

**TRIBAL
INTERVENTION**

An Indian child's tribe has the right to intervene at any point in any proceeding for the foster care placement of, or termination of parental rights to, an Indian child.

**FOSTER CARE
PLACEMENT OR
PRE-ADOPTIVE
PLACEMENT**

Any Indian child accepted for foster care (this includes a juvenile justice ward) or pre-adoptive placement must be placed in the least restrictive setting which most approximates a family and in which his or her special needs, if any, will be met. The child must also be placed within reasonable proximity to his or her home, taking into account any special needs of the child.

Absent tribal law, regulation, or resolution for good cause by the child's tribe, the placement should meet the prevailing social and cultural standards of the Indian community in which the parent(s) or extended family resides, or with which the parent(s) or extended family members maintain social and cultural ties.

The caseworker must work in collaboration with the child's tribe regarding foster care or pre-adoptive placement. If the placement preferences listed below cannot be met, the caseworker must ask the child's tribe for assistance in locating an appropriate placement.

**Foster Care
Placement
Preference**

The order of foster care placement preference is as follows, in descending order, unless the court or the Indian child's tribe determines there is good cause for a different order of preference:

- A member of the Indian child's extended family.
- A foster home approved, licensed or specified by the Indian child's tribe.
- An Indian foster home approved by the department.

- A child caring institution approved by an Indian tribe, or operated by an Indian organization that has a program to meet the Indian child's needs.

Note: A tribe may have their own placement priorities which are to be followed unless good cause to the contrary is determined by the court.

Michigan has an Indian child placement agency, tribal juvenile detention facility, and tribal group homes:

- 1) Binogii Placement Agency: 1.800.726.0093.
- 2) Tribal Youth Detention Facility: (906) 643.0941 or (906) 635.6065.
- 3) New Path Boy's Home and Shkiiniikwe Girl's Home: (231) 534-7681.

An Indian child placement agency or tribal facility/institution may be contacted to help caseworkers and tribes identify Indian placement options after previous Indian Child Welfare Act (ICWA)/Michigan Indian Family Preservation Act (MIFPA) hierarchical placement priorities are eliminated from consideration.

Furthermore, other placement agency foster care (PAFC) agencies may have Indian homes available through their agency which would be considered a placement priority as well.

Caseworkers may contact Child Welfare Licensing (CWL) or the CWL foster care website http://www.michigan.gov/dhs/0,1607,7-124-5455_27716---,00.html for a self-identified American Indian/Alaska Native foster care home state listing to assist with placement of Indian children in an Indian home if a family or child's tribe does not have a home available or suitable to meet the needs of the child.

Note: After a diligent search for the above placement preferences has been completed, the court may consider the unavailability of a preferred placement as good cause to the contrary and may allow the caseworker to place the Indian child in a licensed non-Indian foster home [Indian Child Welfare Act (ICWA), 25 USC 1915b/Michigan Indian Family Preservation Act (MIFPA) MCL 712B. 23 (1)].

Adoptive Placement Preference

Note: Absent a showing of tribal law, regulation, or resolution for good cause by the Indian child's tribe, the order of adoptive placement preference is as follows, in descending order:

- A member of the Indian child's extended family.
- Other members of the Indian child's tribe.
- Other Indian families [Indian Child Welfare Act, 25 USC 1915a/Michigan Indian Family Preservation Act, MCL 712B. 23 (2)].

When the court's determination of good cause is to **not** follow the order of preference set out above, the adoptive placement preference must be based on one or more of the following considerations:

The court's determination of good cause to not follow the order of preference shall be based on 1 or more of the following conditions:

- A request was made by a child of sufficient age.
- A child has an extraordinary physical or emotional need as established by testimony of an expert witness.

Note: All efforts to place an Indian child must be documented in social work contacts. Indian youth 12 years or older, as developmentally appropriate, must be engaged to solicit their preferences in case planning for active efforts, placement priorities, and culturally appropriate service delivery.

Only the court may determine good cause to **not** follow the order of preferences.

ANONYMITY

MDHHS must notify the Indian child's extended family and the Indian child's tribe that their members will be given preference in the adoption decision. If a consenting parent desires anonymity, the court and agency must take steps to keep information related to the parent confidential and sealed from disclosure; it does not preclude notice responsibility.

Note: The consenting parent's request for anonymity should be considered in efforts to find a home consistent with the

ICWA/MIFPA placement priorities. The request must be documented in the Indian child's case record.

LEGAL BASIS

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.