

## Minnesota Department of Child, Youth and Family ICWA/MIFPA Compliance Processes

	Compliance Complaint	Compliance Review System
<b>Authority</b>	<p>Tribal-State Agreement</p> <p>The Minnesota Department of Children, Youth, and Families (department) has agreed to create and maintain a process that provides Tribes, parents, family members, and members of the public the ability to file complaints regarding their belief that a county social services agency has not followed federal or state Indian child welfare laws in a case involving a tribal child. The authority to research, review and make findings from complaints is established through the 2007 Tribal State Agreement (TSA pg. 24). <a href="#">Link to TSA</a></p>	<p>Minnesota Statutes</p> <p>Minnesota legislature authorized funding to county social services agencies to offset their costs of foster care for tribal children in 2017. Counties are required to comply with federal and state Indian child welfare laws and the statute authorizes the department to withhold a portion of the funds when a county social services agency is found out of compliance. The department is required to establish a statewide county case compliance system. Minn. Stat. §477A.0126 (county aid reimbursement).<a href="#">Link to 477A.0126</a></p>
<b>Purpose</b>	<p>Complaints alleging county social services agencies to be out of compliance with the Indian Child Welfare Act (ICWA) and the Minnesota Indian Family Preservation Act (MIFPA) are reviewed by department staff for the purpose of improving county performance and practice. There has been no fiscal consequences tied to this process.</p>	<p>This legislation requires department staff, in consultation with tribal and county agency staff, to develop a system to review county agency compliance with the Indian Child Welfare Act (ICWA) and Minnesota Indian Family Preservation Act (MIFPA) and to report county performance to the Department of Revenue to authorize a fiscal withhold.</p>
<b>Criteria</b>	<p>Complaints are reviewed for the time period from when a county has initiated a case in the Social Services Information System (SSIS) up to the date the department received the complaint. The case review process is initiated based on the department receiving a compliant form.</p> <p><b>Provisions of ICWA and MIFPA that are reviewed:</b></p> <p>Inquiry, MIFPA notice, ICWA notice, active efforts (prior to removal, ongoing and reunification), due diligence in finding a qualified expert witness (QEW), and due diligence in following placement preferences.</p>	<p>Cases selected for review are based on out-of-home placement data of tribal children by county social services agencies in the Social Services Information System (SSIS). Case reviews are conducted starting February through June.</p> <p><b>Provisions of ICWA and MIPFA that are reviewed:</b></p> <p>Inquiry, MIFPA notice, ICWA notice, active efforts (prior to removal, ongoing and reunification), due diligence in finding a QEW, and due diligence in following placement preferences.</p>
<b>When non-compliance is determined</b>	<p>When the review of the complaint is completed, a summary report is provided to the complainant, child's Tribe(s), county social service agency identified in the complaint, the ICWA Advisory Council and Ombudsperson for American Indian families. In addition the county agency is requested to complete a corrective action plan (CAP) to identify policies and practice to improve compliance with ICWA and MIFPA.</p>	<p>Certification of the statewide case review outcome is provided by the department to the Department of Revenue each year by July 1<sup>st</sup>, to determine amount of fiscal withhold for county social service agencies found out of compliance for two consecutive years. Communication is provided to county social service agencies when a program improvement plan (PIP) is requested and technical assistance is recommended to develop the plan collaboratively with department staff in the ICWA Unit, Child Safety and Permanency Division.</p>