

Episode 1 Inquiry

Carrie Owen ([00:30](#)):

[inaudible] Hello everyone. I just spoke to you in the Dakota language and I spoke to you in the Dakota language because that's one of the original languages of Minnesota. And what I said was, my native name is Ishta maza win, which means Iron Eyes Woman and I currently live at the Prairie Island Indian community, one of the 11 reservations in Minnesota. And I'm also a member of the Omaha Tribe, enrolled member of the Omaha Tribe of Nebraska. And I'm a member of the Meskwaki Tribe of Iowa. And I'm also part Dakota. I'm one of the three ICWA Compliance consultants in the American Indian Wellbeing Unit within the Department of Human Services, Child Safety and Permanency Division. I'm very excited about this podcast. These first six podcasts focus on six major provisions of the Indian Child Welfare Act, also known as ICWA and the Minnesota Indian Family Preservation Act, also known as MIFPA.

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It is our hope that these six podcast sessions assist in expanding your knowledge of ICWA and MIFPA implementation and practice application, which we hope to result in increased ICWA MIFPA compliance for county and private agencies who work with Indian children and families within the state of Minnesota. Compliance of these laws equals protection for all our native children and families who reside in Minnesota. Previously, the unit was utilizing webinars called the ICWA Coffee Talks, but we really felt like it was necessary to broaden our network. I also know mention that during the course of these sessions, you may hear our team referenced as the ICWA Unit and the American Indian Wellbeing Unit. Recently we changed our name from the ICWA Unit to the American Indian Wellbeing Unit. So you may hear the two being used interchangeably. We made this change to encompass the wide range of services our unit provides beyond ICWA.

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Each podcast will begin with the legal definitions, which can be dry and seem like legal jargon, but please bear with us as the legal language is important and guides the application in practice, which is foundational. Then a team member will go over frequently asked questions, and then we'll end each podcast with a story regarding the provisions highlighting the importance that impacts IWA and mpa. In the future, we hope to bring forward other podcast series to bring a live personal stories and history of federal state laws along with agreements. We thought it was important to share a prayer song at the beginning of each series. As you have heard, the Dakota Song sums up our beliefs that creator comes first before anything else and is often sung in the household by women in the morning to start the day. A way of acknowledging our children are sacred and gifts from the creator.

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I'd like to also mention I am honored to be on a team with such talented, knowledgeable people, my coworkers, which in native tradition equate to my relatives. Each of them bring their cultural knowledge from their diverse tribal backgrounds. These are things that you cannot learn in any college or higher education setting. It must be lived, and they also bring their profound professional knowledge as well. And lastly, I want to say Mitakuye Oyasin, which is a central part of the Dakota worldview, defining our relationship to each other and the land, meaning we are all related. Thank you.

([04:34](#)):

Today we'll be talking about Inquiry. I'll be going over the definition, the intent and how to implement Inquiry, and then I'm gonna turn it over to my coworkers to share best practice, frequently asked

questions and a story. So the definition of inquiry. Local social service agencies shall inquire of child, parents, Indian custodians, extended family members, and other appropriate persons. If there is reason to believe a child may have tribal lineage. Inquiry should be ongoing and throughout the opening and closure of the case. Tribal eligibility can be given verbally and later provided in writing. So the Intent of Inquiry, basically it's making sure that we ask everyone if they have any tribal lineage, regardless of their appearance or their name or what their last name is, so that we can immediately identify if it's an ICWA case, because if it is, then we would start implementing these ICWA and MIFPA provisions.

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It's also important to remember that ICWA is not race based, rather it is a political status. So basically the responsibilities of the agency workers would be to inquire with the mother, like I stated earlier, the mother, the father. And one important thing to remember is when you're inquiring with a mother and she may give information, maybe she'll say, I am not affiliated with the tribe, however, the father of the children are. That does not count as inquiry for the father. It's really asking everybody. So asking the mother and documenting that, asking the father and documenting what they say. Also, um, if there's an Indian custodian and then extended family members. So basically if you come into contact with a aunt or a grandmother that you're making sure you do that inquiry with them, asking if they know if there's any tribal lineage and then documenting that. And then others would be like school teachers, tribal workers, any kind of service providers that you come into contact with, really asking them, do you know if there's any tribal heritage, tribal lineage, excuse me, in this family. And that's basically the responsibilities of the workers. So now I'm going to turn this over to my coworker and she'll be providing more information on inquiry. Cindi.

Cindi Miller [\(07:17\)](#):

Hi everyone. My name is Cindy Miller, and I have been an ICWA compliance consultant at DHS since 2018. Prior to that, I was working for the Mille Lacs Band of Ojibwe as a tribal initiative attorney, and before that I was in private practice representing people in family court and child welfare matters. I am an enrolled member of the Lower Sioux Community in Morton, Minnesota, also known as the Cansa'yapi Community, which in Dakota means where they paint the trees red. Today I am going to touch on some frequently asked questions about Inquiry, and some of this may be a little bit repetitive with what Carrie said. Uh, but I think I'll start with the purpose of Inquiry. I like to think of Inquiry as laying the groundwork for compliance with both MIFPA and ICWA. And it is required to determine whether someone is American Indian or has Indian heritage.

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And Inquiry is also considered an Act of Effort. Inquiry of tribal heritage and affiliation is required for all cases at the time an agency begins working with Indian children. If families had previous involvement with an agency, it must inquire each time there is a new report as situations may have changed. Continuous Inquiry is required throughout a case until all parties or participants are located. Even if a parent is not located until months after a case begins, Inquiry must take place at that time. The local social service agencies or private licensed child placement agencies are responsible for inquiring if children have Indian heritage. The court is also required to make a thorough Inquiry regarding children's, an ancestry or heritage to avoid proceeding in a case without properly applying ICWA, which can have serious repercussions down the road for all parties. As Carrie mentioned, Inquiry must be done of the parents, the child if the child is of sufficient age and maturity, the Indian custodian, extended family and others as teachers, counselors or anything, anybody close to the family.

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What do we do if someone's tribal affiliation is unknown? It's really important to gather as much information as possible to narrow down which tribes or tribes should be notified. Information should include family ancestry, location where parents and other family members live or have lived, and other historical information that may assist in determining tribal affiliation. It is only through Inquiry that tribal affiliation can be determined. Continuous efforts can sometimes result in locating tribal connections not previously known, resulting in much better incomes for tribes and families. Inquiry needs to be documented in the SSIS ICWA tabs and Chronology Notes and identify who was inquired of what their answer was and the date of Inquiry. Now I'm gonna turn it over to my coworker Richie Smith, who is going to provide us a story about Inquiry.

Richie Smith ([10:58](#)):

Thank you. Cindy. Hello, my name is Richie Smith. I'm a rural tribal member out of Leech Lake Band of Ojibwe. I currently work at DHS as an ICWA Compliance Consultant. I'm gonna tell you this story, an Inquiry story. I was asked to take on this case to find out if it was indeed an ICWA case. It had been open for nine months. I was chosen to cover this case because I was good at protecting the best interest of the Indian Child's tribe and to keep that connection. I just wanna say with no children, there are no tribes. So with that information, I was up for the task. We had a case no one wanted to speak to the father or look for him. So the case was a non ICWA case. The judge said, since this is a non ICWA case, we are going to terminate the rights of the mother and the father, the grandma who wanted these children.

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She did not believe in a TPR . It was against her beliefs. She won a TLC. The judge was adamant saying, no, we are gonna terminate the rights of these kids. And so my task came to hand as I had to go and try to find this father that no one had looked for. So I came to the case, as I said, about nine months into it and I developed a relationship with that grandma and I got to get to know her and I spoke to her and she finally told me the address of where the father was. And so I got this information of the father. And, it was in the, it was in the Little Earth Community in South Minneapolis. And so, um, after a little prodding and a little knocking on doors and phone calls, he finally agreed to meet with me.

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And I inquired of this father, do you have American Indian heritage? And the father said, yes. So with that information, the judge who was going to TPR the children backed off and told the county to amend the petition to a TLC, or as you call it TLPC. We transferred custody to the grandma. Those children still kept their connection to the tribe, family, culture and the best interest of the children. And their political status was protected because of a simple question of Inquiry. I have one more quick story of Inquiry is I was working with a tribe and I had to travel to North Carolina and South Carolina and I a drive through the Appalachian Mountains. It was a beautiful site and I had to interview a child that was an enrolled member. But when I saw her, she had red hair, she had blue eyes, and she was lightly complected and she had a southern drawl. So it's not what, what a person looks like, it's because she has political status, citizenship to her tribe. They are a sovereign nation. They determine members. So always inquire because we do not determine membership. The tribe does. I just want to say miigwech, thank you and gigaawaabaamin. See you later.

Speaker 4 ([13:54](#)):

This podcast was supported in part by a grant from the Minnesota Department of Human Services, children and Family Services Division.