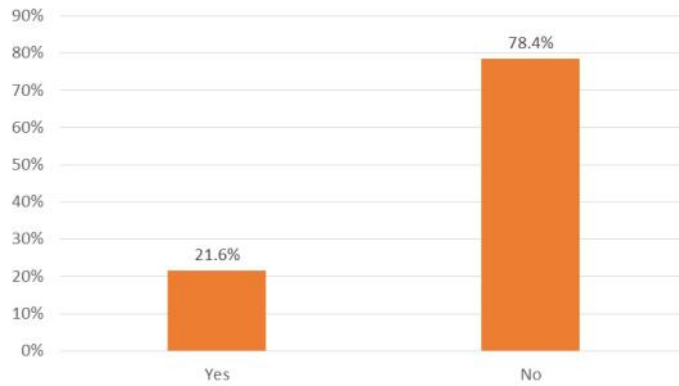
### Did the judge make a finding that emergency removal was necessary to prevent imminent physical damage or harm to the child?

Yes	7	100.0%
No	0	0.0%
Grand Total	7	



## Was the hearing continued?

Yes	11	21.6%
No	40	78.4%
Grand Total	51	



## Hearings

Each of the 11 hearings that were continued in Quarter 1 were in the pre-adjudication stage. The most common reasons for requesting a continuance were ensuring that parents and tribes were given proper notice of the proceedings.

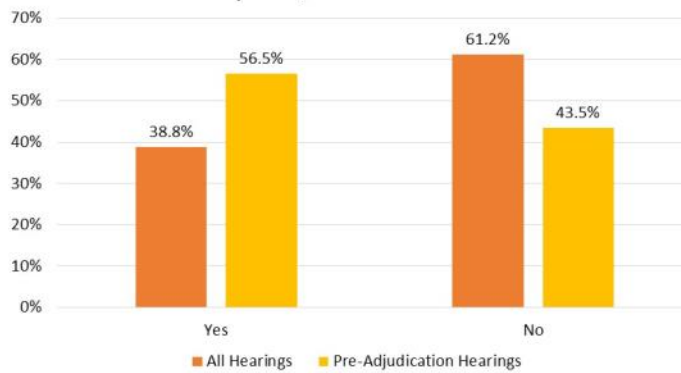
Some hearings were also continued to ensure that an attorney could be appointed and present. When a parent was unable to meet with their attorney prior to the hearing the court often allowed them to meet in a Zoom breakout room before the hearing.

Discussion about tribal membership is more likely to occur in the pre-adjudication stage of proceedings as eligibility is being determined by the tribe. However, the child's tribe was stated on the record 87.8% of the time, often in reference to how the agency has been working with the tribe.

## Was there discussion orally on the record whether the child is a member of, or eligible for membership in, a tribe?

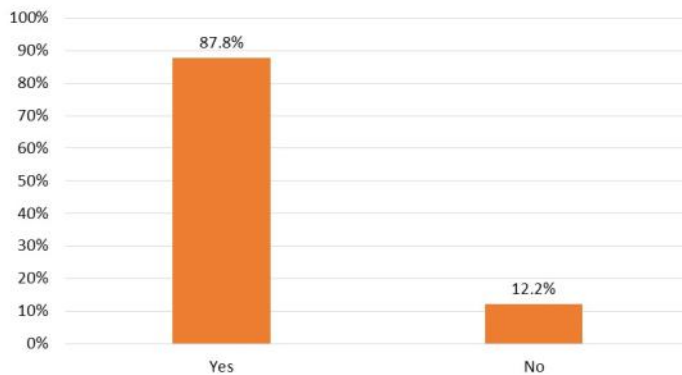
All Hearings		
Yes	19	38.8%
No	30	61.2%
Grand Total	49	

Pre-Adjudication Hearings		
Yes	13	56.5%
No	10	43.5%
Grand Total	23	



## Was the child's tribe(s) identified orally on the record?

Yes	43	87.8%
No	6	12.2%
Grand Total	49	



## Contact Information

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