Anishinabe Legal Services Newsletter

Serving the Leech Lake, Red Lake, & White Earth Reservations

Cass Lake, Minnesota • July 2024

P.O. Box 157, Cass Lake, MN 56633 • Phone 218-335-2223 or 1-800-422-1335

From the Directors:

By: Cody Nelson
Executive Director
Chari LaDuke-Clark
Admin. Director

Boozhoo gakina awiya (Hello Everyone)! Summer is upon us, and as always, ALS is very busy with summer staff, client intakes and community outreach events. This summer we welcome two in-house summer law clerks: Elizabeth Patterson and Marisa Sauceda. Both these ladies are hard at work assisting attorneys with research projects, and helping low-income clients resolve their legal matters. We are so fortunate to have them inhouse this summer to increase our legal education and case services.

Additionally we welcome Jenna Finn and Jenna McArthur to the ALS advocate team. They both are new community justice workers; Jenna F works in the Main Office and Jenna M works primarily out of the Red Lake and White Earth Satellite offices. The new staff bring our total case advocate staff to 9!

We have been busy scheduling events for elders and others over the summer and look forward to setting up a possible legal clinic in one of the outlying locations on the White Earth Reservation this year. If you are interested in learning more about our services and having an outreach event at your location, please call the Main Office and ask for Chari.

We are also excited to roll-out our newly updated and accessible website! Please visit us at www.alslegal.org. Chi-Miigwech!

Minnesota Indian Family Preservation Act - Active Efforts

By: Joel Vorhes
Staff Attorney

The federal Indian Family Child Welfare Act (ICWA) became law in 1978 in response to a crisis of Native American children being removed from their families by social service agencies. Two studies showed that as many as 35 percent of Native American were removed from their families and 90 percent of the children who were removed were placed with White families. In 2022, ICWA came under attack by a White family, the Brackeens, who sought to adopt Indian Children. With the assistance of several states, the Brackeens sued to have ICWA declared unconstitutional. Fortunately, however, the Supreme Court denied the petition to declare ICWA unconstitutional on a 7 – 2 vote. However, the uncertainty caused a great amount of fear.

In 2015, Minnesota enacted companion laws to ICWA. Those laws are the Minnesota Indian Family Preservation Act (MIFPA). Like ICWA, the purposes of MIFPA are (1) to protect the long-term interests of the tribes, of Indian children, their families, as defined by law or custom, and the child's tribe, and (2) to preserve the Indian family and tribal identity, including understanding that Indian children are damaged if family and child tribal identity and contact are denied. Indian children are the future of the tribes and are vital to their very existence.

MIFPA imposes a duty on counties to provide active efforts to prevent out-of-home placement and to promote family reunification for Indian children. An Indian child is defined as a member of an Indian Tribe or a child who is eligible for membership in a tribe. A determination by a tribe that a child is either a member of or eligible for membership in a tribe is conclusive and cannot be challenged.

Active efforts means a rigorous and concentrated level of effort that is ongoing throughout the involvement of the local social services agency to continuously involve the Indian child's tribe and that use the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe to preserve the Indian child's family and to prevent placement of an Indian child and, if placement occurs, to return the Indian child to the child's family at the earliest possible time. Active efforts set a higher standard than reasonable efforts to preserve the

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~ 2024 Election Important Dates ~



General Election
November 5, 2024
Vote by mail or early in person
September 20 - November 4, 2024

Primary Election
August 13, 2024
Vote by mail or early in person
June 28 - August 12, 2024

People who are not registered to vote can register on line at: https://www.sos.state.mn.us/elections-voting/register-to-vote

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Minnesota Indian Family Preservation Act - Active Effort

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family, prevent breakup of the family, and reunify the family. In short, the social service agency should work with the parent and the parent's tribe to diligently provide services that both respect the parent's culture and tradition and that will prevent removal of the Indian child or assist in the prompt return of the Indian child to his or her family

Local social service agencies must (1) work with the Indian child's tribe and family to develop an alternative plan to out-of-home placement; (2) before making a decision that may affect an Indian child's safety and well-being or when contemplating out-of-home placement of an Indian child, seek guidance from the Indian child's tribe on family structure, how the family can seek help, what family and tribal resources are available, and what barriers the family faces at the time that could threaten it's preservation; and request participation of the Indian child's tribe at the earliest possible time and request the tribe's active participation throughout the case.

A court shall not order an out-of-home permanency placement for an Indian child unless the court finds that the local service agency has made active efforts. In determining whether the local social service agency has provided active efforts, a court must review the following:

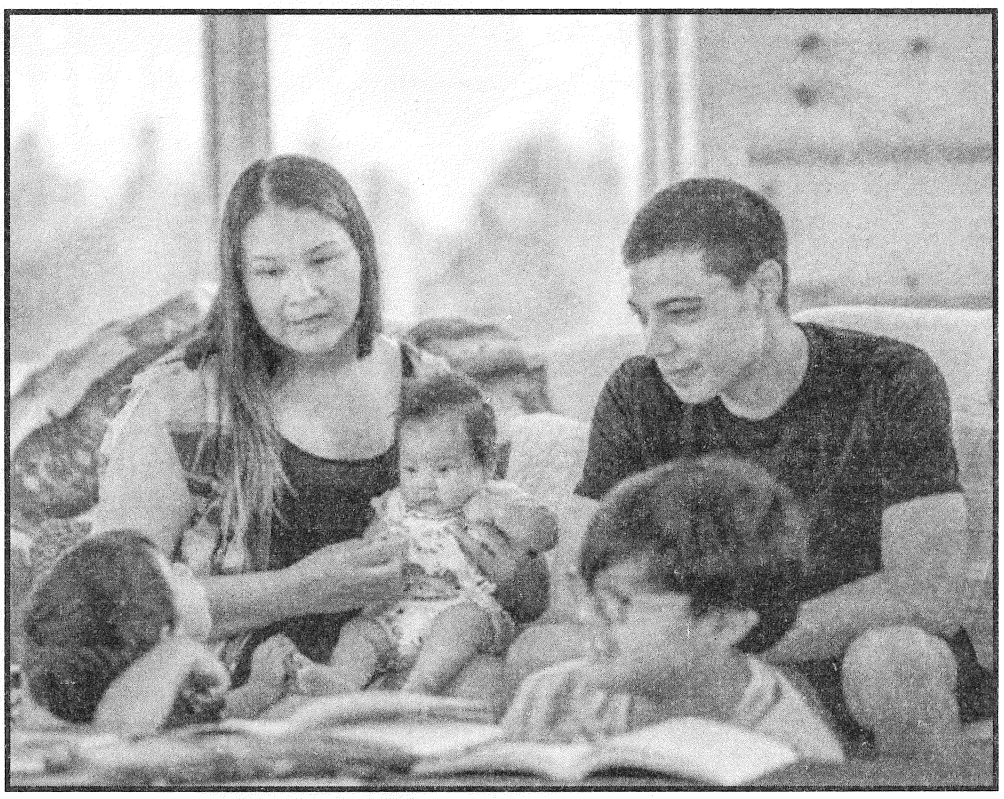
(1) whether the local social services agency made efforts at the earliest point possible to (i) identify whether a child may be an Indian Child as defined by ICWA; and (ii) identify and request participation of the Indian child's tribe at the earliest point possible and throughout the investigation or assessment, case planning, provision of service, and case completion;

(2) whether the local social services agency requested that a tribally designated representative with substantial knowledge of prevailing social and cultural standards and child-rearing practices within the tribal community evaluate the circumstances of the Indian child's family and assist in developing a case plan that uses tribal and Indian community resources;

(3) whether the local social services agency provided concrete services and access to both tribal an non-tribal services to members of the Indian child's family, including but not limited to financial assistance, food, housing, health care, transportation, in-home, service, community support services, and specialized services; and whether these services are being provided in an ongoing manner throughout the agency's involvement with the family, to directly assist the family in accessing and utilizing services to maintain the Indian family as soon as safety can be assured if out-of-home placement has occurred;

(4) whether the local social services agency notified and consulted with the child's extended family members as identified by the child, the child's parents, or the tribe; whether extended family members were consulted to provide support to the child and parent, to inform the local social services agency and court as to the cultural connections and family structure, to assist in identifying appropriate cultural services and support for the child and parents, and to identify and serve as placement and permanency resource for the child; and if there was difficulty in contacting or engaging with extended family members, whether assistance was sought from the tribe, the Department of Human Services, or other agencies with expertise in working with Indian families;

(5) whether the local social services agency provided services and resources to relatives who are considered the primary placement option for an Indian child, as agreed by the local social services



agency and the tribe to overcome barriers to providing care to an Indian child. Services and resources shall include, but are not limited to, childcare assistance, financial assistance, housing resources, emergency resources, and foster care licensing assistance and resources; and

(6) whether the local social services agency arranged for visitation to occur, whenever possible in the home of the Indian child's parent, Indian custodian, or other family member or in another non-institutional setting in order to keep the child in close contact with parents, siblings, and other relatives regardless of the child's age and to allow the child and whose with whom the child visits to have natural, unsupervised interaction when consistent with protecting the child's safety; and whether the local social services agency consulted with a tribal representative to determine and arrange for visitation in the most natural setting that ensures the child's safety, when the child's safety requires supervised visitation.

The Minnesota Department of Human Services began checking county compliance with MIFPA in 2017. Data shows that compliance rates improved, but in 2022, the agency reviewed 37 counties and found that 21 were out of compliance, resulting in a reduction in state aid.

If you are faced with a situation where MIFPA applies, be sure to ask for whatever assistance that will help you correct the issues that led to removal of your child. The county social service agency, by law, has a duty to work with you in ways that will help you prevent removal of your child or result, when possible, in the prompt return of your child. However, as pointed out above, counties do not always voluntarily follow the law, perhaps either due to a lack of understanding of what is required or perhaps an unwillingness of management and/or workers to comply with the requirements of MIFPA.

Complaints regarding compliance with the Indian Child Welfare Act in Minnesota can be forwarded to the Office of the Ombudsman for Indian Families, and the best way to reach out is by email: intake.oaif@state.mn.us. If you need assistance in getting information together to send to them, please let Anishinabe Legal Services know.

Sources:

Minnesota Indian Family Preservation Act. Minn Stat. §§260.751 to 260.835.

Minnesota Moves to protect Native children as Supreme Court decision looms, MPR News.

Historical Trauma and Disability:

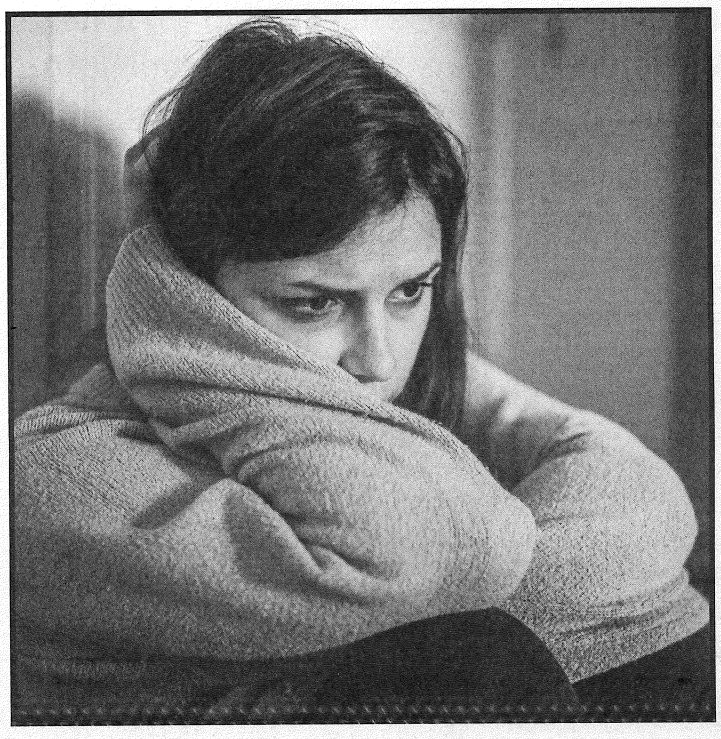
By: Rita Ostman
Certified Disability Representative/Senior Paralegal

"The theory of historical trauma was developed to explain the current problems facing many Native Americans. This … purports that some Native Americans are experiencing historical loss symptoms (e.g., depression, substance dependence, diabetes, dysfunctional parenting, unemployment) because of the cross-generational transmission of trauma from historical losses (e.g., loss of population, land, and culture)." *(Dr. Kathleen Brown-Rice article, Examining the Theory of Historical Trauma Among Native Americans volume 3-issue 3).*

"Compared with all other racial groups, non-Hispanic Native American adults are at greater risk of experiencing feelings of psychological distress and more likely to have poorer overall physical and mental health and unmet medical and psychological needs (Barnes, Adams, & Powell-Griner, 2010). Suicide rates for Native American adults and youth are higher than the national average, with suicide being the second leading cause of death for Native Americans from 10–34 years of age (Centers for Disease Control and Prevention [CDC], 2007). Given that there are approximately 566 federally recognized tribes located in 35 states, and 60% of Native Americans in the United States reside in urban areas (Indian Health Services, 2009), there is much diversity within the Native American population. Therefore, it is difficult to make overall generalizations regarding this population (Gone, 2009), and it is important to not stereotype all Native American people. Still, Native American individuals are reported as having the lowest income, least education, and highest poverty level of any group—minority or majority—in the United States (Denny, Holtzman, Goins, & Croft, 2005) and the lowest life expectancy of any other population in the United States (CDC, 2010)." *(Dr. Kathleen Brown-Rice article, Examining the Theory of Historical Trauma Among Native Americans, volume3-issue 3).*

Working as a Social Security Disability representative primarily with Native Americans, I see the trauma in everyday life that my clients experience. It is important to distinguish how severely this trauma affects the lives of people everyday to determine if an individual is disabled or not through the eyes of the Social Security Administration.

I first meet with my clients and do what is called a "merit" screening. This entails asking questions to the client about their daily lives, work history, diagnoses, and other things, for example: Do you have a hard time being in public places? Do you isolate at home? Do you get along with others or authority figures? Do you have constant mood swings? These are just a few of the questions, but they give me an idea of how trauma affects their everyday life.



It is important to understand that being disabled through the medical community and the criteria required by the Social Security Administration are two different things. To be determined "disabled" by the Social Security Administration, a person must "fit into what is called a "listing". Within these listings are criteria a person has to meet in order to be found disabled. Even with a diagnosis from a doctor such as post traumatic stress disorder, anxiety, or depression, the symptoms must meet the listing established by the Social Security Administration:

Disability Listings of Impairments, Section 12.06: Anxiety and obsessive-compulsive disorders (see 12.00B5), satisfied by A and B, or A and C:

1. Medical documentation of the requirements of paragraph 1, 2, or 3:

Anxiety disorder, characterized by three or more of the following;

1.a. Restlessness;
1.b. Easily fatigued;
1.c. Difficulty concentrating;
1.d. Irritability;
1.e. Muscle tension; or
1.f. Sleep disturbance.

Panic disorder or agoraphobia, characterized by one or both:

1.a. Panic attacks followed by a persistent concern or worry about additional panic attacks or their consequences; or

1.b. Disproportionate fear or anxiety about at least two different situations (for example, using public transportation, being in a crowd, being in a line, being outside of your home, being in open spaces).

Obsessive-compulsive disorder, characterized by one or both:

1.a. Involuntary, time-consuming preoccupation with intrusive, unwanted thoughts; or

1.b. Repetitive behaviors aimed at reducing anxiety.

and

2. Extreme limitation of one, or marked limitation of two, of the following areas of mental functioning (see 12.00F):

1. Understand, remember, or apply information (see 12.00E1).

2. Interact with others (see 12.00E2).

3. Concentrate, persist, or maintain pace (see 12.00E3).

4. Adapt or manage oneself (see 12.00E4).

or

3. Your mental disorder in this listing category is "serious and persistent;" that is, you have a medically documented history of the existence of the disorder over a period of at least 2 years, and there is evidence of both:

1. Medical treatment, mental health therapy, psychosocial support(s), or a highly structured setting(s) that is ongoing and that diminishes the symptoms and signs of your mental disorder (see 12.00G2b); and

2. Marginal adjustment, that is, you have minimal capacity to adapt to changes in your environment or to demands that are not already part of your daily life (see 12.00G2c).

1. To get the diagnosis is the first part of what needs to be done,

2. to continue to doctor for 2 years or more is also needed.

3. The **severity** of the daily functioning is another part of the diagnosis from Social Security.

Mental Health today is finally getting recognition. More than ever before. The trauma of the past and present have a significant emotional, social, and financial impact on the lives of those affected. Our office is a non-profit organization which at no cost to the client will help with the process in applying or maintaining Social Security Disability benefits.

Facing a nearly-guaranteed fourth and inches victory for the Navajo Nation, the U.S. Supreme Court opts to punt instead

By: Scott Gollwitzer
Staff Attorney

In a highly anticipated and controversial case regarding the interpretation of treaty rights with American Indians, on June 22, 2023, the U.S. Supreme Court – in a 5 to 4 decision – ruled that the 1868 Treaty betwixt the Navajo Nation and the United States did not create an affirmative obligation on the part of the United States to secure water for the Navajos. The High Court's disappointing decision was written by Justice Kavanaugh and joined by Chief Justice Roberts as well as Justices Thomas, Barrett and Alito. The dissent's opinion was written by Justice Gorsuch who was joined by Justices Sotomayor, Kagan and Jackson. While adopting the majority opinion in its entirety, Justice Thomas authored a separate – and disconcerting – concurring opinion. See Arizona, et al. v. Navajo Nation, et al., 599 U.S. 555 (2023).

As it was framed by the majority, "[t]he question in this suit concerns 'reserved water rights' – a shorthand for the water rights implicitly reserved to accomplish the purpose of the reservation." Id. (emphasis added; citations omitted). Putting a finer point on it, the majority agreed that:

[t]he Navajos claim is not that the United States has *interfered* with their water access. Instead, the Navajos contend that the treaty requires the United States to take *affirmative steps* to secure water for the Navajos — for example, by assessing the Tribe's water needs, developing a plan to secure the needed water, and potentially building pipelines, pumps, wells, or other water infrastructure — either to facilitate better access to water on the reservation or to transport off-reservation water onto the reservation.

Id. 558 – 59 (emphasis in original).

The Navajo Tribe is one of the largest in the Nation, Id. at 560 and their reservation – which includes more than 17 million acres – is the geographically largest in the country and home to approximately 170,000 enrolled members. Id. at 559. In 1848, the United States took possession of a vast expanse of territory – and the natural resources contained therein – from Mexico, following the Mexico-American war. In 1849, the parties agreed to a treaty in which the Navajos agreed to peace and the United States agreed to '"designate, settle and adjust [the] boundaries' of the Navajo territory." Id. at 559. Despite their agreement, wars between the United States and the Navajos were "often" waged during the ensuing twenty years, id. at 560, during which, "the United States forcibly moved many Navajos from their original homeland to a relatively barren area in New Mexico known as the Bosque Redondo Reservation." Id. at 560.

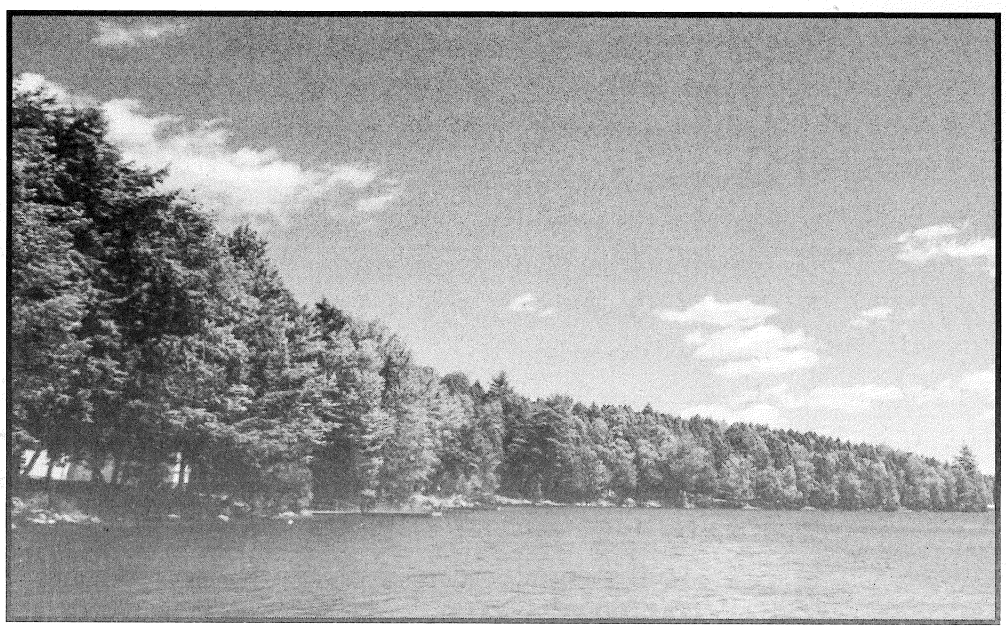
Then – in 1868 – the parties agreed to a second treaty in which the Navajos "pledged not to engage in further war against the United States or other Indian tribes," and "make the reservation" their "permanent home." Id. In exchange, the United States agreed to:

'set aside' a large reservation 'for the use and occupation of the Navajo tribe' within the new American territory …. Importantly, the reservation would be on the Navajos' original homeland, not the Bosque Redondo Reservation. The new reservation would enable the Navajos to once again become self-sufficient, a *substantial improvement from the situation at Bosque Redondo.* The United States also agreed (among other things) to build schools, a chapel, and other buildings; to provide teachers for at least 10 years; to supply seeds and agricultural implements for up to three years; and to provide funding for the purchase of sheep, goats, cattle, and corn.

Id. at 560 (emphasis added). Additionally, the reservation includes – among other things – "the right to use needed water on the reservation." Id. (emphasis added).

Much of the southwestern U.S. is arid and water has long been a limiting factor in developing and settling that landscape. As the Court described it: "[f]rom 2000 through 2022, the region faced the driest period in more than a century and one of the driest periods in the last 1,200 years." Id. at 561 (emphasis added). Moreover, "the problem is getting worse … [a]nd the situation is expected to grow more severe …" Id. at 561. Although – ironically – the Navajo Reservation "lies almost entirely within the Colorado River Basin and three vital rivers [the Colorado, Little Colorado and San Juan] border the reservation." Id. Yet, "[t]o meet their water needs for household, agricultural, industrial, and commercial purposes, the Navajos obtain water from rivers, tributaries, springs, lakes and aquifers on the reservation." Id.

At oral argument, "[t]he Solicitor General explain[ed] that … the Federal Government has secured hundreds of thousand acre-feet of water and authorized billions of dollars for infrastructure" on the reservation. Id. at 562. Still, the Navajos assert that these efforts did not satisfy the terms of the 1868 treaty and filed suit against various governmental agencies claiming that the U.S. must "do more than simply not interfere" with their water rights, but "must take affirmative steps to secure water for the Tribe." Id. (emphasis in original). Simply put, the Navajos asserted a breach-of-trust claim "arising out of the 1868 treaty and sought to compel [the government] to determine the water required to meet [those] needs" by (1) assessing their water needs; (2) developing a plan to meet those needs; and (3) if necessary, building the infrastructure to meet these needs. Id. Because the "water wars" between the western states have been ongoing since the 1960s, the States of Arizona, Colorado and Nevada intervened against the Tribe to protect their "interests in water from the Colorado River." While the U.S. District Court for the District of Arizona dismissed the Tribe's complaint, the Ninth Circuit Court of



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Navajo Nation

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Appeals reversed – holding that the U.S. "has a duty under the 1868 treaty to take affirmative steps to secure water for the Tribe." Id. 562 – 63.

The Majority's Analysis

Against this backdrop, the majority explained that [w]hen the United States establishes a tribal reservation, the reservation generally includes (among other things) … the right to use needed water on the reservation." Id. at 563 (emphasis added). Commonly known as "reserved water rights," see e.g. Winters v. United States, 207 U.S. 564 (1908), these rights are one "stick in the bundle of property rights that make[ ] up a reservation." 599 U.S. 555 at 563. In order to maintain their breach-of-trust claim, the Tribe must establish – among other things – "that the text of a treaty, statute, or regulation imposed certain duties on the United States." Id. In determining "[w]hether the Government has expressly accepted such obligations," courts must 'train on specific rights-creating or duty-imposing' language" contained in the relevant treaty, statute or regulation." Id. (citation omitted).

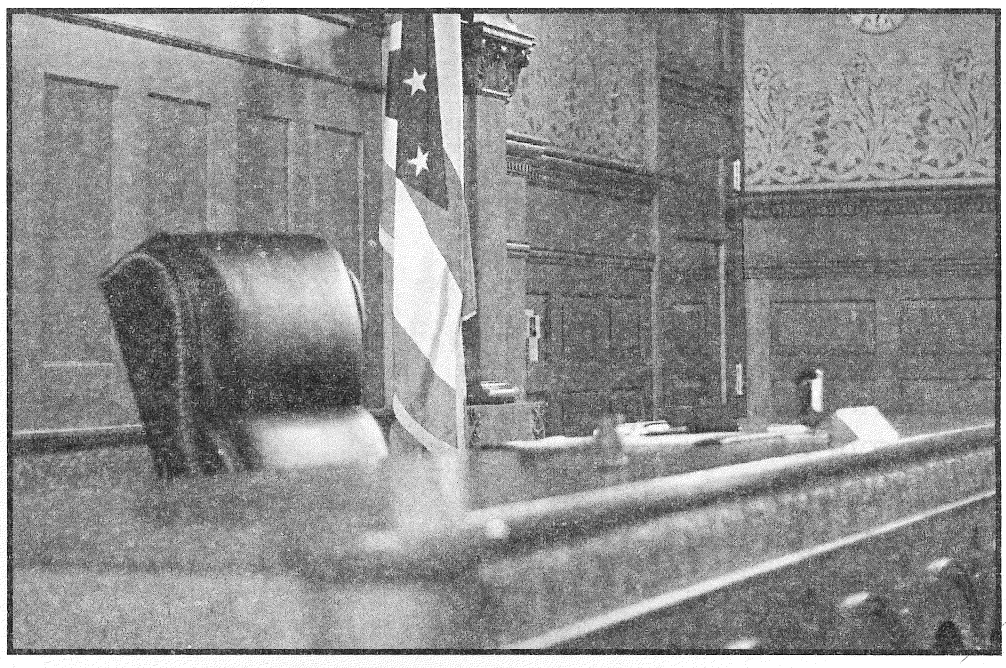
After acknowledging a number of specific duties imposed on the U.S. by the 1868 treaty (e.g. building: schools, a chapel, carpenter shop, a blacksmith shop; and providing: teachers, clothing, seeds and agricultural implements), id. at 565, the Supreme Court found no "affirmative duty for the United States to secure water [and] Indian treaties cannot be rewritten or expanded beyond their clear terms. Id. (citations omitted). Moreover, the Court continued:

"It would be anomalous to conclude that the United States must take affirmative steps to secure water given that the United States has no similar duty with respect to the land on the reservation. For example, under the treaty, the United States has no duty to farm the land, mine the minerals, or harvest the timber on the reservation— or, for that matter, to build roads and bridges on the reservation.

Id. (citations omitted). The Court continued: "[j]ust as there is no such duty with respect to the land, there likewise is no such duty with respect to the water." Id. Then – setting the team up to punt – the Court stated: "[o] f course, it is not surprising that a treaty ratified in 1868 did not envision and provide for all the Navajos' current water needs." Id. at 566. Now, comes the punt:

"[U]nder the Constitution's separation of powers, Congress and the President may update the law to meet modern policy priorities and needs. To that end Congress may enact— and often has enacted — legislation to address the water needs of Americans, including the Navajos, in the West. Indeed, Congress has authorized billions of dollars for water infrastructure for the Navajos. But it is not the Judiciary's role to update the law. And on this issue, it is particularly important that federal courts not do so. … And the zero-sum reality of water in the West underscores that courts must stay in their proper constitutional lane and interpret the [treaty] according to its text and history, leaving to Congress and the President the responsibility to enact appropriations laws and to otherwise update federal law as they see fit in light of the competing contemporary needs for water."

Id. at 566 – 67 (internal citations omitted; emphasis added). Relying simply on the text of the treaty, the Court then glibly swatted away the Navajos arguments that: (1) the treaty created a "permanent home" for the Tribe and required the U.S. to provide "seeds and agricultural implements for three years; (2) the U.S. opposed the Tribe's request to intervene in the four-decade litigation to allocate water from the Colorado River between the western states; and (3) that the Tribe in 1868 would have "understood the treaty to mean that the United States must take affirmative steps to secure water for the Tribe").



Conclusion: While space limits prevent an in-depth recitation of the dissent's thoughtful opinion and offering my own, I leave you with these observations. First, the majority's failure to meaningfully address any principles of interpreting treaties – especially deciding any and all ambiguities in favor of the tribes – signals its tacit approval of Justice Thomas' inane concurring opinion urging the Court's to abandon all principles of treaty interpretation. Second – for lack of better words – this gem of a conclusion from the dissent, again, penned by Justice Gorsuch:

"[W]here do the Navajo go from here? To date, their efforts to find out what water rights the United States holds for them have produced an experience familiar to any American who has spent time at the Department of Motor Vehicles. The Navajo have waited patiently for someone, anyone, to help them, only to be told (repeatedly) that they have been standing in the wrong line and must try another. To this day, the United States has never denied that the Navajo may have water rights in the mainstream of the Colorado River (and perhaps elsewhere) that it holds in trust for the Tribe. Instead, the government's constant refrain is that the Navajo can have all they ask for; they just need to go somewhere else and do something else first.

"The Navajo have tried it all … At each turn, they have received the same answer: '[T]ry again.' When this routine first began in earnest, Elvis was still making his rounds on the Ed Sullivan Show."

If there is any silver lining here it may be this. While the Court finds the present complaint lacking because it understands it as seeking "affirmative steps," the Court does not pass on other potential pleadings the Tribe might offer … After today, it is hard to see how this Court (or any court) could ever again fairly deny a request from the Navajo to intervene in litigation over the Colorado River or other water sources to which they might have a claim. All of which leave the Navajo in a familiar spot. As they did at Bosque Redondo, they must again fight for themselves to secure their homeland and all that must necessarily come with it. Perhaps here, as there, some measure of justice will prevail …

American Indian Probate Reform Act Revisited

By: Liddy Patterson
Minnesota Justice Fellow

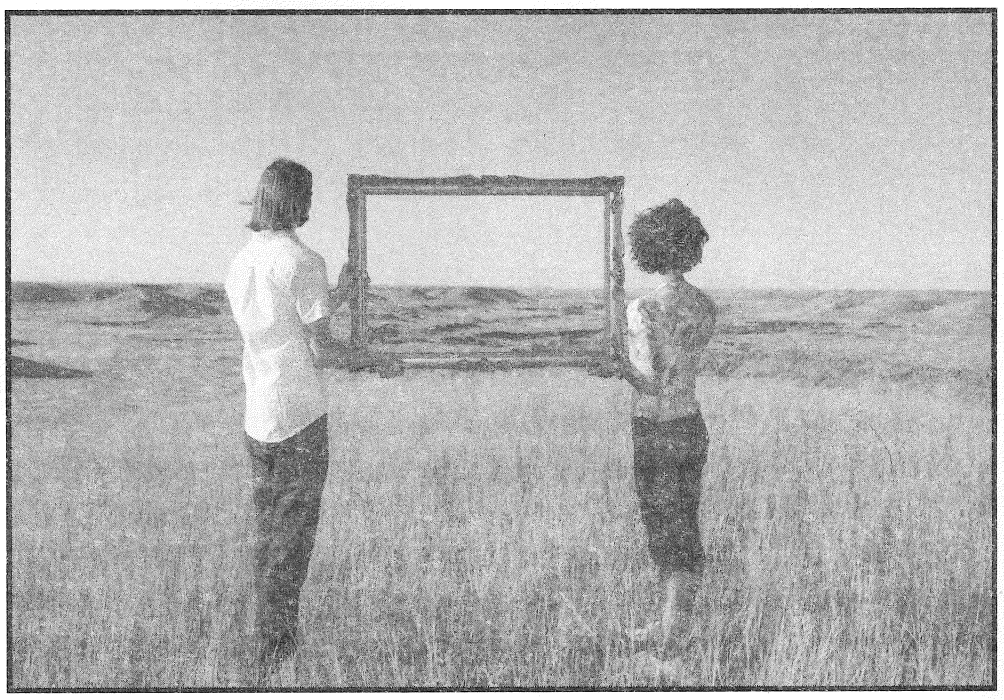
The American Indian Probate Reform Act of 2004 (AIPRA) addresses the problem of fractionation of trust land. Trust land refers to an interest in a land where the "United States holds fee title in trust for the benefit of an individual Indian." Kristina L. McCulley, Comment, *The American Indian Probate Reform Act of 2004: The Death of Fractionation or Individual Native American Property Interests and Tribal Customs*, 30 Am. Indian L. Rev. 401, 407 (2006). Fractionation has arisen because of historical allotment practices. The first allotment efforts, from the Indian General Allotment Act, or Dawes Act, divided tribally owned and controlled land into small parcels and conveyed the land to individual Natives in trust. The Dawes Act also prevented Native Americans from devising their property. *Id.* at 404-05. Instead, it mandated fractionated parcels among their several heirs, meaning successive generations had increasingly smaller interests in the trust land, making it economically difficult to use. *Id.* at 408.

As a first solution to the fractionation problem, Congress passed the Indian Reorganization ACT (IRA), which stopped the creation of new allotments. Id. at 409. Then, Congress passed the Indian Land Consolidation Act (ILCA), which allowed for the consolidation of trust land interests but used a narrow definition of Indian that concerned tribal blood quantum and deprived many Natives of their interests. *Id.* Despite these attempts, Congress had yet to address fractionation, and they began drafting AIPRA.

President George W. Bush signed AIPRA into law in 2004 based on Congress' purported impacts of providing a uniform federal probate code for trust land. (Diane K. Lautt, Note, *The American Indian Probate Reform Act: A Five-Year* Review, 51 Washburn L.J. 105, 105 (2011). Congress attempted, and in some aspects succeeded, to streamline the probate process by allowing for a uniform probate code for tribal use rather than thirty-three state probate codes. McCulley, *supra*, at 410. Congress intended with this uniform code to reduce fractionation in trust land, to provide incentives for trust land-owning individuals to create wills, and to promote the production of tribal probate codes. *Id.* at 413. AIPRA instituted six significant changes from previous efforts to reduce fractionated interests to achieve these goals. These provisions apply when a trust land owner dies intestate,[1] but with the construction of a will, a trust land owner can will their land as they please. The only caveat is that if trust land is willed to non-eligible heirs, the land risks falling out of trust. *Understanding the American Indian Probate Reform Act of 2004.*

One of the defining provisions of AIPRA is the restriction on 'eligible heirs.' This provision defines eligible heirs as "a decedent's children, grandchildren, great-grandchildren, siblings, half-siblings by blood, and parents who are either (1) Indians (2) lineal decedents of an Indian within two degrees of consanguinity or (3) owners of the same parcel of land." McCulley, *supra*, at 118. The AIPRA defines "Indian" as those who are current or potential tribe members, those who owned trust land as of October 27, 2004, or meet the IRA's definition of "Indian." 25 U.S.C. § 2201(2)(a)-(c). The IRA defines "Indian" as those who are (1) members of any federally recognized tribe, (2) descendants of such members who were residing on a reservation on June 1, 1934, or (3) "other persons of one-half or more Indian blood." 25 U.S.C. § 5129.

This provision restricts who will receive the interests if a trust land owner dies intestate. The intent here is to keep trust land in tribal hands, but critics say it is a controlling measure that gives the federal government a powerful hand over tribal land. Lautt, *supra*, at 124. Tribes can institute tribal probate codes subject to approval by the Secretary of the Interior. This allows for circumvention of AIPRA provisions, meaning criticisms are unlikely to produce changes. *Id.*



Another important factor that can make a difference is "The Five Percent Rule." This is applied to intestate situations where trust land interest totaling less than five percent of the parcel will pass only to the oldest child, grandchild, then great-grandchild in that order. McCulley, *supra*, at 414. A surviving spouse living on the parcel will receive a life estate with the remainder to the oldest single heir. If none of the previous are eligible, the interest will go to the tribe. Lautt, supra, at 117. The intent here is to prevent fractionation by further dividing a small share of a parcel amongst a given class by giving it instead solely to the oldest of a class.

However, decedents with a trust interest of five percent or more create a different situation. Here, the interests will first go to a surviving spouse who gets a life estate that passes equally to their children, grandchildren, and great-grandchildren in that order. If the decedent has no surviving spouse, the interest is shared equally amongst each child or grandchild. If a decedent has no spouse, children, or grandchildren, the interest will go to their parents. If the decedent is survived only by great-grandchildren, they will each receive equal shares. If none of these parties are eligible, the interest will go to the decedent's siblings or, if they do not have siblings, to the tribe. *Id.* This process still fractionates what can be relatively small interests, which contradicts the intent of AIPRA.

There is also a presumption of joint tenancy with a right of survivorship[2] created by AIPRA. To devise an interest as a tenancy in common rather than a joint tenancy, the decedent must have used express language in their will. McCulley, *supra*, at 418. Attorneys who are estate planning for Native Americans but are relatively unfamiliar with AIPRA should pay close attention to this presumption because it is the opposite of many state's[3] law and drafting omissions, which would successfully execute the decedent's intent

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American Indian Probate Reform Act Revisited

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under state law, may result in misrepresentations under AIPRA. Lautt, *supra*, at 122.

AIPRA also created an option to purchase[4] in several different situations. Eligible buyers in these circumstances include the Department of the Interior, the decedent's heirs, co-owners of the land, and the location-appropriate tribe. McCulley, *supra*, at 415-16. The land must always sell for greater than or equal to the appraised fair market value. Lautt, *supra,* at 120. The first situation occurs when there is consent amongst owners who have at least fifty percent of the land interest, in which case the location-appropriate tribe may purchase the trust land. Here, an owner with an undivided interest who possessed and used the land for three years before the attempted sale may match the tribe's offer. *Id.* at 119. The second situation arises strictly during probate and occurs when a decedent with less than five percent interest in a parcel dies intestate. In this case, the decedent's estate can sell a parcel to eligible heirs without the consent of other heirs. However, if an heir lives on the land, their consent is required even if the total interest is less than five percent. *Id.* Both situations aid in consolidation but may lead to the involuntary loss of land for minority interest holders. In either situation, the decedent's heirs would receive the sale funds. McCulley, *supra*, at 415.

The AIPRA also created a partition provision. Partition under AIPRA, in contrast to state law partition, is a reconsolidation effort of fractionated land. Reconsolidation under partition can occur when half of the co-owners of a parcel agree to consolidate the land to one co-owner. Anyone who owns an interest in the parcel and is an eligible purchaser or the location-appropriate tribe can submit a partition application to the Secretary of Interior, who will give notice of the requested partition. Lautt, *supra*, at 119-20. Again, this is an effort to reduce fractionation through reconsolidation.

Finally, AIPRA created a provision for consolidation agreements. During probate, eligible heirs can consent to consolidate interests, preventing a tribe's forced purchase, as land subject to a consolidation agreement is not purchasable at probate. *Id.* at 120. This restriction not only allows for a decrease in fractionation but also allows a family to keep their land no matter what percentage of interest they have.

There are also several common mistakes that attorneys drafting wills for Native Americans should be aware of. The attorney should ensure the will's self-proving affidavit is signed. This signature is often missing from "Indian wills", and it causes issues during probate. *Id.* at 121-22. Attorneys should also be careful not to place trust land into a living trust as this mistake voids the transaction, and a probate judge must then distribute the misplaced property per the decedent's intent. *Id.* at 122. Again, attorneys should also be aware of the presumption of joint tenancy with a right of survivorship. Attorneys can easily overlook this step if they are accustomed to



drafting non- "Indian wills", given it goes against many state's customs. *Id.* Attorneys should also remember, and advise their clients accordingly, that only trust land and money is subject to federal probate rules and that non-trust land is subject to state or tribal probate rules. *Id.* at 123.

In general, AIPRA often accomplishes its goal of reducing fractionation. Not only does it provide uniform law, but it increases the economic viability of land. However, AIPRA is not without problems. First, the AIPRA fails to consider that many tribes have cultural or religious beliefs that discourage them from writing wills.[5] McCulley, *supra*, at 417-18. Similarly, amongst Natives who do want to draft a will, many do not have economic access to private attorneys who are familiar with AIPRA or geographic access to legal aid societies that can aid in estate planning and are familiar with AIPRA. AIPRA exclusively grants protection after constructing a will, so these barriers to access quickly become problematic. Lautt, *supra*, at 121. AIPRA also fails to consider variations in the tribal familial hierarchy when a decedent dies intestate, and interests pass to eligible heirs in an anglicized order. McCulley, *supra*, at 417. The AIPRA also does not distinguish between secular and sacred land when distributing land, which may pose problems to a tribe given the significance of particular land to Native culture.[6] *Id.* at 418-19. Finally, the AIPRA definition of "Indian" may not conform to a given tribe's beliefs about membership in terms of marriage amongst tribes or with non-Natives. Attorneys should recognize these shortcomings with their clients and attempt, wherever possible, to educate them about AIPRA and find ways to meet the cultural needs of their clients.

NOTE: "Indian" is a legal term of art in federal law. As a matter of respect, non-Natives should not use the term "Indian" for Native Americans unless they are quoting a legal definition. Native American should be used as a fall back term unless a Native speaker specifically requests a term like First Nation.

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1 effort "A person is said to die intestate when he dies without making a will, or dies without leaving anything to testify what his wishes were with respect to the disposal of his property after his death." Intestate, Black's Law Dictionary (2nd ed.)

2 Joint tenancy with a right of survivorship means that each tenant owns an undivided interest in the whole property. When one tenant dies, that tenants interest disappears and the others simply continues, freed from participation of the decedent. Right of Survivorship, Legal Info. Inst. https://www.law.cornell.edu/wex/right_of_survivorship.

3 Not all states use a presumption of tenancy in common. Additionally, in Red Lake, all trust land is held in common.

4 This is also called the "right of first refusal." Here, if you die intestate, your heirs, other co-owners, and the tribe will be first in line to make an offer on the land during probate. Silence is typically deemed a refusal.

5 See Dianne M. Longboat, Indigenous Perspectives on Death and Dying, University of Toronto, 23 (2002) https://www.cpd.utoronto.ca/endoflife/Modules/Indigenous%20Perspectives%20on%20Death%20and%20Dying.pdf (stating that some Anishinabe do not say the name of a deceased person as to not bring the spirit back. Conducting estate proceedings without mentioning the decedents name may be difficult but should be accommodated).

6 For example, the Boundary Waters are sacred to many Minnesota Chippewa Tribe Bands such as the Bois Forte, Fond du Lac, and the Grand Portage.

Red Lake Redux: An Analysis of the Bill to Return Upper Red Lake to the Red Lake Nation

By: Taylor L. R. Burdick
Supervising Attorney

There is currently a bill (HF 4780 and SF5080) making its way through committees in the Minnesota State Legislature that would see the return of the entire Upper Red Lake along with some nearby state forest land to the Red Lake Nation. This is the next step in a process started by the Band last year to take back all of Upper Red Lake.

Red Lake had its land taken by the United States government following the signing of the Red Lake Treaty in 1863 and the Dawes Act allotment process in 1889. The 1863 Treaty created the original boundaries of the reservation, which included all of Upper Red Lake. However, following the allotment process of the Dawes Act, the United States opened up portions of the reservation for sale to private individuals. Prior to the Treaty, Red Lake maintained control of around 3.2 million acres in Northern Minnesota. Following the Treaty and Dawes Act though, the Nation was left with about 300,000 acres. In total, the Red Lake Nation lost nearly 3 million acres of land.

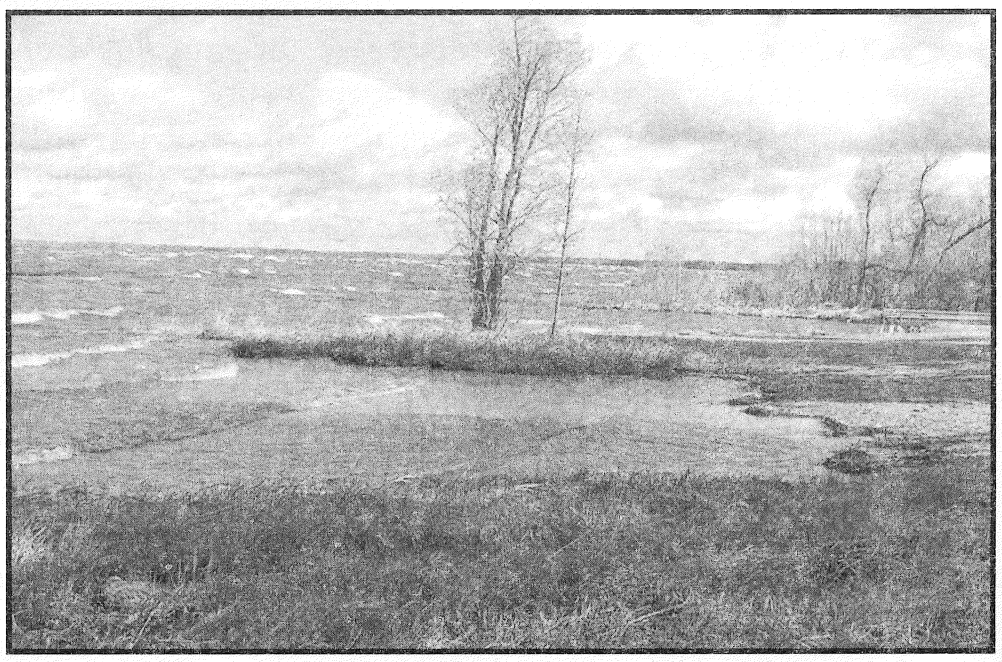
The Red Lake Reservation has a current total land mass of approximately 806,600 acres; or about 1,260 square miles. The reservation covers multiple counties in Northern Minnesota and has two primary sections. The smaller section is in the "Northwest Angle" of the "Lake of the Woods" region of the state. The larger section encompasses the entirety of Lower Red Lake and the western portion of Upper Red Lake. The Red Lake Nation also has a number of non-contiguous exclaves between the two primary sections.

Because Lower Red Lake and the western portion of Upper Red Lake are within the exterior boundaries of the reservation, only members of the Red Lake Nation or those who have been licensed by the Red Lake Nation may use these bodies of water for fish and game purposes. However, because the waterways are connected, the Red Lake Nation has to contend with invasive species, littering, and other threats to the regions ecosystem. The eastern portion of Upper Red Lake is accessible to any individual who has a Minnesota state license to fish. There are also a number of privately owned businesses located along the shores of the eastern portion of Upper Red Lake.

HF 4780, titled "Upper Red Lake and Red Lake State Forest Land Transfer," was introduced by Democrat, Rep. Sydney Jordan, out of Minneapolis. She was joined on the bill by several Minnesota House members of Native American heritage as co-sponsors – including Rep. Heather Keeler from District 4A, a citizen of the Yankton Sioux Tribe. The bill proposes to return the eastern portion of Upper Red Lake along with an approximately one-mile radius of the Red Lake state forest land surrounding the lake.

There are many hurdles and obstacles this bill must overcome before the Red Lake Nation will see the return of the Eastern Upper Red Lake. The bill is currently sitting in the Environmental and Natural Resources Finance and Policy Committee of the Minnesota House of Representatives. It's "companion bill," SF5080 has been referred to the Environment, Climate, and Legacy Committee of the Minnesota Senate.

The process to get from bill to law can be cumbersome and time consuming. Now that the bill has been introduced in the House, and a companion bill has been created in the Senate, the two controlling committees are set to the task of determining what further action, if any, should be taken. It is important to note that many bills die at this point and never make it out of committee. These committees will recommend action. Should that action be to proceed to the next stage, the committee will present the bill to the Chamber at large for a "second reading." At this second reading, each chamber will have the opportunity to debate and propose amendments. After any amendments are made and debate is over, the bill will get a "third reading." Then the bill is voted on by each chamber to determine if the bill passes.



These bills often diverge throughout the process of readings and amendments. Should the Red Lake bill have differing versions from the House and Senate following the third reading, the chambers will convene a "conference committee" comprised of between 3-5 members from each chamber. The goal of the conference committee is to unify the bills. Once this is complete, the unified bills are returned to the appropriate chamber for a final vote. Once the bill is unified and passed by both chambers of the Minnesota Legislature, it is sent to the Governor's desk for final approval. There, the Governor can either sign it into law, veto the entire document, or do nothing with it, and it becomes law after three days of no action. If the Governor vetoes the bill, the Legislature can override the veto with a two-thirds majority vote by each chamber (90 votes in the House and 45 votes in the Senate).

This does not mean however, that the lake and lands automatically become part of the Red Lake Reservation. That is an entirely separate process that involves the Bureau of Indian Affairs (BIA). The process is called the "fee-to-trust" process and can take a very long time. The Red Lake Nation has already begun this process by notifying U.S. Secretary of Interior Deb Haaland.

It is important to understand the difference between "fee" land and "trust" land for these purposes. Fee land refers to any land that is privately owned. Title to fee land is held by the owner of that land in what is called "fee simple." Trust land, on the other hand, refers to land "held in trust" by the United States government, "for the benefit" of the tribe or tribal member. The tribe or tribal member holds an "interest"

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Red Lake Redux

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in the land which allows them to use and enjoy that land, make improvements, and benefit from the land, all while the U.S. government holds title. These trust lands cannot be sold, gifted, or otherwise transferred without approval from the BIA. Land that a tribe or tribal member owns in fee simple can stay in fee simple, be transferred into trust status, or it can be classified as "restricted fee land." Restricted lands can be eligible for many of the same programs and services that trust land receives, with fewer regulatory barriers, all while the tribe or tribal member retains title. Restricted lands do however, have the same restriction as trust land in that it cannot be sold, gifted, or transferred without BIA approval.

If the bill passes, the lands along with the property on those lands would be returned to the Red Lake Nation. The bill also includes an appropriation of $20 million – some of which could be used by the State to "acquire any land necessary to facilitate the required conveyance." Once the lake and land are back in the possession of the Red Lake Nation, the tribe can choose to either leave it in fee status, or continue the process of transferring it into trust so that it can become part of the reservation.

Ready to Purchase a Dream Home of Your Own?

By: Marisa Sauceda

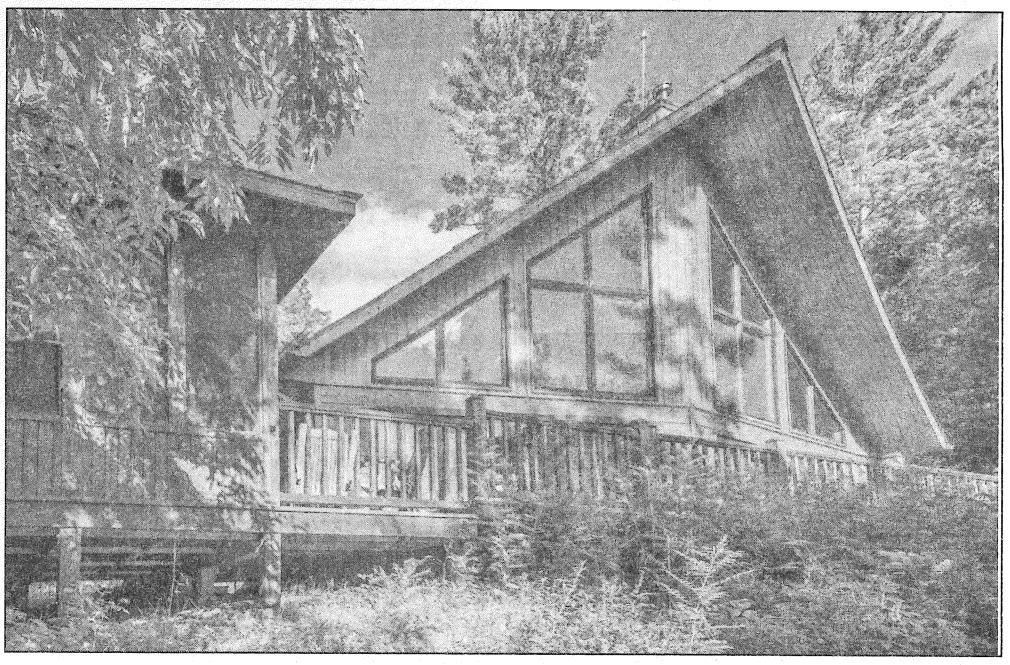
Law Clerk, UND School of Law Class of 2025

Are you currently living in a rental and wish that you could own your own home? Homeownership has many benefits because of the stability and safety it provides. Children who grow up in stable and safe homes do better in school and have better career prospects later in life. Adults who own their own home are able to generate wealth and often pay less per month on their mortgage than in rent. Everyone who lives in a safe, stable, affordable home has better physical and mental health outcomes than unstably housed persons in costly rental units. (Sauceda, 2020).

Homeownership is expensive, especially after the COVID-19 pandemic which caused the price of building materials to go up and the interest rate of mortgages to increase. Fortunately, there are many accessible financing options for people who are unable to afford a home either because it's their first time buying a house or because they are low-income.

In Minnesota, there is the **Start Up program** that allows first time homebuyers with an income of $142,000 or less annually to access homeownership. The program defines a first-time homebuyer as, "someone who has not had an ownership interest in a principal residence in the last three years". This program allows eligible homebuyers to purchase a home worth up to $600,000! If you're not a first-time homebuyer or your income exceeds the limit for the first-time buyer program, you can still access assistance from the state of Minnesota through their Step Up program. The income limit for the Step Up program is $185,000 and allows the buyer to purchase a home worth up to $638,000! You may also be able to get down payment and closing costs assistance with a Step Up loan. For both the Step Up and Start Up program, the buyer must complete a homebuying education course online.

Minnesota also offers downpayment and closing costs assistance through the First Generation Homebuyer program. According to the program website, "you may qualify as a first-generation homebuyer if you and your parent(s) or legal guardian(s) have never owned their primary residence (in any country) or owned a home but lost it due to foreclosure. If you do not know if your parent or legal guardian owned a home or lost it due to foreclosure, you may still be eligible for the program." This program provides downpayment assistance up to



$35,000, which increases the amount of money the homebuyer can borrow for a home purchase.

For more information about Minnesota's homeownership programs, visit: mnhousing.gov/homeownership.html

The Federal government also offers a couple homeownership programs such as the USDA Rural Development loans for people purchasing or repairing homes in rural communities (see rd.usda.gov). For Native American homebuyers, however, the Federal government established the **Indian Home Loan Guarantee program** in 1992 (sometimes referred to as Section 184). This program is meant to help Native American homebuyers access the housing market more easily. This program offers a lot more to Native American homebuyers than the Minnesota state programs do. With the Indian Home Loan Guarantee program, a homebuyer can build a new house, rehabilitate a house they currently own, purchase an existing home on the open market, or refinance a mortgage loan they already hold. These loans can be used for properties on or off tribal lands. The loan terms are more flexible than regular mortgage loans and it provides assistance to the tribes when a loan is used to purchase a home on tribal lands. Since the program started, the Federal government has given over $7 billion to tribal communities for homeownership development.

Ready to purchase a dream home of your own? Visit hud.gov/section184 or contact our Office for more

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Ready to Purchase a Dream Home of Your Own?

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information.

Do you think you may have been a victim of financial lending discrimination? Contact Anishinabe Legal Services at 218-335-2223 to learn about your administrative complaint options.

What should you do if your child gets expelled?

By: Srimathi Kannan
Legal Advocate

What is expulsion and how is it different from exclusion?

Under the Minnesota Department of Education, "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled. 'Exclusion' means an action taken by the school board to prevent enrollment or reenrollment of a student for a period that shall not extend beyond the school year.

When does expulsion occur? Expulsion occurs in schools when pupils perform the same act repeatedly or when the offense is serious. Referring to the parent/student handbook may provide an understanding of the school's disciplinary process when rules are disobeyed. Students cannot be expelled if the rule they violated does not include expulsion as one of the sanctions. Bringing weapons to school, fighting, and showing disrespect may result in your child's expulsion. If two students engage in fighting for the first time, the school may suspend them. It is irrelevant as to who started the fight. If the school wishes, it may also expel a student who causes injury to another. If a student disrespects the teacher by using bad language, talking back, or failing to do what the teacher says, they may be suspended or removed.

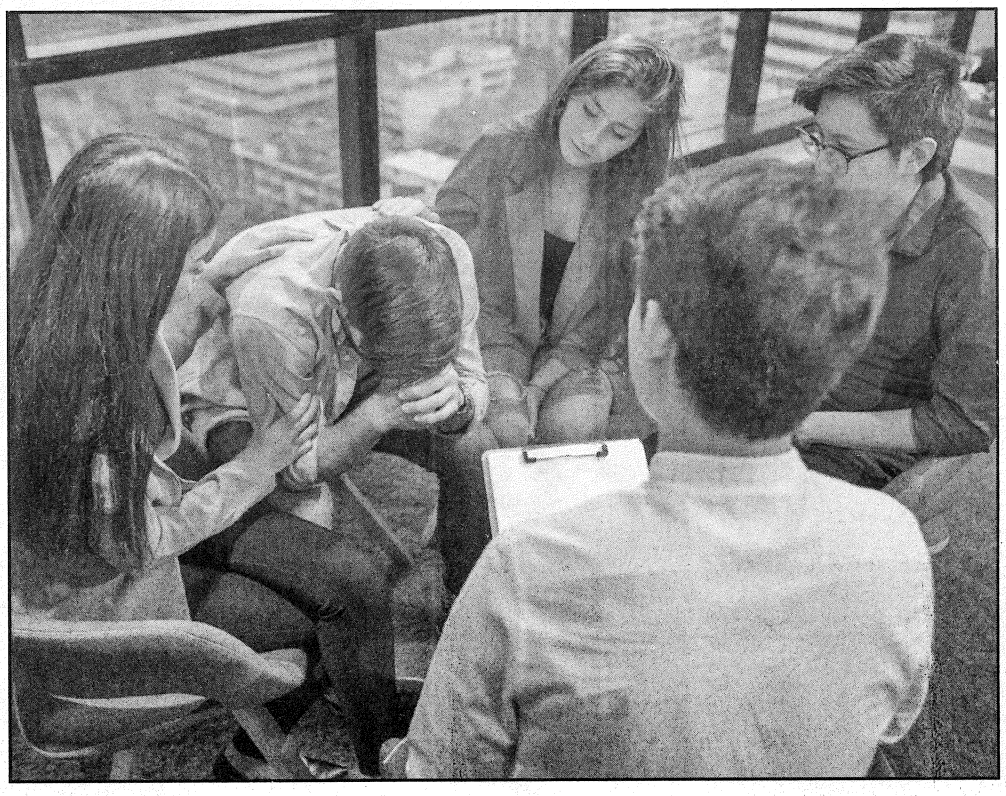
What rights do students have when the school wants to expel them?

The school shall provide written notification to the student and parent/guardian of its intention to expel by handing them in person or sending them by mail. The written notice will discuss the facts, a list of witnesses the school plans to call during the hearing, what the witnesses will say in court, and the time, place, and date of the hearing. The written notification will include information about the rights of parents and children during the hearing and the preventative measures taken by the school to prevent expulsion. The notification will also include a list of free and low-cost attorneys and a copy of the Pupil Fair Dismissal Act. Additionally, a legal assistance resource list is available from the Minnesota Depart of Education website.

The due process of law protects the student when they are expelled or excluded from school. Under Minnesota Law, the pupil fair act applies. Schools should give a copy of the Pupil Fair Dismissal act to the student and parent when dismissed from school.

The school has the authority to determine if the hearing must be held in front of the school board members or an independent hearing officer. The school must provide the parent or their representative with access to all records, including any test results or reports that form the basis for the expulsion, within a reasonable period before the hearing.

Hearing procedures: The hearing must be scheduled within 10 calendar days of receiving the written notice, unless a five-day extension is requested for good reason by the school board, student, parent, or guardian. The hearing must take place at a time and place convenient for the student and parent/guardian. The hearings are all closed to the public. The school may consider a request for an open hearing made by a parent or child.



The student, parent, or representative has the right to present evidence and testimony, including expert psychological or educational expertise. The student cannot be coerced to testify.

The hearing officer or school board must advise or make recommendations to the child, parent, and school within two calendar days after the hearing. The ruling will be made based on the substantial evidence that each side presented during the hearing.

The school board is required to convene a meeting to decide whether to approve or reject the proposed expulsion or exclusion within five calendar days of receiving the recommendation from the hearing officer. The parties may be given the chance to offer objections and comments regarding the hearing officer's recommendation by the school board. No new evidence may be presented by the parties. The school board's decision must be confirmed on the record, be in writing, and specify the key facts that will determine the outcome. The decision must contain enough information to explain its reasoning to the parties involved and the commissioner of education. If the parent or child disagrees with the school board's decision, they have the right to appeal the decision. Information about how to appeal will be included in the written decision.

During the expulsion or exclusion period, the student's education remains the responsibility of the school district that expelled or excluded them. For the student to advance toward graduation, the school district must provide alternate educational services. The parent or guardian of the student and the school district or charter school must also keep in regular contact to make sure the student is finishing the assignments given through the alternative educational services. Until the student re-enrolls in the same school or transfers to another school district, these services must be provided.

Students with disabilities might have additional rights if an expulsion is being proposed. For more information, call the Minnesota Disability Law Center at 612-332-1441 or 1800-292-4150.

Throughout the expulsion or exclusion, a disabled student must continue to receive special education and

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What should you do if your child gets expelled?

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related services. A re-admission plan must be created by the school district to assist the students in getting ready to return to class after their expulsion or exclusion has ended.

What happens after the student is expelled?

Should the child be expelled, their presence at school will be restricted for a maximum of 12 months. If the student is being expelled from the school for more than a year, it is against the law. Expelled students are eligible to homeschool or enroll in an Alternative Learning Center. If a student has been expelled, they are not barred from attending other school districts.

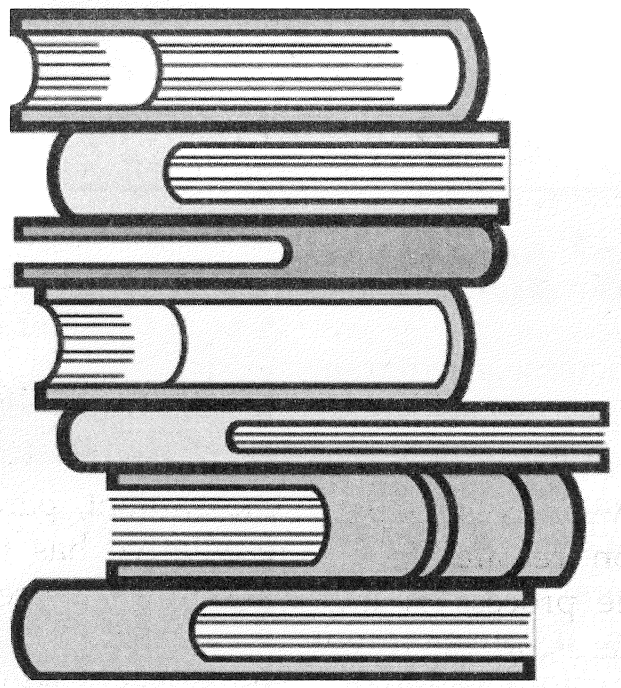
Alternative options:

Instead of expelling your child, the school will ask you to sign a pupil withdrawal agreement, which states that you consent to withdraw your child from the school.

Schools may offer you an administrative transfer, which implies that your child will be transferred to another school within the same district. The benefits of these agreements include the removal of records under your child's name, the agreement to offer educational services, and the ability to go forward with an educational plan more quickly than attending an expulsion hearing. Some of the dangers associated with the deal may include you renouncing your right to a hearing, limited access to educational assistance, and difficulty finding a school for the student.

If your child is facing expulsion, you may try the following tips:

1. Contact the school for assistance. If you call the school as soon as possible, they will be able to provide you with assistance and resources.



2. Find a Lawyer or get help with legal assistance by visiting www.LawHelpMN.org. The school must also provide you with a list of free and low-cost lawyers.

3. Keep all documents you receive from school or the school district via phone, email, or mail. Make copies of anything you give to the school.

List of Internet resources:

1. Expulsion (mn.gov)
2. When Your Child Gets Kicked Out of School: School Expulsions (lawhelpmn.org)
3. Student Discipline (mn.gov)
4. https://www.house.mn.gov/hrd/pubs/studdisp.pdf
5. Providers and Clinics | LawHelp Minnesota (lawhelpmn.org)
6. Disability Minnesota / Disability Minnesota (mn.gov)
7. Pupil Fair Dismissal Act (mn.gov)

New Protection Laws for Minnesota Tenants

By: Stephanie Kletscher
Legal Advocate

The 2023 Minnesota Legislative Session passed numerous protections for residential tenants. Among the changes include increased notices before filing evictions, increased privacy protections, and a focus on the importance of maintaining stable housing for all residents of Minnesota. Here are some of the new laws to be aware of:

1. **Landlords must issue a 14 day written notice before filing for an eviction.** This notice must include the amount owed. This written notice IS NOT an eviction notice. It is important to discuss with your landlord your ability to pay BEFORE those fourteen days has lapsed. If you receive this notice, and pay all back rent and fees owed before the fourteen days is up, you will not be evicted for non-payment of rent. If you are unable to pay and receive an eviction notice, it is important that you show up for your hearing. Contact your local legal aid office for more information about your options.

2. Cities previously had ordinances protecting minimum heat requirements. Going forward, between October 1 and April 30, **landlords must maintain a minimum temperature of 68 degrees in all rental units.**

3. Privacy rights to entry have been expanded. **Landlords must give a minimum of 24 hours' notice before entering rather than entry at a "reasonable time."**

4. **A tenant in public housing is now entitled to free representation in a breach of lease case.** A breach of lease is not equivalent to not paying rent. A breach of lease may include being arrested or found using or dealing illegal substances, allowing a person not listed on the lease to live with you, or owning a pet not allowed or not listed on your lease.

5. **All evictions filed on or after January 1, 2024 will be subject to mandatory expungement in three years.** An eviction on your record has the possibility to make finding housing extremely difficult. Landlords do not look favorably on having an eviction record.

6. **Residential tenants will no longer be able to be evicted for committing crimes happening somewhere other than their property.** It is important to remember that drug free addendums may be included in leases and enforced if there is use on the property.

These are just some of the new protections tenants now have in the state of Minnesota.



ALS' Board of Directors

To be in compliance with federal funding requirements, and current program by-laws, ALS must have a 9 member volunteer board of directors, with at least 1/3 of the board being licensed attorneys. The other positions represent each of the reservations that the program provides services to: Red Lake, Leech Lake, and White Earth communities. The board is responsible to pass the program's priorities each year which are a guide for staff to secure funding and ensure adequate staffing for the various services established.

Our board has very experienced individuals. Some have volunteered their services over 20 years to provide guidance and support to ALS. All of the board members have lived or worked in tribal communities. ALS current board includes:

Joseph Plumer, Chairman. Attorney and enrolled tribal member
Angel Daher, Vice-Chairperson. Attorney and enrolled tribal member
David Frank, Treasurer. Attorney.
Jonathan Baker, Secretary. Attorney.
Nicole Cayko. Attorney.
Andrea Kingbird. Attorney and enrolled tribal member.
Theresa Flocken. Enrolled tribal member, representative for Leech Lake community.
Petra Ybarra-Johnson. Enrolled tribal member, representative for Red Lake community.
Gloria Lafriniere. Enrolled tribal member, representative for White Earth community.

Grant funding for Elders' services

Over the past year, ALS received an increase in program funding and authorization to provide additional services to the Red Lake Nation elders. We are looking for potential meeting places for elders to do a "community legal education" session to talk about the types of services we can provide, along with providing some general legal information concerning topics of interest to elders. If your program would be interested in partnering with us for location or event, please contact Chari at 218-339-1012 or by email: cladukeclark@alslegal.org. Income restrictions do apply, but the elder grant allows services to individuals over the age of 60 on all three reservations within our service area.

This newsletter is supported in part through Older Americans Act 2023 Title III-B supportive services funding from the Dept of Health and Human Services', Administration for Community Living, administered by the MN Board on Aging.

www.alslegal.org

www.facebook.com/anishinabelegalservices
www.alslegal.blogspot.com

Find us on

LSC America's Partner for Equal Justice
LEGAL SERVICES CORPORATION

Helping Low-Income Minnesotans Solve Legal Problems
LawHelpMN.org

The new website is designed to make finding legal information even easier. Learn about your legal rights and responsibilities; fill out court forms; find free and low-cost legal help; and more!

Do You Want To Be On The ALS Mailing List?

YES! Please Add Me / My Family:

Name: _____

Address: _____

City: _____ State: ____ Zip: _____

Return to: P.O. Box 157, Cass Lake, MN or call Catherine at 1-800-422-1335

Have you considered a donation to ALS?

We are a private non-profit organization and your donation is tax deductible.

Please visit our website for secure online donation or make your check payable to:

Anishinabe Legal Services
PO Box 157,
Cass Lake, MN 56633

Your support is greatly appreciated and will be used in accordance with the LSC Act.

Please find enclosed a check for donation in the amount of:

❑ $500 ❑ $250 ❑ $100 ❑ $50
❑ $ _____

❑ I will need a contribution letter returned for tax purposes, my address is:

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