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S.F. No. 1038 – Office for Ombudsman for American Indian Families establishment; American Indian community specific board provisions modification; transferring and appropriating money

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S.F. No. 1038 establishes the office of Ombudsperson for American Indian Families and transfers the existing community-specific American Indian Advisory Board from the Office of the Ombudsperson for Families to the newly established Office of the Ombudsperson for American Indian Families.

Section 1 [3.9215] establishes the office, powers, and duties of the Ombudsperson for American Indian Families. The ombudsperson must be familiar with the American Indian community, will be selected by the new American Indian community-specific board, and has the following duties and powers:

- (1) monitor agency compliance with laws governing child protection and placement, public education, and housing issues related to child protection;
- (2) work with local courts to ensure cultural competency relating to American Indian families, use of expert witnesses from American Indian communities, and assignment of American Indian guardians ad litem to American Indian children;
- (3) investigate complaints regarding decisions, acts, and other matters of agencies, programs, or entities providing protection or placement services to American Indian children;
- (4) request agency information related to an investigation;
- (5) examine agency records and documents;
- (6) enter and inspect agency premises; and
- (7) subpoena agency personnel to appear, testify, or produce evidence relevant to an investigation.

The ombudsperson may also receive complaints and review actions by an agency, facility, or program that may be contrary to law or administrative rule; may be unfair, oppressive, or inconsistent with a policy of an agency, facility, or program; may result in abuse or neglect of a child; may disregard a child's rights; or may be unclear or inadequately explained. An

agency, facility, or program is prohibited from retaliating against an individual who files a complaint in good faith or assists in an investigation. As a result of its investigations, the ombudsperson may make recommendations for the investigated entity to consider the matter further, modify or cancel its actions, alter a rule or policy, give a fuller explanation, or take some other action. The ombudsperson may send its investigative conclusions and suggestions to the governor and the community-specific boards. The ombudsperson must annually report its activities to the governor.

Section 2 [3.9216] establishes the American Indian community-specific board, which will consist of five members of the American Indian community. The board shall meet at least quarterly to advise and assist the Ombudsperson for American Indian Families with selecting matters for attention and developing policies and procedures to best carry out the ombudsperson's duties. The board is authorized to apply for grants or receive gifts, donations, and appropriations to train and educate the American Indian community on child protection issues affecting American Indian families.

Section 3 (257.0755, subdivision 1) makes a conforming change in the statutes relating to the Ombudsperson for Families by removing the reference to the Indian Affairs Council from the statute requiring an Ombudsperson for Families to collaborate with the community-specific boards.

Section 4 (257.076, subdivision 3) makes a conforming change in the statutes relating to the Ombudsperson for Families by removing "American Indian" from the definition of "communities of color".

Section 5 (257.076, subdivision 5) makes a conforming change in the statutes relating to the Ombudsperson for Families by removing "American Indian" from the definition of "family of color".

Section 6 (257.0768, subdivision 1) makes a conforming change in the statutes relating to the Ombudsperson for Families by removing the authority of the chair of the Indian Affairs Council to appoint a community-specific board.

Section 7 (257.0768, subdivision 6) makes a conforming change in the statutes relating to the Ombudsperson for Families by reducing from four to three the number of community-specific boards.

Section 8 (257.0769) amends the statute appropriating funds to the community-specific boards relating to the Ombudsperson for Families by appropriating the 25% share that previously funded the Indian Affairs Council to the Ombudsperson for American Indian Families to carry out its statutory duties. The remaining 75% of the money is appropriated to the remaining community-specific boards supporting the Ombudsperson for Families. The commissioner of human services must also obtain federal funding for eligible activities by the Ombudsperson for American Indian Families.

Section 9 requires the Ombudsperson for Families to transfer by June 30, 2021 any remaining funds designated for use by the Ombudsperson for American Indian Families to the newly established Ombudsperson for American Indian Families.