



ADYC COMPLIANCE NEWSLETTER

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By Sadie Hart, ICWA Compliance Monitor

Q2 2021

Gigawabimin (See You Later), Suzanne!

A vital component of Ramsey County's Indian Child Welfare Act (ICWA) Calendar is the multidisciplinary team of professionals who specialize in working with American Indian families and the Indian Child Welfare Act. This includes Suzanne Guertin, an outgoing ICWA parent attorney at Southern Minnesota Regional Legal Services (SMRLS).

Guertin has represented parents in the juvenile protection system who have Indian Child Welfare Act cases for the last eight years. This representation is part of the Indian Child Welfare Legal Advocacy/Compliance (ICWLAC) Project with the Ain Dah Yung Center. The ICWLAC Project was created to enforce local compliance with the federal Indian Child Welfare Act. In addition to legal representation, the ICWLAC Project provides court monitoring on cases involving American Indian children as well as education and outreach to identify systemic problems and strategize on solutions regarding ICWA compliance.



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Through her work at SMRLS Guertin also represents low-income clients in cases that often involve domestic violence or custody issues related to protecting the safety and stability of their children. SMRLS is a non-profit law firm that was founded over 110 years ago to provide legal advocacy and representation for low-income individuals in the areas of housing, economic justice, immigration, and family law. The organization has offices in St. Paul, Rochester, Winona, Albert Lea, Mankato and Worthington.

Guertin typically represents 10 to 13 parents at a time. "I only represent one party to a case," she noted, "never a set of parents. As for building my relationship with clients, before remote hearings, I only had a very short time between meeting them and going into an EPC hearing. That is obviously not much time to build any kind of rapport or trust, but trying to do so in person was a huge advantage compared to what we're doing now. It does help if the client was working with a community organization such as the Ain Dah Yung Center coming into the case because I can meet them through an introduction from someone they already trust."

Guertin indicated that while the law and burdens upon the county and court are stronger in ICWA cases, she provides the same level of advocacy for all her clients. Part of this advocacy is collaboration with other justice partners.

Gigawabimin, Suzanne! (Continued from page 1)

“Building relationships with the county is done just by having been here for eight years and working with a lot of the same people. I find that the people working in child welfare come at the work from a problem-solving perspective, for the most part. I have worked in areas where the feeling I got was that of a more punitive system for the parents; that kind of a system or culture does not work and is quite harmful.”

When asked how she tries to enforce ICWA compliance, she responded, “If I think it is clear the county is not providing active efforts, I’ll voice that to the attorney or bring a motion. My clients will often bring something to my attention and that will trigger my outreach to whoever can address the problem. A new issue I’m seeing – and one I hope is challenged vigorously (in both ICWA and non-ICWA cases) – is parents being defaulted by affidavit. I think it’s a pretty egregious due process violation. I see a need for improvement in ensuring due process. I do not like testimony by affidavit and I see no reason for it.” Guertin also said that she has “seen improvements in the court asking the required questions at emergency hearings and most hearings thereafter. I think the county is doing more to prevent out of home placement, also.”

“My clients can do amazing work on issues they do have, but I think some of them think they’ve lost just by virtue of having had their kids taken and may give up or not try to correct the issues they do have.”

Guertin reflected on the strengths of the parents she works with, noting that, “I think the parents in these cases are strong people who love their children very much. They can end up in the child welfare system for reasons that can be very serious to ones that can be as unfortunate as living in poverty. The poverty issues aren’t parenting issues and so those cases frustrate me – I don’t think children should be removed in a large percentage of those cases. My clients can do amazing work on issues they do have, but I think some of them think they’ve lost just by virtue of having had their kids taken and may give up or not try to correct the issues they do have.”

much of the pandemic, our office was also closed to clients, so there weren’t really any great options – just the phone and zoom. Being in-person makes a difference with clients and other parties when it comes to negotiations. The negative impact on negotiations has been much harder with my family law cases, though. The positive things I see with remote hearing are: no parking issues, fewer child care issues for clients or custodians, clients with warrants not risking arrest to participate in hearings, and a much more efficient calendar.”

Finally, Guertin highlighted the importance of collaboration with American Indian organizations and having knowledgeable justice partners: “I find that having partners at the Ain Dah Yung Center, American Indian Family Center, and Minneapolis American Indian Center help a lot. The social workers in the ICWA unit for the county also have a great knowledge of the programs available and ICWA makes sure they use them.”

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Miigwech to Suzanne Guertin for answering our questions and providing legal representation to our families!

Liaison Lowdown: Summer Fun!

By Mariah Smith

Aniin/Hello friends! It's been a busy last quarter. Oyate Nawajin has been working hard the last couple months closing out our pilot year of having the Department of Human Services (DHS) Early Intervention Grant. This is a grant that works towards preventing involvement of Child Protection Services in the lives of our American Indian families. We've closed out the fiscal year supporting 17 clients!

Some of the several ways we've used this grant to support our families are: utility bills, rent/mortgage payments, auto repairs, youth summer camp costs, park memberships, groceries, camping equipment, cultural supplies, naming ceremony costs and more. We are proud of this first year and we are looking forward to the opportunity that this grant has given us to help our families financially.

Next, we held our summer BBQ the first week of June at Lake Owasso. We celebrated the end of the school year for the kiddos and spent time just being together - which was definitely missed after a year of no group gatherings!

We cooked bison burgers and hot dogs that we bought using funds from our DHS Early Intervention Grant. Tyler Bouwens, our Family Advocate, cooked the meat for everyone and also brought Venison steaks of his own to share with our families...all of which was incredible! Our group elder made a Spirit plate as the kiddos played at the park, we ate at the picnic tables and after groups went swimming at the beach. The bison burgers were incredible and everyone enjoyed themselves. This was a great Family Night and a fun way to start summer for our families!



Oyate Nawajin held its first summer BBQ at Lake Owasso in Roseville, Minnesota.



Last, we have three exciting outings planned for this summer. The Ain Dah Yung Center and Dream of Wild Health are collaborating in July and August for day trips to their 30-acre farm in Hugo, MN. Dream of Wild Health is a Native American led non-profit organization in the Twin Cities. Their mission is to "restore health and well-being in the Native community by recovering knowledge of and access to healthy Indigenous foods, medicines and lifeways."

We will be learning more about their farm and helping out where it is needed. We are excited for this partnership with Dream of Wild Health and are grateful to be welcomed into this sacred space!

Our third outing we are currently in the works of planning is our first Oyate Nawajin camping trip. Our program was able to buy camping gear with the DHS Early Intervention Grant previously mentioned, and we'll be taking a trip in late August. More information to come in next quarter's newsletter!

Happy Summer to you all,

Mariah

Community Education Event is a Success!

In June the Metropolitan Urban Indian Directors Family Preservation Subcommittee hosted an education event for the American Indian community entitled "Know Your Rights: Understanding and Navigating the Indian Child Welfare Process." Topics for the event included the mandated reporting, intake, and investigation processes, as well as a panel discussion that included community members who have experience with the child welfare system. Stakeholders from American Indian organizations, Hennepin County, and Ramsey County participated in the event.

Thank you to the Family Preservation Subcommittee for providing value information and resources to our community!

The recording of the event can be viewed here: <https://www.youtube.com/watch?v=69Mxmgb5UH0>. To receive information about future events, please email sadie.hart@adycenter.org.



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 2! 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: At the transfer of custody hearing, Children's Law Center attorney Debra Kovats expressed her gratitude to the mother for getting the youth to this place in his life. Judge Smith also expressed his appreciation for the mother's decision to do what was in the youth's best interest and his hope that their relationship continues to grow and thrive.

Observation: Judge Smith noted his appreciation for social worker Crystal Hedemann's assistance with transportation to school for the youth and indicated it is representative of what active efforts are.

Observation: Judge Smith commended the mother on her hard work to reunify with her daughter and told her to keep up the good work. He also commended the case aides who assisted in transporting the mother to the foster home for multiple visits with her daughter, resulting in over 8 hours in the car for each visit.

Observation: After consistently attending hearings, the youth thanked the court for the opportunity to attend and be part of the decision-making process about his life.

Observation: At an emergency protective care hearing Judge Millenacker commended the mother's wisdom for getting help for herself and her son so she had support to help in reunifying with her child.

Observation: The mother thanked everyone for helping in the child protection process and said she knows how much her son is loved and will continue to work on helping him be happy.

Observation: The relative foster parent thanked social worker Shad Cook and everyone else in the hearing for their help ensuring the youth has everything he needs.

Observation: The tribal worker noted that the county and adoption recruiter did a wonderful job finding the prospective adoptive family for the children. Judge Mulrooney echoed the praise.

Observation: After an update from the grandmother/foster parent, Judge Smith expressed his gratitude to her for providing a caring home for her grandchildren and ensuring stability in their lives.

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.

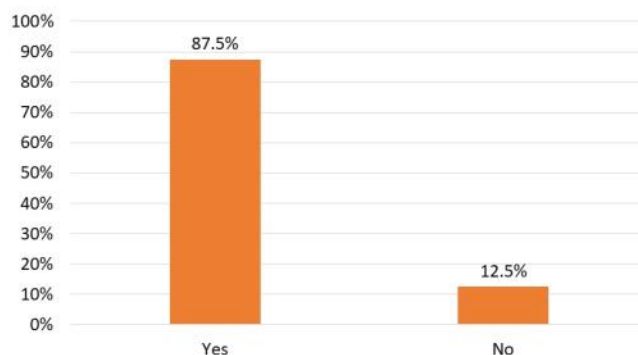
TRIBE	NUMBER OF HEARINGS	TRIBE PRESENT
Bad River Band of the Lake Superior Tribe of Chippewa Indians	1	-
Bois Forte Band of Chippewa	1	1
Cheyenne River Sioux Tribe	4	4
Choctaw Nation	2	2
Lac Courte Oreilles Band of Lake Superior Chippewa Indians	1	-
Leech Lake Band of Ojibwe	7	7
Lower Sioux Indian Community	5	5
Mille Lacs Band of Ojibwe	6	6
Red Cliff Band of Lake Superior Chippewa	2	2
Red Lake Nation	9	8
Rosebud Sioux Tribe	5	5
White Earth Nation	9	7
Unknown*	14	-

About the Quarter 2 Data

Data was collected from April 1, 2021 to June 30, 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.

Was testimony presented to support the active efforts finding?

Yes	28	87.5%
No	4	12.5%
Grand Total	32	

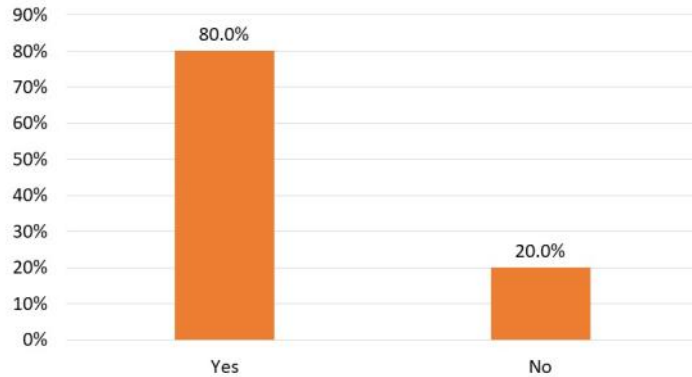


Active Efforts

Testimony to support a finding of active efforts to reunify the family was given 87.5% of the time. Examples of active efforts include transportation for visitation, assistance with school drop offs, coordination and assistance with treatment intake, and providing financial support.

Were the placement preferences followed?

Yes	44	80.0%
No	11	20.0%
Grand Total	55	



ICWA Placement Preferences

ICWA's placement preferences were followed 80% of the time. Placement with a relative occurred 52.7% of the time.

When a tribal representative was present and gave a recommendation it was the same as the agency's 100% of the time.

Non-ICWA placements included group homes that met the increased needs of older youth as well as non-Indian homes.

A common reason for a parent to object to ICWA's placement preferences was to allow the youth to remain in the area to facilitate visitation with parents.

An objection by the child included an older youth who was able to give input into her own placement decisions and live with a friend's family.

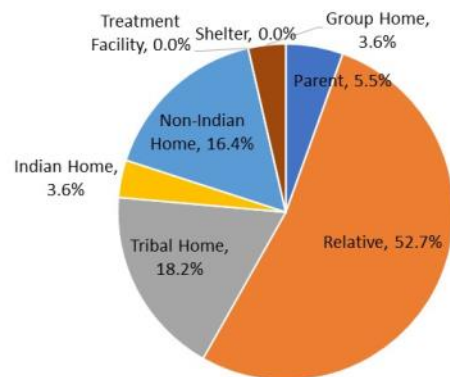
Extraordinary needs of the child included increased medical needs that required a medically-trained foster care provider as well as postpartum hospitalizations of infants.

The unavailability of suitable families indicates the lack of American Indian/ICWA foster care placements available.

Multiple reasons for the good cause to deviate from an ICWA placement preferences finding may be given at each hearing.

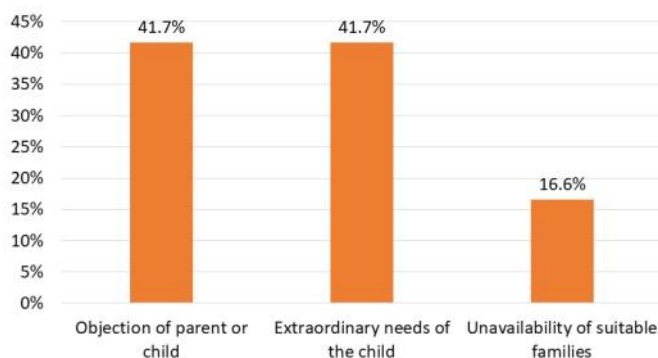
Placement

Parent	3	5.5%
Relative	29	52.7%
Tribal Home	10	18.2%
Indian Home	2	3.6%
Non-Indian Home	9	16.4%
Treatment Facility	0	0.0%
Shelter	0	0.0%
Group Home	2	3.6%
Grand Total	55	



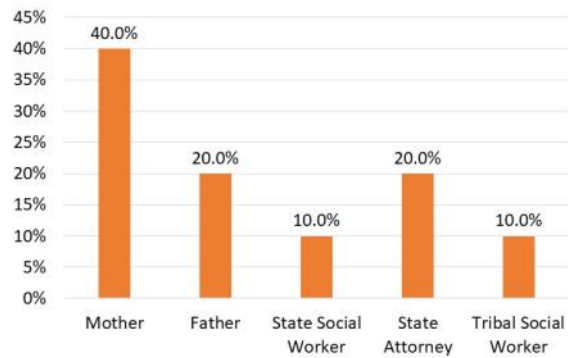
If placement preferences were not followed, why not?

Objection of parent or child	5	41.7%
Extraordinary needs of the child	5	41.7%
Unavailability of suitable families	2	16.6%
Grand Total	12	



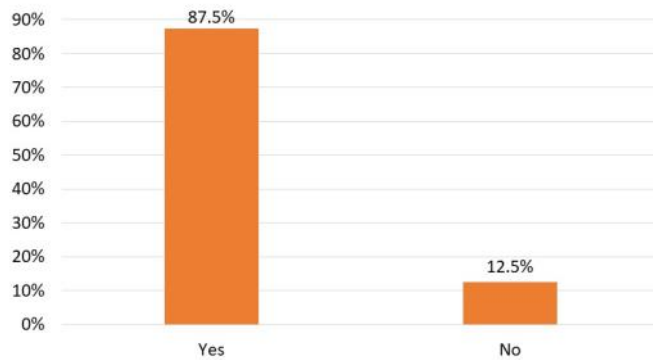
At the EPC, who was asked whether or not the child was affiliated with an Indian tribe?

Mother	4	40.0%
Father	2	20.0%
State Social Worker	1	10.0%
State Attorney	2	20.0%
Tribal Social Worker	1	10.0%
Grand Total	10	



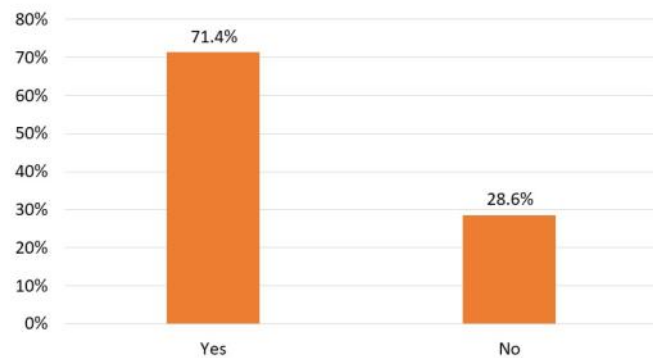
Was the child's tribe(s) identified at the EPC?

Yes	7	87.5%
No	1	12.5%
Grand Total	8	



If a tribe was identified, did a tribal representative appear at the EPC?

Yes	5	71.4%
No	2	28.6%
Grand Total	7	



Emergency Protective Care Hearings (EPCs)

The court inquired about potential tribal affiliation at 100% of emergency hearings.

Multiple parties were asked regarding tribal affiliation, but when a parent was not present at the hearing to give this information, state social workers and attorneys detailed the agency's efforts to inquire with the family and tribes about potential tribal affiliation prior to court involvement.

The tribe was identified at 7 of the 8 emergency hearings in Quarter 2 and representatives attended 5 emergency hearings, indicating successful communication with tribes to ensure they have the opportunity to participate in the court process from the earliest stage.

This is great collaboration!

Contact Information

Sadie Hart

ICWA Compliance Monitor
sadie.hart@adycenter.org

Ain Dah Yung Center
 1089 Portland Ave
 St Paul, MN 55104
 (651) 227-4184
adycenter.org
facebook.com/ADYCenter
twitter.com/AinDahYungCtr