

## ICWA COURT MONITOR

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## NEW DATA ON ICWA CASES IN HENNEPIN COUNTY

During the past quarter, the MAIC court monitor kept track of new statistics on ICWA CHIPS petitions as they progressed throughout the system. Among the new data sets being collected are:

- The mean ages of mothers, infants (children under one year old), children, and fathers involved in CHIPS proceedings.
- Which section(s) of Minn. Stat. §260C.007, subd. 6 are cited when an ICWA CHIPS petition is filed with the county. Hopefully this can provide a clearer aggregated view of the reasons behind CHIPS filings.
- Why cases are being dismissed (for example, successful completion of case plans, transfers of legal custody, cases in which the child later proves to be tribal ward/domiciled on reservations, etc.)
- Average lengths of time between removal of Indian children and reunification.
- If Transfers of Legal Custody occur, tracking where the children are being transferred to (for example, fathers, relatives, etc.)

Some of the information these data sets reveal provide a clearer breakdown of who is

The Juvenile Justice Center, Hennepin County



involved in CHIPS proceedings and why.

For example, the average age of mothers involved in CHIPS proceedings is 28.5 years old, fathers are 30.45 years old, infants (under 1 year old) are 2.9 months old, and children are 6.9 years old.

Among the new CHIPS petitions filed this quarter, the reasons stated as to why the Department believes the child(ren) in question are in need of protection or services provide a glimpse at the problems affecting families involved in the child protection system.

Minn. Stat. §260C.007, subd. 6 provides a list of 17 factors as to why a CHIPS petition is being brought. Most prominent among the reasons ICWA CHIPS cases begin are issues surrounding addiction and poverty.

For a complete breakdown of these factors, see page 6.

## COMPLIANCE

- Hennepin County was in compliance with ICWA 94.7% of the time this quarter

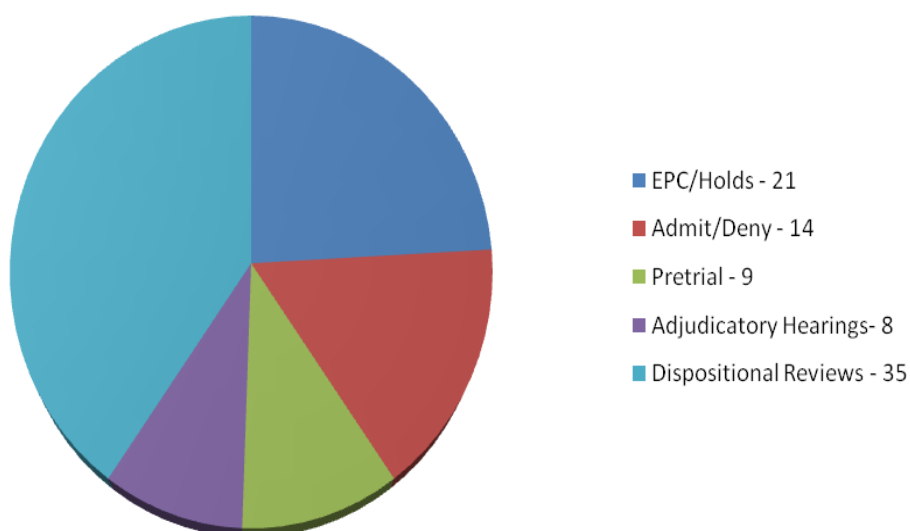
## Compare:

- Summer 2011: 92.26%
- Spring 2011: 91.6%
- Average for 2011: 92.85%

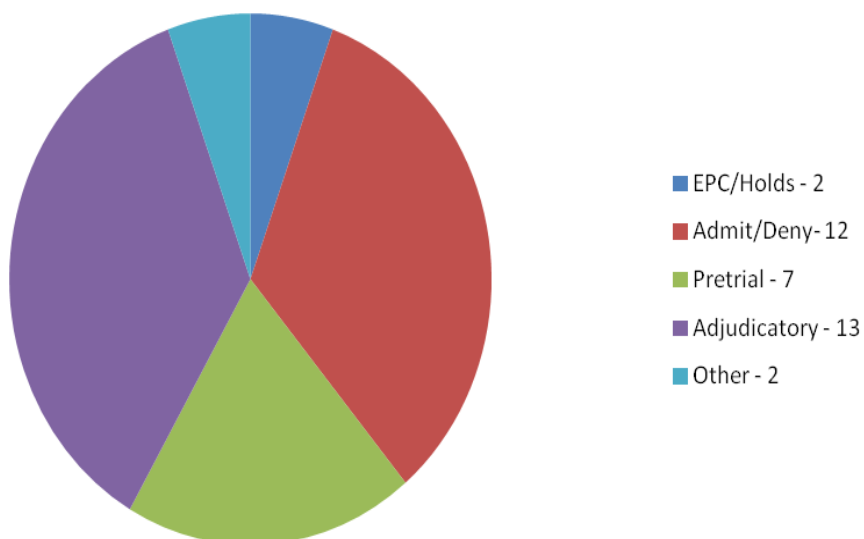
## HEARINGS MONITORED

During this quarter 133 hearings were monitored. Among these, 87 hearings were a part of a CHIPS proceeding. 36 were part of a permanency proceeding. One was a voluntary foster care certification hearing. Three were Long Term Foster Care Hearings. Six were State Ward Reviews.

### CHIPS hearings this quarter



### Permanency Hearings



**IN THIS QUARTER, 38 INDIAN CHILDREN WERE PLACED OUT OF THE HOME; 27 CHILDREN CONTINUED IN OUT OF HOME PLACEMENT FROM A PREVIOUS QUARTER. 10 CHILDREN REMAINED HOME BUT WERE PLACED UNDER PROTECTIVE SUPERVISION**

## October/November/December 2011 Violations

### Appointment of Counsel

10/27/2011—CHIPS EPC, Judge Lefler presiding.

A man appeared in court who was understood to be the biological father, but was not appointed an attorney. The man was also not questioned about his status as the acknowledged parent. The failure to question or appoint counsel was due to the fact that by acknowledging parentage, the man could have exposed himself to related criminal charges.

The man was advised to seek legal counsel by the court for the purposes of appearing at the next hearing.

11/9/2011—CHIPS A/D, Judge Lefler presiding.

The same father appearing at the September 27 Emergency Placement Hearing [referenced above] appeared once more without legal representation.

11/9/2011—CHIPS Dispositional Review, Judge

Lefler presiding. The biological but non-custodial mother (a party named in the CHIPS petition) appeared in court without legal representation, nor was representation assigned.

### Qualified Expert Witness Testimony

11/13/2011—CHIPS proceedings, Judge Garcia

presiding. Due to complications regarding a transfer of jurisdiction to tribal court, a child had been placed out of home for over 90 days without Qualified Expert Witness testimony. Note: QEW was requested by Hennepin County in August but not yet received.

12/21/2011—CHIPS Adjudication/Settlement,

Judge Lefler presiding. Child has been placed out of home for over 100 days without Qualified Expert Witness testimony from either of the tribes for which the child is eligible. This fact was noted on the record by the mother's attorney and the tribal liaison.

### Notice

11/15/2011—CHIPS A/D, Judge Garcia presid-

ing. Due to a defect in the notice (to the mother and the intervening tribe) the wrong time was listed for this hearing. Because of the error, the mother was not able to attend in person, but was available by telephone. According to the mother's counsel, the mother would have otherwise been present. A tribal attorney was able to make the hearing.

### Active Efforts

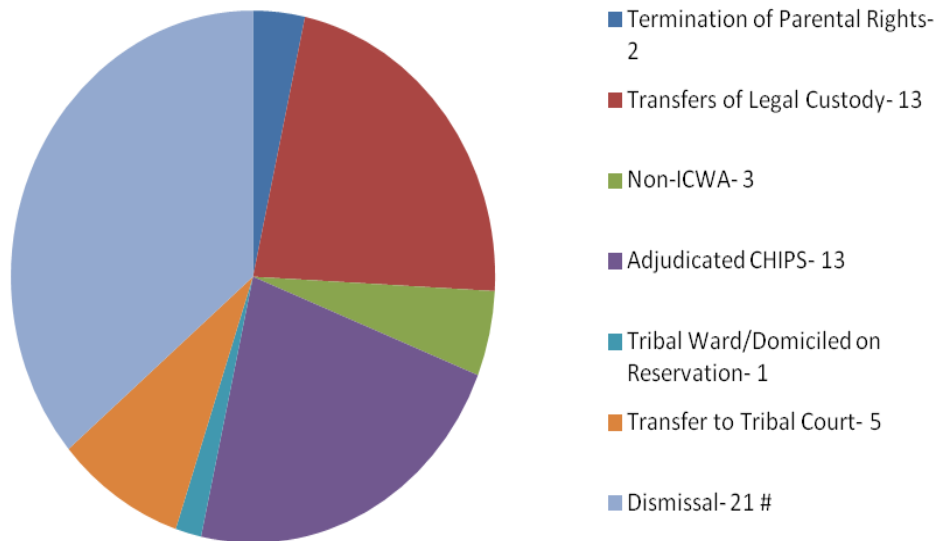
12/16/2011—CHIPS DR, Judge Karasov presid-

ing. The tribal attorney noted that the GAL had only visited the subject of the open CHIPS petition twice in an 8-month span. In addition, the presiding judge made note of the fact on the record.

**HENNEPIN  
CO. WAS IN  
COMPLIANCE  
WITH ICWA  
94.7% OF THE  
TIME THIS  
QUARTER**

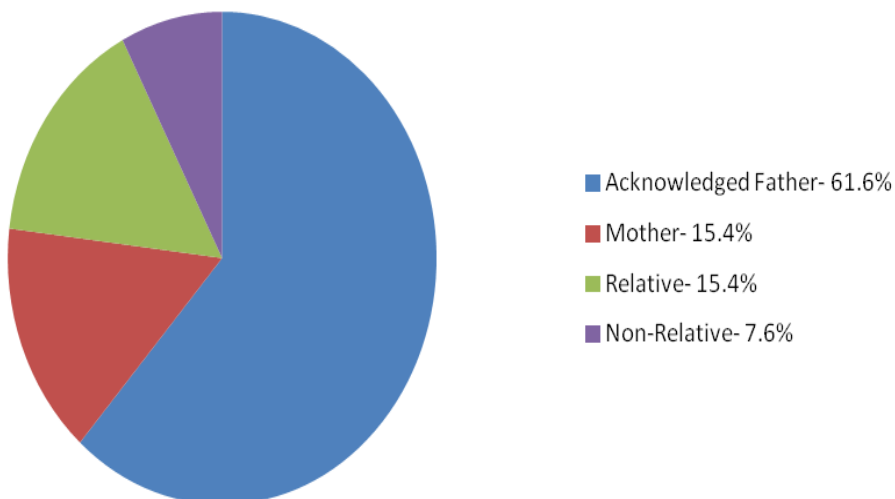
## DISPOSITIONAL OUTCOMES AND JURISDICTIONAL TRANSFERS

### Dispositional Outcomes



#— In cases of dismissal, 33% were dismissed because the parent/custodian successfully completed their case plan. 9.5% were dismissed as there was no prima facie showing that a CHIPS matter existed. 42.9% because of a transfer of legal custody. 19.1% were dismissed for miscellaneous other reasons.

### Who assumes custody in Transfers of Legal Custody?



**18  
CHILDREN  
WERE  
REUNIFIED  
THIS  
QUARTER.  
ON  
AVERAGE,  
CHILDREN  
SPENT 85.3  
DAYS IN  
FOSTER  
CARE  
BEFORE  
REUNIFICA  
TION.**

## TRIBAL INTERVENTION

| TRIBE                                | NUMBER OF HEARINGS | TRIBES PRESENT OR SENT POSITION | PARTICIPATION RATE |
|--------------------------------------|--------------------|---------------------------------|--------------------|
| 3 Affiliated Tribes*                 | 2                  | 2                               | 100%               |
| Bad River*                           | 1                  | 1                               | 100%               |
| Bois Forte                           | 1                  | 1                               | 100%               |
| Cheyenne River*                      | 2                  | 2                               | 100%               |
| Fond Du Lac                          | 2                  | 1                               | 50%                |
| Flathead Nation (Salish / Kootenai)* | 1                  | 1                               | 100%               |
| Grand Portage                        | 1                  | 1                               | 100%               |
| Ho Chunk                             | 5                  | 5                               | 100%               |
| Lac Courte Oreilles*                 | 1                  | 1                               | 100%               |
| Lac Du Flambeau*                     | 1                  | 0                               | 0%                 |
| Leech Lake                           | 36                 | 34                              | 94.6%              |
| Mille Lacs                           | 2                  | 2                               | 100%               |
| Northern Cheyenne*                   | 3                  | 3                               | 100%               |
| Omaha*                               | 1                  | 1                               | 100%               |
| Pine Ridge*                          | 3                  | 3                               | 100%               |
| Red Lake                             | 16                 | 4                               | 25%                |
| Rocky Boy Chippewa Cree*             | 1                  | 1                               | 100%               |
| Rosebud*                             | 1                  | 1                               | 100%               |
| Santee Sioux                         | 1                  | 0                               | 0%                 |
| Sisseton-Wahpeton*                   | 4                  | 4                               | 100%               |
| White Earth                          | 26                 | 15                              | 57.7%              |
| Yakama Nation*                       | 2                  | 2                               | 100%               |
| Yankton Sioux*                       | 2                  | 2                               | 100%               |

\*Denotes tribes represented by MAIC Tribal Liaisons

OF THE FIVE TRANSFERS OF JURISDICTION THIS QUARTER, THE MILLE LACS BAND, BOIS FORTE, WHITE EARTH, HO CHUNK NATION AND THE YAKAMA NATION (PENDING) EACH TRANSFERRED A CASE INTO THEIR TRIBAL COURTS.



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## HENNEPIN VS. RAMSEY CO.

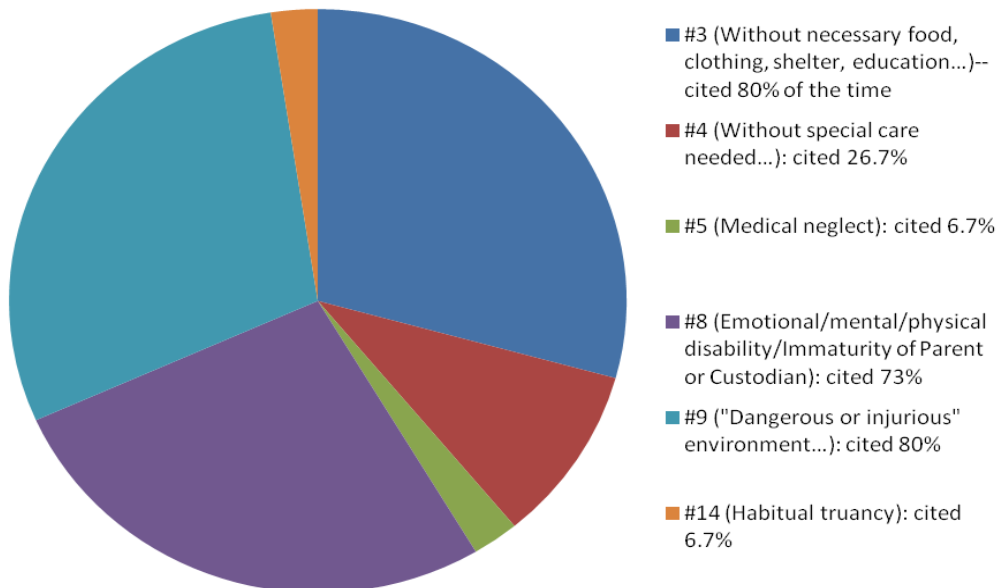
In a collaboration with Ain Dah Yung Center in St. Paul, their Indian Child Welfare Compliance Monitor Sunshine Day was kind enough to share her data on ICWA hearings in Ramsey County this quarter. Here is what she reported:

During this quarter 55 hearings were monitored within Ramsey County, involving 59 children. Among these, 27 hearings were a part of a CHIPS proceeding, and 25 hearings were a part of a permanency proceeding. There were two Long Term Foster Care hearings and one State Ward review.

Nine children reunified this quarter under Trial Home Visits. Of the five cases dismissed this quarter: two cases were dismissed due to parents successfully completing their case plans, two cases were transferred to tribal courts in Leech Lake and the Winnebago Tribe of Nebraska, and one case was dismissed because of a Transfer of Legal Custody.

## NEW DATA SETS, CONTINUED FROM P. 1...

### Factors from Minn. Stat. 260C.007, Subd. 6 in Fall 2011 ICWA CHIPS Petitions



The Minneapolis American Indian Center is a community center in the heart of the Indian community of Minneapolis. It is one of the oldest Indian centers in the country, founded in 1975. The MAIC provides educational and social services to more than 10,000 members of the community annually. It preserves and supports American Indian cultural traditions through the arts, youth and intergenerational programs.

