

## Episode 2 MIFPA Notice

Carrie Owen ([00:32](#)):

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.

([01:33](#)):

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 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 IWA 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.

([02:37](#)):

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 and practice, which is foundational. Then a team member will go over frequently asked questions and then we'll end each podcast with the story regarding provisions, highlighting the importance that impacts ICWA and MIFPA. In the future, we hope to bring forward other podcast series to bring live personal stories and history of federal state laws along with the agreements. We thought it was important to share a Dakota 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.

([03:38](#)):

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.

([04:35](#)):

Today I will be talking about the Minnesota Indian Family Preservation Act Notice, otherwise known as the MIFPA Notice. The purpose of the MIFPA notice is basically to involve the Indian child's tribe at the earliest point possible. When a child comes attention to the child welfare agency. This engagement can establish a really good positive working relationship in collaboration from inception of a case opening that can lead to better outcomes for Indian children and their families. So when is a MIFPA Notice required? There are two instances when a MIFPA Notice is required by the local social service agency.

When an agency has information at the time of a screened in family assessment or investigation that a child may be an Indian child, the agency staff must notify the Indian child's tribe of a screened in assessment or investigation within 24 hours. And this needs to be done by a phone call and then followed up with the fax or email.

[\(05:41\)](#):

Again, that is within 24 hours of receiving that information. So when an agency has information that a child receiving voluntary services, for instance, like children's mental health or maybe psop, voluntary placements, et cetera, things like that, the agency must notify the child's tribe within seven days of starting services. Again, that must be done through telephone call and it must be followed up with a fax or email. MIFPA Notices are not required for the purpose of an evaluation in determining physical services or financial services. Also, the MIFPA Notice is not required to be sent certified or registered mail. Next I'll be turning this over to my coworker Sommer, who will be going into some of the best practices and frequently asked questions in regards to the MIFPA Notice.

Sommer Dey Rosette [\(06:38\)](#):

I am Sommer Dey Rosette. I am the ICWA Training Coordinator with the American Wellbeing Unit. Thank you for sharing the law with us. Next I'm gonna go into some frequently asked questions we receive here at the American Indian Wellbeing Unit on MIFPA Notice. One of the main questions we get is, what is the purpose of a MIFPA Notice? When we talk about MIFPA Notice at the American Indian Wellbeing Unit, we like to share that the MIFPA Notice is what we also consider the state notice. However, the purpose of MIFPA Notice is to involve Indian children's tribe or tribes at the earliest possible time when they come to the attention of a child welfare agency. This engagement can be established either through a positive working partnership and can be collaborative from inception of case opening. And doing so can potentially lead to better outcomes for Indian children and their families. At least here at the American Indian Wellbeing Unit

[\(07:35\)](#):

when we've seen that happen, um, we do see better outcomes. So it is important for agencies to build that relationship with the tribes. The next question I'd like to go over is when MIFPA Notice is actually required. When does a county agency or an agency, excuse me, when are they required to provide MIFPA Notice? There are two instances when a MIFPA Notice is required by a local social service agency. First, when an agency has information at the time of a screened in family assessment or family investigation that may involve Indian children, agency staff must notify the Indian child's tribe of the screened in assessment or investigation within 24 hours by telephone with a follow up of an email and or fax of that MIFPA Notice. When an agency does have information that children receiving voluntary services, so for example, children's mental health, parent support outreach programs or PSOP and even those voluntary placements.

[\(08:37\)](#):

Yes, voluntary placements also require a MIFPA Notice. So when an agency has information that children receiving voluntary services may be an Indian Child Agency, staff must notify their tribe or tribes within seven days of starting services. First by calling the tribe and then following up with sending that MIFPA Notice either through email or fax. MIFPA Notices are not required for an evaluation in determining fiscal services. So another thing we like to share about MIFPA Notices is that MIFPA Notices are not required to be sent by certified or registered mail. We get a lot of questions about whether or not that's a requirement. Requirements of this notice are to provide notification initially by phone. So calling the tribe within the first 24 hours if it's a screened in FA or FI, Family Assessment or Family

Investigation. Or within seven days. if it is a voluntary service like the ones I mentioned earlier, whether that's children's mental health, parent support outreach or PSOP and even yes those voluntary placements, that is how you would reach out to the tribe either by phone with a follow up of sending that MIFPA Notice by fax or email to any known tribal affiliations or tribal lineage for that Indian child.

[\(09:54\)](#):

So who should receive a MIFPA Notice? Well, a MIFPA Notice should be sent to all known tribal affiliations and tribal lineage identified through inquiry of the reporter. So when that first initial call comes in to the agency, the screener must be asking if there's any known tribal lineage. They must be asking the question. Second, when you're inquiring with the family or other appropriate persons, notice must be sent to any identified federally recognized tribe or tribes regardless of it being out of the state of Minnesota or even within the state of Minnesota. MIFPA Notice is not sent to parents or the Indian custodian like you do with the ICWA Notice of Child Placement proceedings. This notice is not required to be sent to the Bureau of Indian Affairs if tribe or tribes is or are known. What if children's tribe or tribes is or are unknown?

[\(10:57\)](#):

A MIFPA Notice should be provided to the regional BIA office requesting assistance in identifying tribal affiliation and or tribal lineage or if the identity or location of a child's parent or parents or Indian custodian is unknown. This notice is to be sent to the Bureau of Indian Affairs provided by phone and or fax or email with as much familial information that can be provided to assist in identifying the Indian child's tribe or tribes. Another question received here at the American Wellbeing Unit from county agencies related to MIFPA Notice is, does an additional MIFPA Notice need to be provided if a case closes and reopens or if there are changes from involuntary to voluntary? The answer to that is yes. Each time service stop and or a case is closed for a period of more than seven days and then reopens, a MIFPA Notice must be sent out again or be provided again if ongoing case management occurred and another report is received.

[\(12:02\)](#):

MIFPA Notice is not required. However, children's Tribe or tribes through social service active efforts should continue to communicate newly reported reports through their ongoing communication and case management. And as again, that is part of active efforts when you're building that relationship and making sure to work with the tribe and keeping them informed. If a case track changes from involuntary to voluntary or vice versa and services continue, MIFPA Notification to tribe or tribes should be provided of the change in track as earliest as possible soon as that change happens. The last thing I wanna share with you about frequently asked questions we receive regarding MIFPA Notice is whether or not there are additional documents that must be sent with a MIFPA Notice. And the answer to that is yes. So MIFPA Notice does require that you send along the genogram. Genogram should be completed with the most recent information available and updated as often as possible.

[\(13:03\)](#):

It can be used even to assist with that relative placement should that become necessary. So it's important to know that just as a side note for the genogram, that the genogram itself is what we consider a living document. So as you start to build that relationship with the family and you're asking more questions about their um, family history, you can start to build and add that information to the genogram. Okay, well that's the last question I have to share with you, uh, for frequently asked questions. I really hope you find this information helpful. We really enjoy providing this information to you. I'm gonna turn it over now to my coworker Richie so he can share a great story about the MIFPA Notice. Thank you.

Richie Smith ([13:42](#)):

Anin. Hello, my name is Richie. I'm with DHS. I'm an ICWA Compliance Consultant. I've been with DHS for five years now. I'm gonna have tell you a story about MIFPA Notice. We had a case where a county had inquired with a family and they only gave information, um, saying they were Alaskan Native. And if you know about the Alaskan up in Alaska, there's like 231 tribes up in Alaska. So with some due diligence, they asked more information. Luckily cuz 231 tribes, that's a lot to send out MIFPA Notice to. So they found a little bit more information and at least down to down, this is t'o still 100 tribes. They still didn't have all the information, but they were able to dwindle it down to a hundred tribes to sent out MIFPA Notice. They sent out those hundred MIFPA Notices out to the tribes and they didn't get but one response back from a tribe.

([14:34](#)):

The tribe said, this is not our child, but we know what uh, tribe this child belongs to. And so they gave the information to that county. And so in turn, with active efforts and due diligence, ICWA and MIFPA, that child is protected under those laws because the county went to that extent of sending out 100 MIFPA Notices to those tribes trying to find that connection to that child. So that's just showing you that it's worth it because sometimes you just don't know. You can't just say, oh, there's 231 tribes, I'm not gonna send 'em out. You have to send out the information and you do get information back. So that's why I'm saying that I always send out the MIFPA Notice, gather as much information as you can, and then hopefully you get a response. So I just wanna say it was a, it was a nice ending to that story. And miigweech to that county,

Carrie Owen ([14:34](#)):

Speaker 4 ([15:28](#)):

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