



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP - 9 2026

The Honorable Darrell G. Seki, Sr.
Tribal Chairman, Red Lake Band
of Chippewa Indians
15484 Migizi Drive
Red Lake, Minnesota 56671

Dear Chairman Seki:

Pursuant to 25 U.S.C. § 5366(b)(3)(A) of the Indian Self-Determination and Education Assistance Act (ISDEAA) and implementing regulations at 25 C.F.R. part 1000, subpart M - reassumption, this letter provides written notice of the Secretary of the Interior's (Secretary) decision to initiate an emergency reassumption of the Red Lake Band of Chippewa Indians' (Red Lake Nation) child welfare program, services, functions, and activities (PSFAs) administered under its Title IV Self-Governance Compact and multi-year funding agreement with corresponding amendments (MYFA). Emergency reassumption grants the Secretary authority, without the consent of the Red Lake Nation, to take over the management and operation of the PSFAs and their associated funding, either in whole or in part, and to assume responsibility for providing these PSFAs as outlined by law. *See* 25 U.S.C. § 5366(b)(3).

The Secretary implements this emergency reassumption due to findings of imminent and substantial jeopardy, as well as irreparable harm to the public health and safety of the Red Lake Nation's juveniles. These findings result from actions and omissions by the Red Lake Nation and its failure to fulfill the terms of its Compact and MYFA. As further detailed below, the Secretary finds that recent actions and existing conditions in the Red Lake Nation's child welfare system continue to endanger children, placing them in situations where they are neglected, abused, and malnourished—including cases involving extreme abuse and risk of death.

BACKGROUND

I. The Red Lake Nation's Compact and Multi-Year Funding Agreement

Title IV of ISDEAA provides a framework for tribes to negotiate a compact with the Department of the Interior (Department) under which tribes may propose administration of multiple PSFAs in a single proposal with flexibility to administer and redesign programs according to their unique priorities and needs, with minimal federal interference. A tribe may change or consolidate PSFAs and, as to the majority of PSFAs, reallocate funding without prior approval from the Secretary. Among its goals, the Title IV process seeks to recognize the government-to-government relationship between tribes and the United States, increase tribal authority, improve community outcomes, and reduce federal oversight.

Both tribes and the Secretary share duties and responsibilities in implementing Title IV. Tribes are empowered to redesign or consolidate PSFAs and to reallocate funds to address their specific priorities. However, by exercising this authority, tribes must operate these PSFAs in accordance with

the negotiated terms of their compact and funding agreement. If tribes meet the financial threshold per the Single Audit Act, 31 U.S.C. § 75, they are required to submit an annual audit report to OSG. 25 U.S.C. § 5365. The Secretary, on the other hand, is obligated to administer programs in a manner consistent with the federal government's trust responsibility, treaty obligations, and the government-to-government relationship with the tribe, monitor performance of trust functions, and reassumes a PSFA if there is a finding of imminent jeopardy to, among other things, public health and safety. *See* 25 U.S.C. § 5363(d).

The Office of Self Governance (OSG) administers Title IV authorities, including negotiation and administration of funding agreements with Self-Governance Tribes such as Red Lake Nation. OSG provides policy direction, reviews annual single audits, awards funding, and serves as the central coordinating office for policy and operational issues related to Title IV Tribal governments. The Bureau of Indian Affairs (BIA) provides policy direction for major program distributions and supports execution of Social Services, Indian Child Welfare Act (ICWA), and Welfare Assistance programs.

In 1997, the Red Lake Nation negotiated a Compact and MYFA with OSG, enabling it to plan, conduct, consolidate, and administer PSFAs. Under this authority, the Red Lake Nation operates BIA Social Services, Welfare Assistance, and ICWA programs as the Ombimindwaa Gidinawemaaganinaadog "Uplifting Our Relatives" (formerly Red Lake Family and Children Services). In addition to receiving funding for operating BIA-funded family and children services programming, the Red Lake Nation participates in the Tiwahe Program and receives additional Social Services, Indian Child Welfare, and Housing funding annually to support a culturally grounded, integrated family-services model. The Red Lake Nation's Tiwahe implementation spans multiple program areas, including Social Services, ICWA, Tribal Courts, Pathways to Wellness, Recidivism Reduction, Housing, and Employment/Training.

As to the operation of the child welfare PSFAs, the Red Lake Nation agreed in its Compact to provide:

such programs, activities, functions, and services that are identified in the Annual Agreement. The Tribe pledges to practice utmost good faith in upholding its responsibility to provide such programs, activities, functions, and services.

Compact, Article III, Obligations of the Tribe.

In addition to its operation of the BIA PSFAs, the Red Lake Nation contracts with several U.S. Department of Health and Human Services programs and participates in the Minnesota American Indian Child Welfare Initiative, under which child welfare responsibilities transitioned from the county to the Nation in 2021. The Minnesota Department of Children, Youth, and Families provides ongoing fiscal and technical assistance supporting the initiative.

Against this substantial Federal, State, and Tribal service-delivery framework, the Secretary has identified serious and escalating concerns regarding the Red Lake Nation's administration of BIA-funded child welfare operations beyond routine program-performance concerns, which impact the safety, protection, and well-being of children under the Red Lake Nation's care. Based on the documented record, particularly stemming from the Minnesota United States Attorney's Office (USAO), the Secretary assesses that continued operation under existing conditions presents an

immediate and significant threat of serious harm to the Red Lake Nation's children caused by its acts and omissions.¹

II. The Red Lake Nation's Operation of the BIA Child Welfare PSFAs

The Red Lake Nation operates the BIA-funded child welfare PSFAs as part of its Ombimindwaa Gidinawemaaganinaadog "Uplifting Our Relatives" (formerly Red Lake Family and Children Services) (Ombimindwaa). Ombimindwaa's Executive Director is (b) (6). The Ombimindwaa program is the designated agency to handle family wellness matters and respond to maltreatment reports when allegations involve a child's safety in the care of their parent, guardian, custodian, or relative care community service provider (foster care) within the exterior boundaries of the Red Lake Nation. See Ombimindwaa Program Brochure, 2024.

a. 2021-2023: Initial Concerns Develop

The FBI started to track concerns with the Ombimindwaa program in 2021. On December 21, 2021, an (b) (6) died when its mother passed out and fell asleep. According to federal investigators, witnesses state that the mother was a known addict, and the (b) (6) was born addicted.²

In 2022, the FBI tracked more alarming incidents where, despite knowledge of unsafe conditions, Ombimindwaa staff failed to notify law enforcement officials of child neglect and continued to place children back into dangerous environments. In February, a (b) (6) victim was hospitalized with life threatening anemia due to malnutrition because of (b) (6) caretakers feeding (b) (6) with a bottle as (b) (6) main nutrition. Despite mandated reports to the Ombimindwaa by the Indian Health Services (IHS) and Sanford Bemidji Medical Center, the hospital where (b) (6) was treated, Ombimindwaa staff failed to notify law enforcement and placed the (b) (6) child back with (b) (6) previous guardians, who failed to provide sufficient aftercare and did not take (b) (6) follow-up doctor visits. For the next year, Ombimindwaa staff were assigned the case, but stated they could not locate the child. IHS later facilitated a check-up, and the (b) (6) child again was hospitalized due to severe malnutrition, causing a heart murmur, and a severe scalp infection caused by a lice infestation. Sanford Health staff notified Ombimindwaa of the child's condition and reported to federal investigators that Ombimindwaa staff informed the hospital it planned to place the child back in the home upon release. Sanford Health contacted FBI Bemidji directly because of the danger to the child. The FBI intervened, and Ombimindwaa placed the (b) (6) child and a (b) (6) child also living in the residence with a state licensed foster-care provider. Ombimindwaa provided no instruction, medication, or continuity of care for the children to the foster care provider.³

In October 2022, a subject who previously disclosed her drug abuse to a federal investigator during an interview, gave birth to a drug-addicted (b) (6) which required IHS to generate a mandated report to Ombimindwaa. Ombimindwaa staff then placed the (b) (6) with the mother with knowledge of the

¹ Because the Red Lake Nation operates the BIA child welfare services PSFAs through its Compact, its reporting requirements to OSG are minimal and the documented record is provided by federal agencies with active involvement with the program.

² Federal authorities raided the home in February 2023, seizing over one pound of meth, firearms, and cash. Federal investigators note that despite no changes in the home environment, the mother currently has custody of another (b) (6).

³ In January 2024, the FBI was informed that Ombimindwaa removed the (b) (6) victims and other foster children it had placed with the foster care provider.

mother's drug abuse history and the (b) (6) chemical dependency. On July 28, 2023, the (b) (6) overdosed on the mother's Fentanyl. The (b) (6) was life-flighted to Sanford Health in Fargo, ND, where the treating doctor contacted the FBI because of the (b) (6) condition and knowledge of ongoing issues with Ombimindwaa's handling of child abuse cases. Ombimindwaa staff failed to notify law enforcement about this case and federal investigators were informed that Executive Director (b) (6) overruled a removal directive for the child.

Two incidents occurred in December 2022, both resulting in the deaths of children. A (b) (6) (b) (6) child died from malnutrition and infection on December 25, 2022. Three weeks prior to (b) (6) death, Ponemah School staff provided mandated reports to Ombimindwaa about ten children residing in a home where the guardians were known to law enforcement for drug use and trafficking.⁴ Ombimindwaa staff were aware of ten children residing in the home, which had no heat, no running water, no working toilet, and constant lice infestation for at least a year prior to the (b) (6) death. Ombimindwaa staff would not enter the home because of its condition, and the FBI enlisted the help of the Red Lake Tribal Police Department (RLTPD) to facilitate the removal of the remaining children after two months of repeated requests by the FBI for the children's removal.

On December 31, 2022, the Bemidji Police Department responded to a report of an (b) (6) eating drugs at the mother's house. The (b) (6) subsequently died from the overdose on January 4, 2023. Although Ombimindwaa employees contacted stated they had no knowledge of the (b) (6) victim or the placement situation, employees with the RLTPD told federal investigators Ombimindwaa initially gave custody of the (b) (6) to a RLTPD officer because the (b) (6) tested positive for fentanyl at birth. A short time later, federal investigators learned Ombimindwaa placed the (b) (6) back with the mother.

In 2023, the Minnesota USAO noted that Ombimindwaa staff stopped participating in the Multi-Disciplinary Team (MDT) meetings required by federal law, 25 U.S.C. § 2810. MDTs are a team with representatives from a variety of agencies that meet to discuss child abuse and neglect cases with the purpose of protecting the children in the community. The MDT meetings bring together federal prosecutors, law enforcement, and local service providers to collaboratively investigate and prosecute crimes like elder abuse and tribal or child abuse cases. Members of the MDT facilitated by the Minnesota USAO include the FBI, Red Lake Victim Services, Tribal Prosecution, RLTPD, and the Family Advocacy Center of Minnesota. Meetings are scheduled quarterly, although the national norm is monthly, and are held at the Red Lake Nation. The Minnesota USAO continues to include Ombimindwaa as a participating entity even though it has not sent a representative.

Minnesota USAO reports that the MDT meetings are an important vehicle for protecting children in vulnerable situations. A March 2000 report prepared by the University of Oklahoma Health Sciences Center notes that one of the biggest difficulties in child abuse cases is effective criminal prosecution. Only a small percentage of reported cases of child maltreatment are ever criminally prosecuted. The difficulties in successfully prosecuting child abuse cases include lack of witnesses, victim unwillingness to testify and/or retracting their disclosure of the abuse, lack of physical evidence, and prosecutorial discomfort with trying child abuse cases, among other reasons. As communities become aware of the effect of child abuse and neglect, the communities may be disappointed in the limited number of cases that are criminally prosecuted. Minnesota USAO's development of the MDT was to

⁴ During an interview with federal authorities, one subject stated that he used to sell drugs to one Ombimindwaa case worker assigned to this case.

ensure that all cases receive adequate review. And to ensure that such review takes place and is meaningful for the impacted community, it is vital that the appropriate personnel attend. Ombimindwaa's failure to participate means that the MDT lacks information necessary to collaborate and protect the Red Lake Nation's youngest citizens.

Then, in August 2023, Ombimindwaa Program Manager (b) (6) emailed to the FBI a new policy outlining guidelines on procedures to follow when federal criminal investigators request documents or other information from the Red Lake Nation's various programs and departments, including Ombimindwaa. (b) (6) included tribal attorney (b) (6) and Executive Director (b) (6) as additional recipients of the email. The guidelines instructed the FBI to direct all contact, verbal or written, to (b) (6) and then to (b) (6). Although the FBI has complied with this policy, it informed the Red Lake Nation that the policy does not meet national standards and hinders its efficiency in investigating child crime cases, where time is of the essence.

An incident of extreme child physical abuse, neglect, and malnutrition took place in September 2023 where a child was hospitalized and diagnosed with 17 severe medical conditions, including severe malnutrition, neuropathy, osteopenia, scurvy, multiple vitamin deficiencies, and muscle atrophy so severe the child was confined to a wheelchair. Although the child was directed to be removed from the home two months prior, (b) (6) overruled the decision even though Ombimindwaa staff were aware the child had prior long-term hospitalizations and that the caregiver was found passed out during a visit. Medical records indicated the child needed extensive physical, mental, and emotional therapy as well as extensive high level follow up care. The child was placed with a foster care provider and, after a follow-up care plan was established for when the child was released, Ombimindwaa removed the child from the hospital placing her with an uncle who did not know the child. The child missed follow-up doctor visits because Ombimindwaa staff did not provide scheduled transportation. Ombimindwaa staff have refused further help and federal investigators learned Ombimindwaa told the uncle he could not speak to the FBI unless provided a subpoena.

b. 2024-Present: The Red Lake Nation's Escalating Refusal to Cooperate in the Protection of Children

In January 2024, a family member, concerned with a child's safety, reported a mother's use of drugs around her (b) (6) and physical abuse. A BOLO (Be On the Lookout) was issued for the mother and (b) (6). After the mother was located, the child was placed with family members until placed back with the mother at a detox facility where children were allowed. Based on the allegations and witness information, the FBI requested a skeletal scan of the child for evidence of abuse as part of standard FBI investigative practices. Ombimindwaa had guardianship over the child and the Red Lake Nation's tribal counsel, Joe Plumer, advised the case agent and assigned Assistant U.S. Attorney that the Red Lake Nation contested the investigation and medical information being requested. Additionally, the FBI Victim Specialist had significant difficulties getting in contact with the case manager to arrange medical appointments and gain basic information of where the child was located.

The Red Lake Nation's new policies began to make it more difficult for the federal agencies tasked with working with it to combat child crime to work collaboratively with the tribe on this issue. On February 6, 2024, to promote cooperation in investigating and prosecuting child crimes, the U.S. Attorney for Minnesota, two Assistant Attorneys, and a USAO Victim Specialist met with the Red

Lake Nation's Tribal Council. During this meeting, as reported by the USAO, the Tribal Council described the functionality of their Child Protective Services, requesting that the USAO provide fundamental definitions of child abuse and neglect, further stating that the Red Lake Nation believed it no longer had an obligation to report child abuse and neglect to the FBI and USAO. The Council requested that the FBI and USAO remain away from the Red Lake Nation's sovereign affairs until the tribe contacted the FBI directly for assistance. The U.S. Attorney then explained the federal process for jurisdiction over child crimes occurring on a tribal reservation, where the FBI and the USAO hold primary federal responsibility for investigating and prosecuting major child abuse and violent crimes committed by or against Native Americans. The U.S. Attorney then tasked his office with finding a path forward to ensure the protection of children while maintaining the Red Lake Nation's sovereignty. The USAO advised that it would ensure communication between the entities would increase as they worked to resolve the issue and find a path forward.

Against this backdrop, Ombimindwaa's cooperation with federal investigators further declined. On March 15, 2024, the RLTPD responded to a house fire and found two deceased minor (b) (6) with stab wounds to the chest. Not present was a third minor and the mother of the children. An Amber alert was issued for the remaining child who was recovered and found to be severely neglected and malnourished. A subsequent investigation resulted in the indictment and arrest of the mother. As part of the investigative process, legal requests were issued seeking Ombimindwaa records in support of the investigation. The Red Lake Nation legal counsel did not provide a response to the request within the due date listed, advising that Ombimindwaa did not have records. The FBI, however, learned in its investigation that at least two mandated reports regarding the same children were provided to Ombimindwaa in 2021 and 2019.

The USAO, after this incident, continued to institute efforts to develop its relationship with the Red Lake Nation and institute better communication with the goal of fostering a collaborative relationship in furtherance of protecting juveniles. In August, federal officials, tribal representatives, including Chairman (b) (6) and individuals from the RLTPD met at the Red Lake Nation's government center. The participants discussed how to build better communication and response to the FBI, but no in-depth discussions regarding Ombimindwaa operation of child welfare services, its lack of cooperation with federal agencies, and placement of children in unsafe environments occurred. The federal representatives offered to meet again to continue the discussions.

In addition to extending outreach to the Red Lake Nation's elected leaders and RLTPD, FBI personnel reached out to Executive Director (b) (6), requesting an in-person meeting to discuss how the FBI and Ombimindwaa could better collaborate. Despite several attempts to reach (b) (6), no response was ever received in 2024.

Later in August, as the FBI and the USAO continued to work on child crime cases, the FBI met with Chairman (b) (6) at the Minnesota Bureau of Criminal Apprehension (BCA) - Bemidji Regional Office to discuss the ongoing concerns with Ombimindwaa, its refusal to cooperate with the investigation of child crime, and its practice of placing children back into dangerous situations. The FBI detailed the many hurdles Ombimindwaa injected into investigations, including failure to produce records in a timely manner, even after being subpoenaed, and continually underproducing material necessary to investigate child crime. The Chairman suggested a follow-up meeting with the Tribal Council. After

securing approval to attend a council meeting, a special agent reached out to schedule the follow-up meeting. The Chairman did not respond.

On September 30, 2025, FBI personnel met with Red Lake Nation's legal counsel at his office to discuss the escalating issues with Ombimindwaa. The FBI explained that communication with Ombimindwaa was growing steadily worse and that Ombimindwaa staff/management refused to meet with the FBI. The FBI reports that Red Lake Nation's legal counsel expressed a desire to work with Ombimindwaa to improve its communication but confirmed that all interaction with Ombimindwaa needed to go through him first. Red Lake Nation's legal counsel then reported that the Ombimindwaa had retained its own attorney, an individual named (b) (6). The FBI followed the directive to initiate communication through Red Lake Nation's legal counsel but received no response from either individual to schedule further meetings or discussions.

It wasn't until the beginning of 2025 that FBI personnel were able to participate in a phone conference with Ombimindwaa leadership consisting of (b) (6) and (b) (6). The Executive Director did not participate. The parties discussed several topics, including better communication. Although (b) (6) and (b) (6) agreed that another meeting would be beneficial, they informed the FBI personnel that they needed to meet with the Executive Director. Afterwards, the FBI initiated multiple attempts to schedule a second meeting, but Ombimindwaa ignored these requests.

In February 2025, a passerby picked up two children, a (b) (6) and a (b) (6), walking down the road. The (b) (6) reported they were running away from their home because (b) (6) was tired of being raped by (b) (6) dad. Further follow-up of the house found it to be in terrible condition. The (b) (6) was in diapers, non-verbal, and had a severe head lice infestation. Although Ombimindwaa staff were providing services to the children's immediate family and were contacted by other family members concerned for the children's well-being, the staff did not report the matter to law enforcement or the FBI, keeping the children in an unsafe environment. The children received no medical intervention until the passerby reported the incident to law enforcement.

Ombimindwaa continued to withhold reports from the FBI over matters involving danger to children. In March, Ombimindwaa removed several children from their father's custody. Follow-up forensic interviews and suspect interviews confirmed that the father was physically abusing the children. Later in its investigation, the FBI learned that Ombimindwaa had placed the children back with the father, despite ongoing tribal and federal cases on the matter. The father told the FBI the children were placed back with him because they were getting abused in the foster home, which Ombimindwaa failed to report.

In August 2025, the RLTPD notified the FBI that a (b) (6) had been hospitalized for ten days due to neglect and malnourishment and had to be transported to a hospital in Fargo, ND for further treatment. The (b) (6) remained hospitalized in Fargo until transferred to the University of Minnesota Fairview Masonic Children's hospital in a body bag to contain the bug infestation (b) (6) still had after days of hospitalization. Medical records indicate an Ombimindwaa staff member met with the family at the hospital on the second day of hospitalization but did not report to the FBI until over a week later. The FBI reached out to the Ombimindwaa staff member to help locate the parents once it opened an investigation, but the staff member lied about his involvement with the parents and

Ombimindwaa would not respond to any outreach about the case. Ombimindwaa staff also failed to cooperate with Masonic's staff. Due to Ombimindwaa's lack of cooperation and after learning that the (b) (6) would be sent home after discharge, FBI agents executed a search warrant on the residence. Agents found the home infested with hundreds of cockroaches and other bugs necessitating the use of Tyvek suits because of a bed bug infestation. The Red Lake Reservation Housing Authority then condemned the house, which was overruled by Ombimindwaa. Due to the severe concern for the (b) (6) health if (b) (6) were to return home to those living conditions, (b) (6) parents were complaint arrested, which forced Ombimindwaa to take custody. Ombimindwaa took no action with a juvenile cousin living at the same residence.

The FBI was involved with further instances this past year where Ombimindwaa took no action and failed to report to the FBI. On July 9, 2026, the RLTPD informed the FBI that a (b) (6) was transported from a residence to Red Lake IHS by EMS with a faint pulse and later transported to Fargo for further treatment. The individual, a vulnerable adult with special needs, was observed to be severely malnourished with skin stretched across bones, and muscles atrophied. The residence was observed to be in extremely poor, unsanitary, and unhealthy condition, including human feces, trash, and a strong foul odor throughout the residence. RLTPD arrested the individual's caretaker. An emergency 72-hour hold was placed on the caretaker's four children, who lived at the residence where the individual was being cared for. A mandated report was filed but Ombimindwaa took no action.

On July 30, 2026, the RLTPD contacted the FBI to assist in a death investigation of a (b) (6) child pronounced deceased at Red Lake IHS Hospital. The child appeared to be remarkably underweight, with the parents reporting (b) (6) was fine and had been eating less. A search warrant executed on the house showed poor living conditions. Ombimindwaa staff were walked through the residence to show the poor living conditions and spoke with RLTPD and FBI personnel. Ombimindwaa staff, however, informed FBI and RLTPD that they would allow the parents to maintain custody of their (b) (6) child in that same residence. RLTPD applied to the court for a 72-hour hold, which was granted. Further investigation by the FBI revealed that the deceased child was less than the 1st percentile for body weight due to cloth blocking his digestive system. The RLTPD contacted Ombimindwaa staff about the younger (b) (6) and learned the (b) (6) was in the hospital for similar symptoms. Ombimindwaa staff failed to respond to the FBI's and RLTPD's request for information. It was not until a formal legal request was issued to Ombimindwaa that its staff responded to the FBI's request to set up a Child/Adolescent Forensics Interview. The (b) (6) child also died due to neglect and abuse. Another federal legal request was issued on August 7 for Ombimindwaa records on the deceased children.

Most recently, the FBI is currently investigating an (b) (6) who was life-flighted twice from Red Lake with serious medical issues. On the first occasion, the (b) (6) was (b) (6) with a skull fracture and suspicious bruising. Ombimindwaa was involved, did not notify law enforcement, and placed the child back in the home. At (b) (6) the (b) (6) was air-lifted again with facial injuries. The RLTPD eventually learned about this (b) (6) and notified the FBI. The FBI requested the child be

placed outside the home until further investigation. Ombimindwaa refused to do so. A Sanford Hospital child abuse expert expressed concern upon reviewing the case.⁵⁶

The USAO and the FBI also report other serious concerns with Ombimindwaa's operation of its child welfare services program. First, Ombimindwaa is not reporting accurate health data. Ombimindwaa retains sovereignty over its own health data and reporting. An agreement with the State of Minnesota prohibits the State from collecting information of Red Lake families without notice and permission, and the State agrees not to present information publicly. Ombimindwaa's only reporting obligation to the State is an annual report to the State Legislature. That report contains unrealistic data regarding significant decreases in the number of maltreatment reports and the number of new substantiated child victims reported. Second, Ombimindwaa is not disclosing mandated reporting and frequently does not report criminal activity to law enforcement. In some instances, it intentionally releases the names of mandated reporters to subjects and family members. Third, Ombimindwaa has repeatedly refused to comply with legal requests for documents, and in most instances underproduces if it responds to the request at all, which interferes with federal investigations. Fourth, in violation of the Indian Child Protection and Family Violence Prevention Act, P.L. 101-630, Ombimindwaa employed a convicted sex offender and several convicted murderers and numerous convicted felons.

DECISION

Child abuse and neglect conditions continue to rise within the Red Lake Nation, with two children dying from their abuse and neglect in July 2026. Senior tribal officials—including the Chairman, legal counsel, Ombimindwaa's Executive Director and management, as well as Ombimindwaa's separately retained counsel—have consistently refused to engage with federal authorities responsible for protecting the welfare of the Red Lake Nation's children. This lack of communication hinders the efforts of the FBI and the USAO, whose role is to investigate and prosecute instances of child abuse and neglect. As a result, the Secretary is increasingly concerned about the ongoing harm suffered by children. Although many instances of child abuse and neglect were documented in the past, the Red Lake Nation's outright refusal to now lend any cooperation, which violates its obligation and

⁵ In addition to the cases discussed in detail, the Secretary, through the USAO, was made aware of additional incidents, including the following: (1) A (b) (6) and (b) (6) foster child were sexually molested by a convicted federal sex offender who was living with his girlfriend and her two minor grandchildren (the victims). Ombimindwaa staff were aware the sex offender was living in the house. A RRLTPD officer expressed concern to Ombimindwaa but was told it could do nothing. The subject confessed to molesting both minor children while residing in the residence; (2) a (b) (6) (b) (6) suffered neglect and a fractured skull after (b) (6) was placed back in the subject's home by Ombimindwaa after an abuse investigation. Several months after the investigation, the subject beat the minor child, punching (b) (6) in the chest, face, and stomach, resulting in (b) (6) death; and (3) an approved Ombimindwaa foster care provider took custody of a (b) (6) (b) (6) after (b) (6) was removed from a home in Bemidji by Beltrami County Social Services. The care provider sometime later brought the victim to a juvenile shelter in Bemidji. The victim was emaciated and had several observable injuries requiring a mandated report to RLTPD and Ombimindwaa. The victim was seen at Bemidji Sanford Hospital and several hospitals in the Twin Cities area, suffering from malnutrition consistent with starvation and disfiguring injuries were documented all over (b) (6) body. Ombimindwaa staff denied knowing the victim, but investigation uncovered that Ombimindwaa staff were intimately involved in the victim's placement.

responsibility to practice the utmost good faith in providing the BIA child welfare services PSFAs, has reached a point where it is actively impeding investigations intended to hold accountable those responsible for harming—and, in some cases, causing the death of—children in the Red Lake Nation.

The Red Lake Nation is responsible for ensuring day-to-day compliance with all applicable federal laws, the terms of the funding agreement, and minimum standards for the children served by its operation of the child services PSFAs. Although federal authorities repeatedly advised the Red Lake Nation of the escalating danger to children served through its child welfare program, the Red Lake Nation has refused to cooperate in the investigations and continues to subject children to dangerous situations where they are subject to abuse and malnutrition, placing them in immediate and significant risk of serious harm, including death. As a result, the Secretary makes the finding that the Red Lake Nation's actions and omissions create an *"imminent jeopardy to public health and safety, meaning an immediate and significant threat of serious harm to human well-being, including conditions that may result in serious injury, death, caused by Tribal Consortium action or inaction as otherwise provided in a funding agreement"* (25 C.F.R. § 1000.1750) to the children served through the BIA child welfare PSFAs. The emergency reassumption will take effect on **September 10, 2026, at 10:00 a.m. CDT**. The Secretary will assume control and operation of the BIA child welfare program PSFAs, along with applicable portions of the compact and associated funding, in whole or in part, and will assume the responsibility to provide those services.

Appeal of an Immediate Reassumption under 25 U.S.C. § 5366(b)

Pursuant to 25 C.F.R. § 1000.1750, because the Secretary is reassuming operation of the Red Lake Nation's operation of the BIA child welfare PSFAs under ISDEAA, the Secretary must provide the Red Lake Nation with a hearing on the record not later than 10 days after the date of reassumption unless the Red Lake Nation agrees to a later date. 25 C.F.R. § 1000.2410. Furthermore, unless the Red Lake Nation waives its right to a hearing in writing, the Deputy Director of the Office of Hearings and Appeals shall appoint an Administrative Law Judge (ALJ) to hold a hearing. *Id.* If possible, the hearing will be held at the office of the Red Lake Nation. The parties may agree to an alternative meeting place or forum, including but not limited to telephonic or virtual meeting forums. If the hearing is held more than 50 miles from the office of the Red Lake Nation, the Secretary must arrange to pay transportation costs and per diem for incidental expenses. This will allow for adequate representation of the Nation. *Id.* Within 30 days after the end of the hearing or any post-hearing briefing schedule established by the ALJ, the ALJ must send all parties a recommended decision by certified mail, return receipt requested. 25 C.F.R. § 1000.2415(a).

Return of Funds less Actual and Reasonable "Wind Up Costs"

The Red Lake Nation must return unexpended funds, less "wind up costs," that remain available to the Department as soon as practical after the effective date of the reassumption. 25 C.F.R. § 1000.1760. The Red Lake Nation may be reimbursed for actual and reasonable "wind up costs" to the extent that funds are available. 25 C.F.R. § 1000.1765. A claim for these costs should be submitted to OSG for a determination as to whether the costs are allowable under the MYFA.

Request for Return of Property:

Pursuant to 25 C.F.R. §1000.1755, on the effective date of reassumption, the Secretary requests that the Red Lake Nation deliver to the Secretary all property and equipment, and title thereto:

- (a) That the Red Lake Nation received for the program under the MYFA; and
- (b) That has a per item value in excess of \$5,000, or as otherwise provided in the MYFA.

The Secretary requests the cooperation of all parties to effect a smooth transition of authority. Should you have questions or concerns regarding this notice, please contact Melita Rank, 202-870-4159.

Sincerely,



Kennis M. Bellmard, II
Deputy Assistant Secretary – Indian Affairs
for Policy and Economic Development

cc: Matthew Kallapa, Acting Director, Office of Self Governance
Bryan Mercier, Director, Bureau of Indian Affairs