



# ADYC COMPLIANCE NEWSLETTER (SPECIAL EDITION)

By Sadie Hart, ICWA Compliance Monitor

Q3 2020

## Family Advocacy during COVID-19

Tyler Bouwens has been the Family Advocate at the Ain Dah Yung Center since May of 2019. In this role he supports families by providing services focused on preservation and reunification, such as family groups, parenting education, resource acquisition, and advocacy with a cultural base. COVID-19 has hindered this work, including his ability to meet with families in person, attend court hearings, and spend time in the community. We interviewed Tyler to better understand the impacts of COVID-19 on his role as a Family Advocate and how it is impacting his clients and the American Indian community.

Tyler noted that *"COVID-19 has significantly changed how I work as the Family Advocate. While I still meet with families in person on a case-by-case basis, we wear masks and stay distanced outside. While this keeps everyone safe from community spread, it can really be a strong barrier to basic human interaction. We need to see each other's faces in order to read tone and language; so much is communicated through our faces, that to have them covered by masks can make relationship building more difficult."*



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*"Another difficulty presented by this pandemic is that I am no longer able to transport families. Transportation can be a major barrier for families in accessing services and resources, such as medical services and emergency food shelves. As a Family Advocate, I would transport clients to and from appointments and other things in order to ensure they accessed those services or benefits. We have adapted to this by helping families gain more independent means of transportation and providing assistance when necessary."*

*"Additionally, transportation provided some time to talk and connect. As part of our family support group, I offer transportation to and from that as well, and there has been a noticeable drop in attendance since being unable to provide transportation. A lot of work has happened over the phone and online, though technology barriers can make this difficult. Despite these challenges, the Oyate Nawajin Program ("Stand with the People" in Lakota) has been adding new clients, helping families access benefits, services, and resources, and remaining engaged with our community."*

## Family Advocacy during COVID-19 (Continued from page 1)

COVID-19 presents various concerns for family visitation time. *“Some families involved with Child Protection Services have utilized virtual visits. After conversations with these families, my sense is that these virtual visits, while they are better than no visits, are not ideal. Some families have reported that foster care providers are not consistent with providing visits. Additionally, some families experiencing unstable housing can have difficulty accessing reliable internet for virtual visits. Many families have expressed ‘Zoom fatigue’ and miss the days when they could visit in person. However, with this being said, many visits are returning to in-person visits now, with precautions such as using PPE and social distancing becoming increasingly important.”*

Tyler also voiced concerns from the American Indian families he works with. *“The American Indian Community is rooted in direct connection with the earth and with one another. COVID-19 has created a culture in which it is ‘unsafe’ to connect with one another and has left many feeling lonely and isolated.”*

*“COVID-19 has created barriers in building community. Many of our families thrive on cultural events, groups, feasts, family nights, and general social time. These functions have been cancelled due to the pandemic and many of our families have reported feeling isolated from their larger community. We are starting to mitigate this more by prioritizing our support group and building that up.”*

*“While many families have been spending a lot of time outside through this spring and summer season there has been a strong feeling from our families of sadness for the earth and our relatives. This sadness in our community is driven by climate change, racial inequality, and police violence. Many in our community stand in defense of mother earth and stand in unity with those seeking a more just and peaceful home.”*

*“I think COVID-19 has provided the Oyate Nawajin Program a picture of another way of doing things. It is possible there could be some things that could remain the same such as offering more virtual services. I also think through this experience, many have felt good about reducing their carbon emissions by driving less. I think it will be important to continue in this path of treading ever more lightly upon the earth.”*



*In September, the Oyate Nawajin team (Sadie Hart, left, Tyler Bouwens, center, and Mariah Smith, right), harvested sage to be used for ongoing program needs, such as group activities and smudge kits for youth in foster care.*

***“COVID-19 has created a culture in which it is ‘unsafe’ to connect with one another and has left many feeling lonely and isolated.”***

*“Some lessons I have learned through this time is that parenting will always present new challenges to each of us. ‘How do you talk to a 4-year-old about global pandemics, racial inequality, state-sanctioned murder by police officers, climate catastrophe, and the difference between peaceful protesting and riots?’ This is something we have all been working through together as our inquisitive children are trying to understand this strange world.”*

Tyler has utilized feedback from the families he works with to mitigate some COVID-19 challenges. *“Since so many families identified having ‘Zoom fatigue’ we are now hosting support groups outside and using PPE and social distancing to keep ourselves safe and healthy. We are also moving the location of the group on a regular basis to different parks around St. Paul.*



***“From the clients I have seen these strengths: perseverance, resourcefulness, a deep desire to heal, flexibility, caring, bravery, humility, kindness, and more.”***

*“This ensures that families who experience challenges with transportation are still able to come when the group is hosted at a park near them. Being outside and working with medicines has been very healing for us. Another example of how the Oyate Nawajin Program has adapted to serve our families is by offering flexible office hours to families. Individuals can schedule a time to talk with me, and some of the office hours have been directly related to specific pandemic related benefits such as the stimulus checks, P-EBT, the St. Paul Bridge Fund, and more.”*

Ultimately, Tyler noted the resiliency of the families he works with: *“From the clients I have seen these strengths: perseverance, resourcefulness, a deep desire to heal, flexibility, caring, bravery,*

*humility, kindness, and more. It is a very rewarding place to be able to learn so much from our Oyate Nawajin Program families.”*

Miigwech, Tyler, for the work you do and for serving our American Indian families!



### Liaison Lowdown: Gaining Knowledge for Our Families

By Mariah Smith

As I acclimate to my new role as Nokomis Circle Liaison, a lot of my time has been spent becoming more connected with our American Indian community in Ramsey and Hennepin Counties. I'm currently building my relationships with different organizations and gaining an understanding of what each organization's role is in the metro so I can have resources available when working with clients.

I have also spent time attending some online trainings over the last couple of months. One of which was a four day "Positive Indian Parenting Training," taught virtually by NICWA (National Indian Child Welfare Association).

Every day about 25-30 participants signed on to the "Zoom classroom" from all over - one trainee was from Micronesia! I gained a lot of knowledge not just from the trainers but also from the participants as we were able to have conversations in small groups each day. I hope to bring this knowledge into our Family Advocate Program and extend it into the work I do with our parents and youth.

As for personal time, in the beginning of September I was able to take time to harvest Anishinaabe-manoomin (wild rice). This time of year is special to me as it has been a part of a family tradition. I grew up with my father and uncles going on week long trips and coming back with tired arms and trucks of burlap bags full of manoomin.



As of the end of September, I was told there was still a lot of rice left out in our lakes on Nahgahchiwanong (Fond du Lac) and I'm reminded of how vital manoominkewin (ricing) is for our people to be participating in. There has been a sharp decline in the yearly participation over the past decade. I will continue to go every year and look forward to bringing my niece next year, who will be five. I'm looking forward to making soups and breads this winter with the manoomin that I harvested and sharing it with my family and friends.

## Smudge Kits for American Indian Youth in Foster Care



Angela Shepherd, Children's Law Center Social Worker.

In July, the Ain Dah Yung Center Oyate Nawajin ("Stand with the People" in Lakota) Program provided smudge kits to the Children's Law Center of Minnesota and the Second Judicial District Guardian ad Litem office to give to American Indian youth involved with the child welfare system. These kits will help ensure American Indian youth have access to cultural resources and sacred medicines during their foster care experience.

Each kit includes a shell, sage, cedar oil aromatherapy tube, and information on the four sacred medicines and smudging. They also include brochures from American Indian youth services, such as the Ninjanisag Program at the Ain Dah Yung Center, the American Indian Family Center, Department of Indian Work, St. Paul Public Schools Indian Education

Program, and the Ginew/Golden Eagles Program at the Minneapolis American Indian Center.

Thank you to the Children's Law Center of Minnesota and the Second Judicial District Guardian ad Litem office for helping to ensure American Indian youth have access to their traditional teachings and the sacred medicines!



Tara Bruening, Guardian ad Litem ICWA Coordinator for the Second Judicial District.

## 2012-2019 Data: A Historical Review

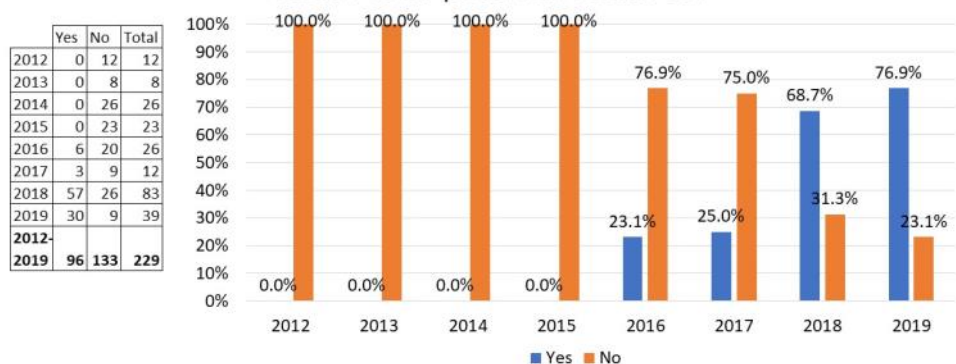
Due to the COVID-19 pandemic, hearing data has been limited in Ramsey County. Data from Quarters 2 and 3 of 2020 will be included in the Quarter 4 compliance newsletter. **Therefore, in this newsletter and the previous newsletter, we are pleased to provide a multi-year review of the court monitoring data since the beginning of ICWA court monitoring in Ramsey County in 2012.** A nice snapshot of history on how far we've come and where continued work is needed! This data was 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.

### ICWA Inquiry

Determining tribal affiliation at the earliest possible time is critical to ensure tribes can actively participate in the case.

The court is required to make this inquiry at the first hearing, which is usually the Emergency Protective Care hearing. This has consistently increased over the last four years.

At an EPC, did the judge ask in court whether or not the child is affiliated with an Indian tribe through maternal relatives or paternal relatives?





## Emergency Protective Care Hearings (EPCs)

At some Emergency Protective Care hearings in which an ICWA inquiry was not made, the tribe was already identified. However, it is still important for the inquiry to occur in order to determine all potential tribal affiliations for the child.

The court must ask each participant regarding potential tribal affiliations. Over the past four years there has been an increased focus on asking parents this question instead of relying on information discovered by the social worker.

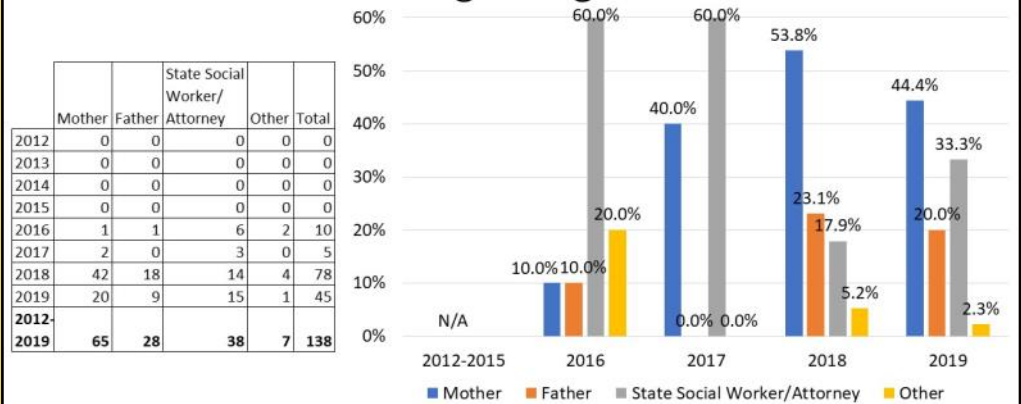
The court is also responsible for making this inquiry at later hearings, especially if other family members appear for the first time.

While there is often discussion regarding ICWA topics at Emergency Protective Care hearings, the finding regarding ICWA's applicability is not always made. However, this practice has improved over the past few years.

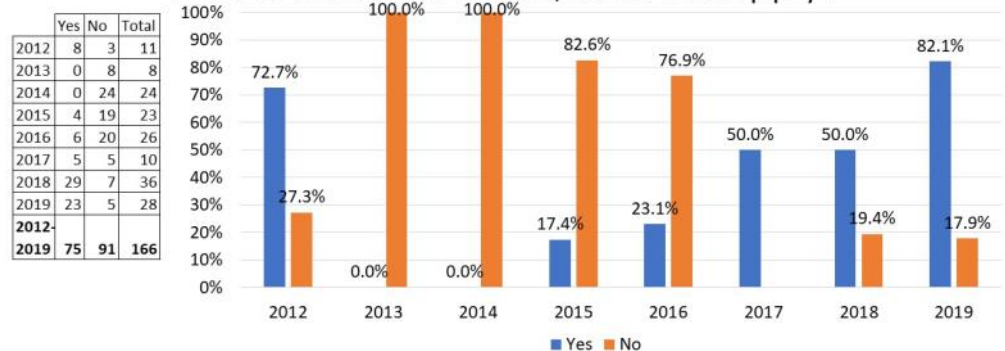
The necessary "imminent physical damage or harm" finding for the emergency removal of an Indian child has been inconsistent over the past several years, but has increased substantially over the last two.

In two of the emergency hearings in 2019 the finding was not made because the child returned to their parent's care.

## Who was asked regarding tribal affiliation?



## If there is an indication that this is an ICWA case, did the judge make a finding orally on the record that ICWA does/does not apply?

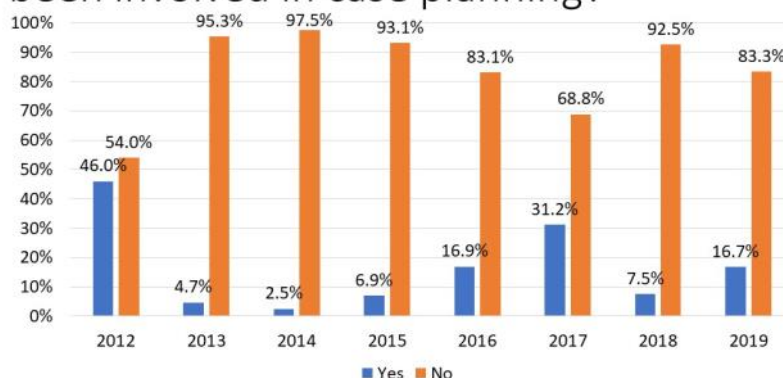


## At ICWA Emergency Protective Care Hearings did the judge make a finding that emergency removal was necessary to prevent imminent physical damage or harm to the child?



## Was there discussion of how the tribe has been involved in case planning?

	Yes	No	Total
2012	46	54	100
2013	3	61	64
2014	4	157	161
2015	12	162	174
2016	24	118	142
2017	20	44	64
2018	24	297	321
2019	57	285	342
<b>2012-2019</b>	<b>190</b>	<b>1178</b>	<b>1368</b>



## Tribal Involvement

Tribal attendance at hearings increased significantly over the past three years (see previous newsletter) but discussion in court of how the tribe has been involved in case planning has largely remained unchanged.

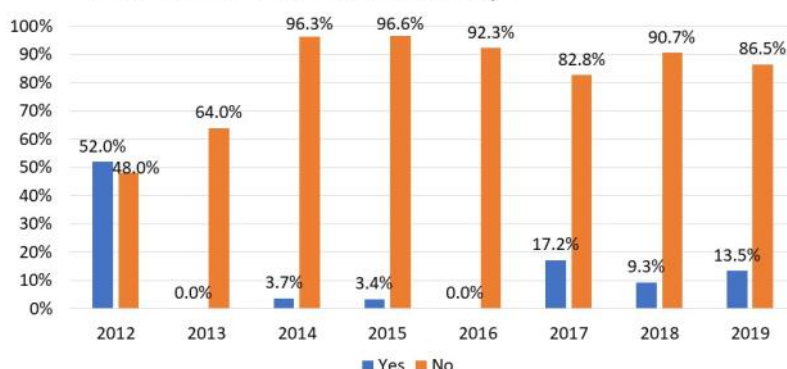
Most of this discussion occurs prior to the court hearing, though it is important for the court to understand the amount of communication between the tribe and the agency.

A vital component of ICWA is the utilization of culturally appropriate services. At many hearings the court monitor was unable to determine if culturally appropriate services were considered for the family.

However, these services were generally included in social worker reports provided to the court.

## Was there discussion of culturally appropriate services for the family?

	Yes	No	Total
2012	52	48	100
2013	0	64	64
2014	6	155	161
2015	6	168	174
2016	11	131	142
2017	11	53	64
2018	30	291	321
2019	46	296	342
<b>2012-2019</b>	<b>162</b>	<b>1206</b>	<b>1368</b>



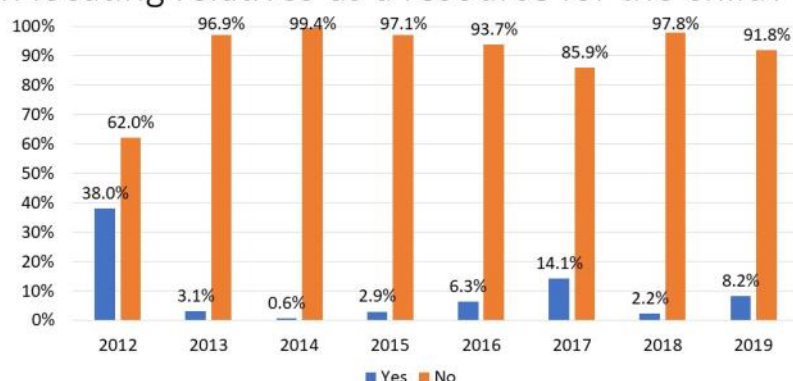
## Locating Relatives

There was also little discussion regarding the tribe's role in locating relatives as a resource for the child.

The kinship worker files a separate report regarding potential placements for the child, which is rarely discussed in court.

## Was there discussion of how the tribe has been involved in locating relatives as a resource for the child?

	Yes	No	Total
2012	38	62	100
2013	2	62	64
2014	1	160	161
2015	5	169	174
2016	9	133	142
2017	9	55	64
2018	7	314	321
2019	28	314	342
<b>2012-2019</b>	<b>99</b>	<b>1269</b>	<b>1368</b>



## Placement and Tribes

When tribes were present they increasingly presented their placement recommendations over the past few years.

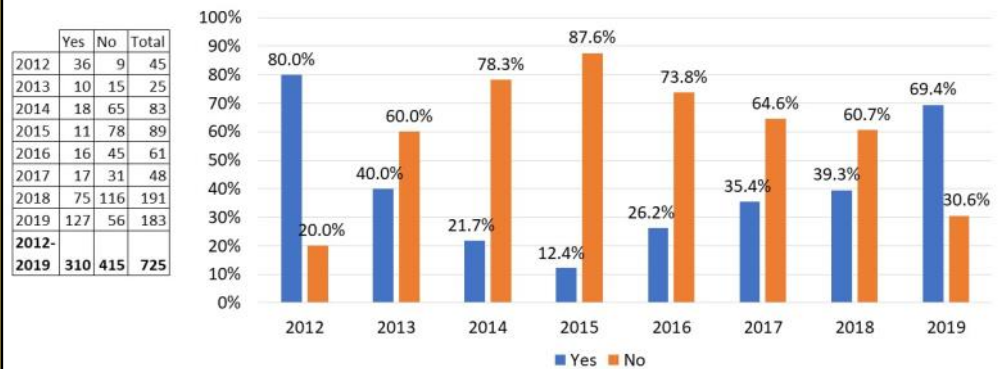
While there is often discussion in court of whether placements meet ICWA's placement preferences, the tribe's specific placement recommendations are generally made early in child protection proceedings.

The agency's placement recommendations have increasingly aligned to be consistent with tribal preferences.

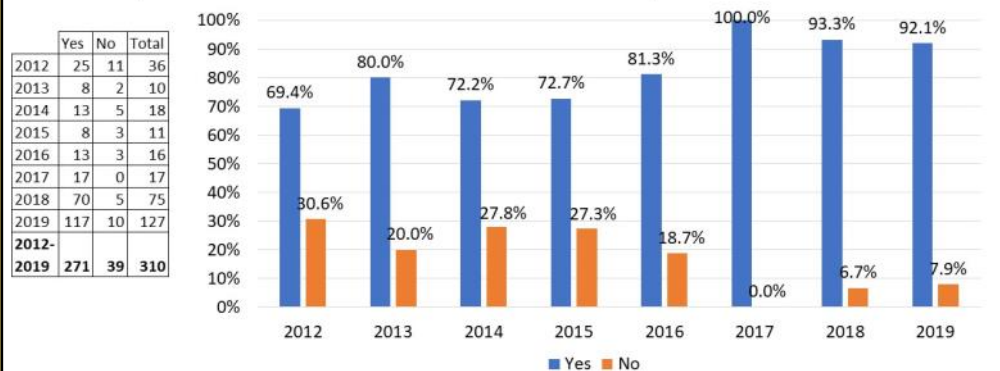
There are many more examples of the agency working with the tribe to find the best placement for the child or sibling group.

This reflects great teamwork between the agency and tribes!

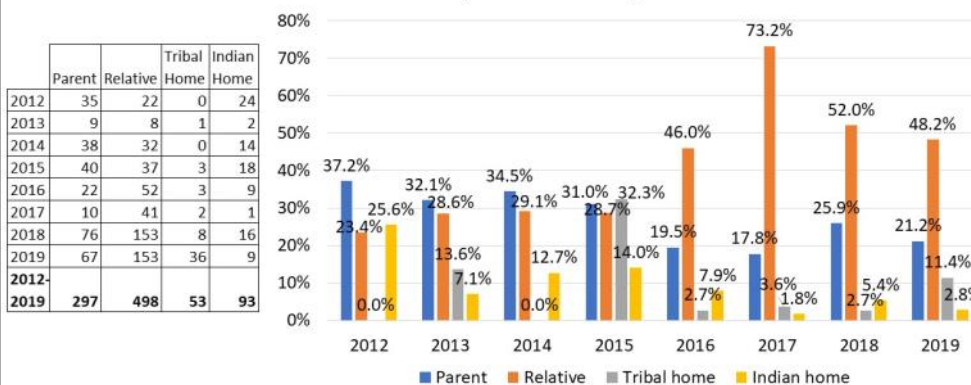
## When the tribe was present, did the tribe seek to present a recommendation regarding placement?



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



## Placement with Parent, Relative, or in Tribal Home



## Placement Preferences

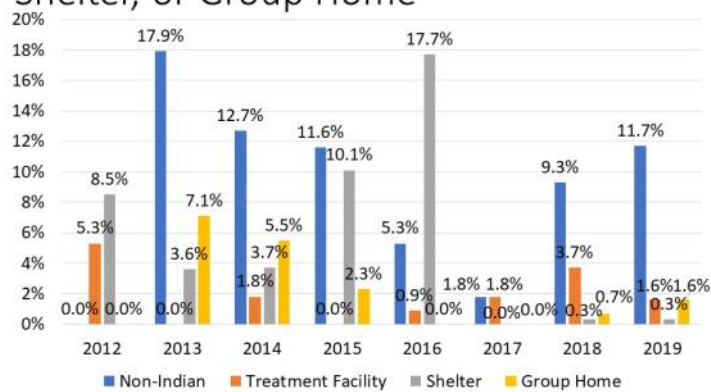
When a child was in an out of home placement, they were most likely placed with a relative.

There was also an increase in placements in tribal homes, which includes homes that are approved or specified by the tribe, not necessarily the home of a tribal member.



## Placement in Non-Indian Home, Treatment Center, Shelter, or Group Home

	Non-Indian Home	Treatment Facility	Shelter	Group Home
2012	0	5	8	0
2013	5	0	1	2
2014	14	2	4	6
2015	15	0	13	3
2016	6	1	20	0
2017	1	1	0	0
2018	27	11	1	2
2019	37	5	1	5
<b>2012-2019</b>	<b>105</b>	<b>25</b>	<b>48</b>	<b>18</b>



## Placement Preferences

While most placements were within the ICWA placement preferences, some placements were in non-Indian homes, treatment centers/hospitals, or group homes.

Shelters are included in this graph but it is important to note that placements at the Ain Dah Yung Center shelter meet ICWA's placement preferences. It is unclear how many of these shelter placements were at the Ain Dah Yung Center.

When the child was not placed with a parent or relative, the level of discussion regarding why varied greatly.

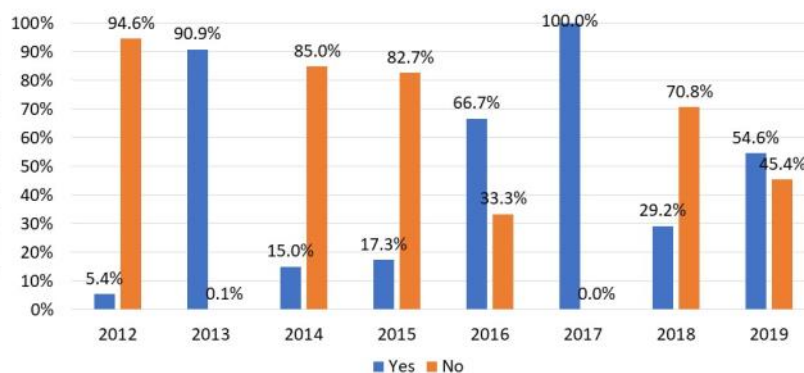
When there was discussion, it often focused on efforts to place the child with a relative, barriers to making that placement, or the lack of relatives for placement. This discussion generally took place early in cases as placement needs were being determined.

The Minnesota Indian Family Preservation Act (MIFPA) requires that when a child is placed outside of ICWA's placement preferences, good cause to continue that placement must be determined at every stage of the proceedings.

Increasingly over the past few years placements are reviewed at each hearing to determine if good cause continues to exist to deviate from ICWA's preferences.

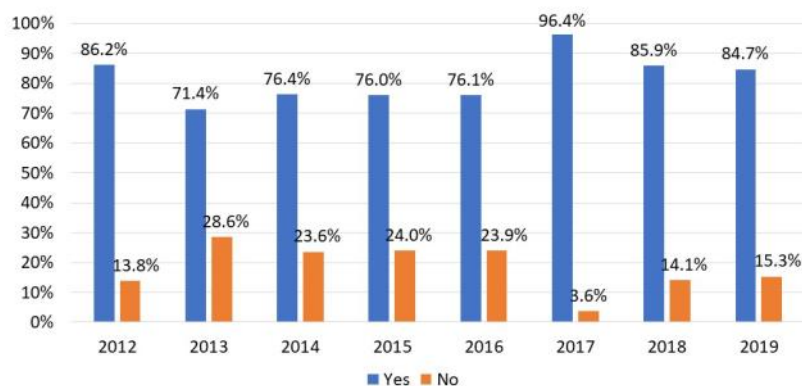
## Was there discussion on the record as to why the child was not placed with a relative?

	Yes	No	Total
2012	2	35	37
2013	10	1	11
2014	6	34	40
2015	9	43	52
2016	26	13	39
2017	5	0	5
2018	19	46	65
2019	53	44	97
<b>2012-2019</b>	<b>130</b>	<b>216</b>	<b>346</b>



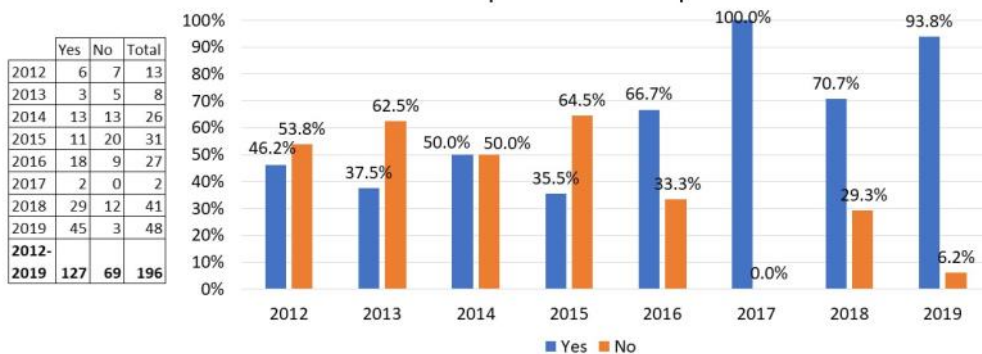
## Were the placement preferences followed?

	Yes	No	Total
2012	81	13	94
2013	20	8	28
2014	84	26	110
2015	98	31	129
2016	86	27	113
2017	54	2	56
2018	253	41	294
2019	265	48	313
<b>2012-2019</b>	<b>941</b>	<b>196</b>	<b>1137</b>





## Did the judge make a finding that there was good cause not to follow the placement preferences?



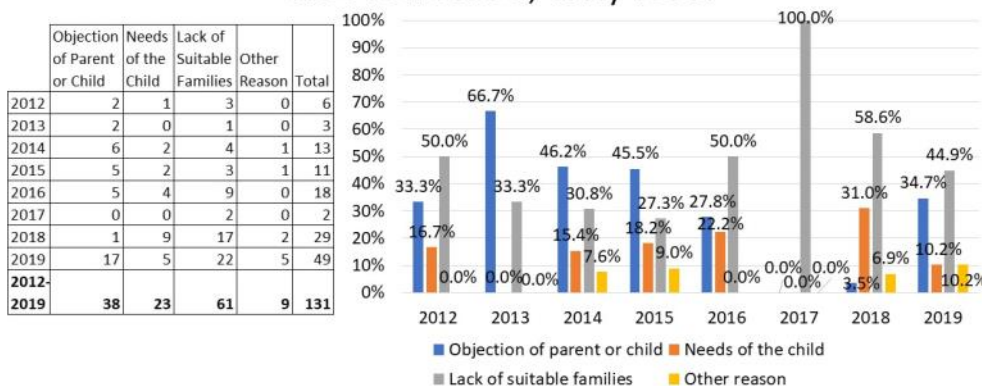
## Good Cause to Deviate from Placement Preferences

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

The objection of the parent or child was also a common reason to deviate from the placement preferences. Children in these placements were typically placed with kin that the parent or child preferred.

When non-ICWA placements occurred, the agency continued to make efforts to move the child to an ICWA-compliant placement. This often included providing services and resources to family members, such as medical training, to help them meet the child's needs.

## If placement preferences were not followed, why not?



## ICWA Compliance Goals

While the data shows a lot of improvement over the past several years, there is still room for growth. Some areas include:

- Increased discussion regarding tribal affiliation:** While especially important at EPC hearings or first appearances, asking about potential tribal affiliations should continue throughout the case. Additionally, unless the court has previously made a finding that the child is an Indian child, the court has a duty to continue the ICWA inquiry at later hearings.
- Increased discussion in court regarding culturally appropriate services and tribal participation:** This information is often included in the social worker's report, but in court discussion would be beneficial to ensure families are receiving the culturally appropriate services they need.
- Increased effort in locating and licensing Indian foster homes:** Maintaining American Indian foster homes continues to be an concern throughout the state and requires more recruiting and resources.

## Contact Information

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