
PETITIONING THE COURT

Before petitioning the court to request removal of an Indian child, determine if a voluntary safety plan can be developed by evaluating:

- The types of services or supports that are currently in place that ensure the child's safety at home while the family addresses safety factors that necessitated MDHHS involvement.
- If there are reliable individuals, such as extended family members, teachers, therapists, or school counselors, who have contact with the Indian child on a regular basis and can monitor his or her safety.
- Any additional services or supports that can be provided to ensure the child's safety.

If petitioning the court for the removal of an Indian child, the caseworker must document that active efforts:

- Have been made to provide remedial and rehabilitative services designed to prevent the breakup of the Indian family, **and**
- Have proved unsuccessful.

Exception: When an Indian child is in imminent danger of physical damage or harm (see NAA 235, Emergency Placement).

Best-practice: [See Signs of Safety – Connecting Families; SAFERR Protocol; and Safety Plan Trainings Tools](#)

Case conference or Family Team Meeting (FTM)

If an Indian child is domiciled off the Indian reservation and is at risk of harm, a case conference or Family Team Meeting (FTM) must be conducted to determine if placement outside the home is necessary. The caseworker must invite the appropriate tribal or Indian representative. All efforts must be documented by the caseworker in social work contacts; see NAA 205 Indian Child Welfare Case Management, Active Efforts.

Consult With Tribe

The caseworker must contact the Indian child's tribe to request cooperation in trying to maintain the Indian child in the home before scheduling a case conference or FTM. If the Indian child would be at risk of harm in the home then a case conference or FTM must be scheduled.

Tribal Court Jurisdiction

If an Indian child is living on a reservation, or where the tribal court has jurisdiction, MDHHS or the Family Division of Circuit Court must not intervene; see NAA 233 Children's Protective Services Investigations.

Active Efforts

The case conference and FTM documentation must reflect that active efforts were made by the caseworker to maintain the Indian child in the home; see NAA 205, Indian Child Welfare Case Management. If the purpose of the case conference or FTM is to recommend placement of the Indian child outside the home and no representative from the Indian child's tribe attended, contact the tribe to notify of the results of the case conference or FTM and scheduled court date. The caseworker must send a DHS-120, American Indian/Alaska Native Child Case Notification, to provide notice of the court date (see NAA 210, Notification of Court Proceeding). When placing the Indian child, placement priorities must be followed; see NAA 215, Placement Priorities for Indian Child(ren).

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.

Once an Indian child is placed under the care and supervision of the department, active efforts must continue and be documented in the services plan as follows:

- Children's protective services in the case narrative.
- Foster care in the reasonable efforts section.
- Juvenile Justice in the reasonable efforts section.

Return Home

If the issues that placed the Indian child at risk of harm are resolved, the caseworker must recommend the Indian child's immediate return to the home. For juvenile justice case see NAA 500, Juvenile Justice for Indian Child(ren).

LEGAL BASIS

Indian Child Welfare Act, 25 USC 1901 et seq.

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