

**ABORIGINAL
PERSON**

An indigenous person, one of the original or earliest known inhabitants, of respective country, area, or continent¹.

Related terms: [Canadian Indian](#), [Indigenous Person](#), [Native American](#), [North American Indian](#).

ACTIVE EFFORTS

The Indian Child Welfare Act (ICWA) mandates the state to make “active efforts” in every ICWA case to:

- Provide services to the family to prevent removal of an Indian child from his or her parent(s) or Indian custodian(s).
- Reunify an Indian child with his or her parent(s) or Indian custodian(s) after removal.

States are required to provide active efforts to families, and the court determines whether active efforts have been made. The definition of active efforts is left open in ICWA to accommodate individual case decisions. However, federal guidelines do exist.²

By definition, active efforts are more intensive than “reasonable efforts” and require the worker to thoroughly assist the family in accessing and participating in necessary services that are culturally appropriate and remedial and rehabilitative in nature.

Example: Reasonable efforts might be the worker making a referral for services and attempts to engage the family in services, but active efforts might be the worker consulting with the tribe regarding case planning, making a referral to services, attempts to engage the family in services and providing transportation to the services.

Note: The federal guidelines for active efforts apply regardless of whether or not the child’s tribe is involved in the custody proceedings.

The worker must contact the child’s tribe and request the tribe’s regulations or statutes defining active efforts. The worker must document the contact in social work contact and place a copy of any statutes provided by the tribe in the case record. The following [tribes](#) have posted their regulations or statutes (which may include definitions for active efforts) online:

- Bay Mills Indian Community (see www.baymills.org, select Bay Mills Tribal Court > Tribal Code).

1. Dictionary. com at: <http://dictionary.reference.com/browse/Aboriginal>.

2. The Indian Child Welfare Act: A Family’s Guide, NICWA Brochure, citing Federal Register, Vol. 44, No. 228, Monday, November 26, 1979; available at: <http://www.nicwa.org/resources/familyrec/ICWAfg/ICWAbrochure.pdf>.

- Grand Traverse Band of Ottawa and Chippewa Indians (see www.gtbindians.org for the Web site, the Tribal Code is found in the National Indian Law Library at www.narf.org/nill/Codes/gtcode/index.htm.)
- Little River Band of Ottawa Indians (see www.lrboi.com; the tribal code is found in the National Indian Law Library at www.narf.org/nill/Codes/lrcode/lrcodetoc.htm).
- Little Traverse Bay Band of Odawa Indians (see www.ltbbodawa-nsn.gov, select Odawa Register > Tribal Code).
- Pokagon Band of Potawatomi Indians (see www.pokagon.com, select Tribal Government > Child Protection Code).
- Saginaw Chippewa Indian Tribe (see www.sagchip.org for the tribal Web site).
- Sault Tribe of Chippewa Indians (see www.saulttribe.com, select Tribal Code).

Examples of active efforts include (but are not limited to):

- Making appointments for the client with particular providers.
- Providing transportation to and from such appointments.
- Closely monitoring client(s)' participation in such services.
- Continuing with ongoing efforts to secure a placement with the [ICWA Placement Preferences](#) [25 USC 1912(d)].

The worker must attempt to use tribal resources³ in providing services to the Indian family, including:

- [Tribal](#) social services.
- Individual [Indian](#) caregivers.
- Medicine men.
- Elders.
- Other [tribal](#) leaders.

See [BIA Guidelines 44 Federal Register 67584-67595 \(1979\)](#).

See [CFP 714-2](#), CPS Supportive Services.

See [CFP 715-2](#), Removal and Placement of Children.

ADOPTIVE PLACEMENT

The permanent placement of an [Indian child](#) for adoption, including any action resulting in a final decree of adoption [25 USC 1903(1)(iv)].

3. Indian Child Welfare Glossary and Flowchart, National Indian Child Welfare Association (NICWA), at 4, available at: http://www.nicwa.org/Indian_Child_Welfare_Act/glossary.pdf.

See the Adoption Services manual (CFA) for more information.

AMERICAN INDIAN

A person who is an enrolled member (or eligible for enrollment) of a United States federally recognized Indian tribe.

Related terms: [Aboriginal Person](#), [Indian](#), [Indigenous Person](#), [Native American](#), [North American Indian](#).

ANONYMITY

Jones, BJ, The Indian Child Welfare Act Handbook, American Bar Association, 1995, at 40.

BENEFICIARY

A beneficiary⁴ in the broadest sense is a natural person or other legal entity who receives money or other benefits from a benefactor.

The beneficiary for Indian child welfare cases, based upon Federal-Indian Trust Relationships, can be simultaneously the Indian child, Indian family, and Indian tribe according to their function or situation.

Examples of simultaneous beneficiary situations:

- Indian child is a beneficiary - Protection of an Indian child and preservation or reunification of an Indian family.
- Indian family is a beneficiary - Notification of the Indian family.
- Indian tribe is a beneficiary - Tribal jurisdiction and notification of the Indian tribe.

Related terms: [American Indian](#), Beneficiary, Indian, [Indian Child Welfare Act](#), [Federal-Indian Trust Relationship](#), [Trustee](#).

**BEST INTERESTS
OF THE INDIAN
CHILD**

Unlike the best interests of the non-Indian child, the best interests of the [Indian child](#) means the best interests of the [child's tribe](#), and the implementation of the policies and [placement preferences](#) set forth in the Indian Child Welfare Act (ICWA). Meeting the best interests of the [Indian child](#) requires recognition of the importance of maintaining connections with family, siblings, [extended family](#), the [tribe](#), and the child's cultural [heritage](#), and requires knowledge and understanding of the damage caused by loss of identity for Indian children (25 USC 1902).

The only reference in ICWA to use of the 'best interest of the child' standard, commonly used in non-Indian child custody proceedings (see [CFP 714-1](#) at 10 Post Investigative Services), is the section allowing an Indian parent to petition a state court for the return of her or his child if an adoption of that child is set aside. The phrase is conspicuously absent from the section of the law discussing transfer of jurisdiction

4. Wikipedia, the free dictionary at: <http://en.wikipedia.org/wiki/Beneficiary>.

issues. . . The concrete issue in a transfer proceeding is whether the tribal court is in a position to hear all the evidence and make a decision without causing a hardship on the parties and witnesses, not whether the tribal court will make the right decision.” Jones, BJ The Indian Child Welfare Act Handbook, American Bar Association, 1995, at 40.

CANADIAN INDIAN An aboriginal⁵ person from Canada.

Related terms: [Aboriginal Person](#), [First Nations](#), [Indigenous Person](#), [Inuit](#), [Native American](#), [North American Indian](#).

CHILD CUSTODY PROCEEDING

Any proceeding involving an Indian child regardless of whether the child has previously lived in an Indian cultural environment or with an Indian parent that includes:

- A [foster care placement](#).
- A [termination of parental rights](#).
- A [pre-adoptive placement](#).
- An [adoptive placement](#).
- Child custody proceedings for children who commit [status offenses](#) (offenses that can only be committed by minors).
- Any delinquency proceeding that results in the termination of parental rights.

Child custody proceeding does not mean a proceeding involving:

- Placement of a child based upon an act, which, if committed by an adult, would be a crime. 25 USC § 1903(1).
- Placement of a child based upon an award of custody to one of the parent(s) in a divorce proceeding. 25 USC § 1903(1).

CHILDREN’S SERVICES CASE

A record of information for a child(ren) who is receiving any of the following services:

- Children’s protective services.
- Children’s foster care.
- Adoption.
- Juvenile justice.

CLAN

A tribal system of kinship/[extended family](#) relationships.

5. Wikipedia, the free dictionary at:
http://en.wikipedia.org/wiki/Aboriginal_peoples_in_Canada.

**CLEAR AND
CONVINCING
EVIDENCE**

Clear and convincing is the level of evidence necessary to remove an Indian child from his or her parent(s) under ICWA (25 USC 1912(e)). Clear and convincing evidence is a higher standard of proof than the level necessary to remove a non-Indian child from his or her parent(s) under Michigan law⁶.

“Evidence that only shows the existence of community or family poverty, crowded or inadequate housing, alcohol abuse, or nonconforming social behavior does not constitute clear and convincing evidence that continued custody is likely to result in serious emotional or physical damage to the child. To be clear and convincing, the evidence must show the existence of particular conditions in the home that are likely to result in serious emotional or physical damage to the particular child who is the subject of the proceeding. The evidence must show the causal relationship between the conditions that exist and the damage that is likely to result⁷.”

**CULTURALLY
APPROPRIATE
SERVICES**

Services that will support and recognize the cultural customs of parent(s) and/or a child⁸.

DEPARTMENT

Department of Human Services (DHS). Includes staff from children’s protective services, foster care, adoption and juvenile justice.

**DILIGENT
PLACEMENT
SEARCH**

At a minimum, there must be contact with the Indian child’s tribal social service program, a search of all county or state listings of available Indian homes, and contact with local, regional and nationally known Indian programs that have placement resources available for Indian children. The worker must document the diligent placement search in the services plan that is to be provided for review by the Indian child’s tribe, upon request.

**DIRECTOR OF
NATIVE AMERICAN
AFFAIRS**

See [Native American Affairs Director](#).

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6. Bureau of Indian Affairs, [Guidelines for State Courts](#); Indian Child Custody Proceedings, 44 Federal Register, 67584, D.3 (1979).
 7. Bureau of Indian Affairs, [Guidelines for State Courts](#); Indian Child Custody Proceedings, 44 Federal Register, 67584, D.3 (1979).
 8. *Cross-Cultural Skills in Indian Child Welfare: A Guide for the Non-Indian*, NICWA, 1996, at 19, 20, 23 - 39, 41 - 50, 55 - 61, 64, 70.

DOMICILE

A person's true, permanent home, or the place to which he/she intends to return even though actually residing elsewhere. A domicile is not always the same as a residence. A person can reside in one place but be domiciled in another.

For adults, domicile is established by their physical presence in a place with an intent to remain there. A minor's domicile is determined by that of the custodial parent. On occasion, a child's domicile will be in a place where the child has never resided⁹. When there is a question, the Supreme Court accepts the Indian mother's domicile first; then the Indian father's domicile, as the Indian child's domicile¹⁰.

**EVIDENCE
BEYOND A
REASONABLE
DOUBT**

The level of evidence necessary to terminate parental rights of the parent of an Indian child under ICWA.

Evidence beyond a reasonable doubt is a higher burden of proof than the level necessary to terminate parental rights of the parent of a non-Indian child under Michigan law¹¹.

**EXTENDED FAMILY
MEMBER**

As defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent [25 USC 1903(2)].

**FEDERAL-INDIAN
TRUST
RELATIONSHIP**

A unique trust relationship¹² established through various treaties, statutes, executive orders, agreements, and laws with the American Indian people of the United States. Through this trust relationship the federal government acts on behalf of American Indian tribal governments/people and is commonly referred to as a trustee.

9. Michigan Absent Parent Protocol: Identifying, Locating, and Notifying Absent Parents in Child Protective Proceedings at:

<http://courts.michigan.gov/scao/resources/standards/APP.pdf>

10. *Mississippi Band of Choctaw Indians v Holyfield*, 490 US 30 (1989).

11. Bureau of Indian Affairs Guidelines for State Courts; Indian Child Custody Proceedings, 67584 Federal Register / Vol. 44, No. 228 / Monday, November 26, 1979 at: <http://courts.michigan.gov/mji/resources/adoption/appendices/Appl.pdf>.

12. The Federal-Tribal Trust Relationship: Its Origin, Nature, and Scope by Stephen L. Pavar at <http://www.saige.org/conf/08MI/handouts/PevarTrustResponsibility2008.pdf>

Related terms: [American Indian](#), [Beneficiary](#), [Indian Child Welfare Act](#), [Trustee](#).

FEDERAL RECOGNITION

Federal tribal recognition grants to tribes the right to certain benefits, and is largely controlled by the United States federal agency, the Bureau of Indian Affairs. Federally recognized tribes are those Indian tribes recognized by the United States Bureau of Indian Affairs for certain federal government purposes. Currently, there are approximately 562 federally recognized Indian tribes in the United States¹³.

Related terms: [American Indian](#), [Federal-Indian Trust Relationship](#), [Michigan State Historic Tribes](#).

FIRST NATIONS

A term of ethnicity that refers to the [Aboriginal peoples](#) in Canada who are neither [Inuit](#) nor [Metis](#) people.

Related terms: [Canadian Indian](#).

FOSTER CARE PLACEMENT

Any action removing an Indian child from the parent(s) or Indian custodian(s) for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated. This includes voluntary (limited or full) legal guardianship because the parents may not be able to have the Indian child returned upon demand.

GOOD CAUSE

A legal term denoting adequate or substantial grounds or reason to take a certain action, or to fail to take an action prescribed by law. What constitutes a good cause is usually determined on a case by case basis¹⁴.

HERITAGE

Something valuable that comes to a person, belongs to a person or is reserved for a person by reason of birth; a birthright; a tradition passed from generation to generation¹⁵.

INDIAN

Any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as defined in section 1606 of Title 43, 25 USC 1903(3) of the Alaska Native Claims Settlement Act (85 Stat. 688, 689), or is of tribal descent and is so recognized by an Indian Tribe, the Bureau of Indian Affairs or the Department of Indian and Northern Development of Canada.

13. Wikipedia, the free encyclopedia at:

http://en.wikipedia.org/wiki/Federally_recognized_tribes.

14. Wikipedia, the free encyclopedia at http://en.wikipedia.org/wiki/Good_cause.

15. Dictionary.com at: <http://dictionary.reference.com/browse/heritage>.

Related terms: [North American Indian](#).

INDIAN CHILD

Any unmarried person who is under age eighteen and is either:

- A member of a federal recognized Indian tribe.
- Is eligible for membership in an Indian tribe.
- Is of tribal ancestry and is so recognized by an Indian Tribe, the Bureau of Indian Affairs or the Department of Indian and Northern Development of Canada.

Local family courts are encouraged to follow the Indian Child Welfare Act for members of non-federally recognized Indian Tribes [25 USC 1903(4)].

Related terms: [Indian](#).

**INDIAN CHILD'S
TRIBE**

The federal recognized Indian tribe in which an Indian child is a member, eligible for membership, or in the case of an Indian child who is a member of, or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts¹⁶ [25 USC 1903(5)].

**INDIAN CHILD
WELFARE ACT
(ICWA)**

An act by the United States Congress providing laws for states regarding child custody and placement of Indian children in child welfare cases (25 USC 1901-1963).

**INDIAN
COMMUNITY**

A group of people living in close proximity to one another who share common interests, beliefs, values, and views, in which the majority of the people are Indian.

**INDIAN
CUSTODIAN**

Any Indian person who has custody of an Indian child under tribal law or custom, or under state law, or to whom temporary physical care, custody, and control has been voluntarily transferred by the parent of such child¹⁷ [25 USC 1903(6)].

16. Bureau of Indian Affairs Guidelines for State Courts; Indian Child Custody Proceedings, 67584 Federal Register / Vol. 44, No. 228 / Monday, November 26, 1979 at: <http://courts.michigan.gov/mji/resources/adoption/appendices/ Appl.pdf>.

17. *NICWA Indian Child Welfare Glossary and Flowchart*, National Indian Child Welfare Association, available at: p. 5, http://www.nicwa.org/ Indian_Child_Welfare_Act/glossary.pdf.

- INDIAN FAMILY** A group of people related to one another through ancestry or marriage, residing in the same household, in which one or more persons in the household self declares as having Indian ancestry.
- INDIAN FOSTER HOME** Defined by the child's tribe; or, if no tribal definition exists, a children's:¹⁸
- Foster home licensed by an Indian tribe.
 - Foster home, licensed by the department or a tribe and specified as an appropriate home for this child by the tribe.
 - Home, licensed by the department or a tribe, in which one or both of the primary caregivers are members of an Indian tribe.
- INDIAN ORGANIZATION** Any group, association, partnership, corporation, or other entity owned or controlled by Indians, or a majority of whose members are Indians, and recognized by any state commission, agency, or authority which has the statutory power to extend such recognition.
- Related terms:* [Tribal Organization](#), [Urban Indian Organization](#).
- INDIAN SELF-DETERMINATION AND EDUCATION ACT** The 1975 Indian Self-Determination and Education Assistance Act [[25 USC 450](#) et seq.] gave Tribes the authority to contract with the Federal government to operate programs serving their Tribal members and other eligible persons. The right to Tribal self-governance is also derived from this law.
- (See [TITLE 25 > CHAPTER 27](#) > Section 2501. Declaration of policy)
- INDIAN TRIBE** Any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians, including any Alaska Native village as defined in Section 3(c) of the Alaska Native Claims Settlement Act (85 Stat. 688, 689), as amended, *or other recognized group or community which is so recognized as an Indian tribe by any state commission, agency, or authority which has the statutory power to extend such recognition.*
- Note:** Local family courts are encouraged to follow the Indian Child Welfare Act for members of non-federally recognized Indian Tribes.

18. ICWA, 25 USC § 1903(1), § 1915(b).

**INDIGENOUS
PERSON**

A member of a cultural, ethnic, or racial group (and their continuity or association) with a given region, or parts of a region, and who formerly or currently inhabit the region either:

- Before its subsequent colonization or annexation.
- Alongside other cultural groups during the formation of a nation-state.
- Independently or largely isolated from the influence of the claimed governance by a nation-state¹⁹.

Related terms: [Aboriginal Person](#), [Canadian Indian](#), [Indian](#), [Native American](#), [North American Indian](#).

INUIT

A general term for a group of culturally similar indigenous peoples inhabiting the Arctic regions of Alaska, Greenland, and Canada²⁰.

Related terms: [Canadian Indian](#).

**INVOLUNTARY
PROCEEDING**

Any action where a child is removed from a parent/Indian custodian and such parent/Indian custodian cannot have the child returned upon demand [25 USC 1903(1)].

LEGAL FATHER

A male, defined by law, with recognized legal rights associated with a child or child(ren). *Michigan Court Rule (MCR) 3.903(a)(7)* defines *father* as a man²¹:

- a. A man who is married to the child's mother at any time from the child's conception to the child's birth.
- b. A man who legally adopts the child.
- c. A man who has been determined to be the child's legal father in an order of filiation or judgment of paternity.
- d. A man judicially determined to have parental rights.
- e. A man whose paternity is established by the completion and filing of an acknowledgment of parentage in accordance with the provisions of the Acknowledgment of Parentage Act.

19. Wikipedia, the free dictionary at:

http://en.wikipedia.org/wiki/Indigenous_peoples

20. Wikipedia, the free dictionary at: <http://en.wikipedia.org/wiki/Inuit>

21. Michigan Absent Parent Protocol: Identifying, Locating, and Notifying Absent Parents in Child Protective Proceedings at:

<http://courts.michigan.gov/scao/resources/standards/APP.pdf>

Related terms: [Putative Father](#).

METIS

A Métis²² is a person born to parents who belong to different groups defined by visible physical differences, regarded as racial, or the descendant of such persons. In Canada, the term usually designates a constitutionally recognized individual born of an Aboriginal group descended primarily from the marriages of Scottish and French men to Cree, Saulteaux, and Ojibwa women in southern Rupert's Land starting in the late 17th century, and the marriages of French women to Ojibwa men starting in Quebec in the middle 17th century.

Related terms: [Canadian Indian](#).

**MICHIGAN STATE
HISTORIC TRIBES**

Indian communities in Michigan, recognized by the state, that have not received federal recognition by the United States²³.

The state historic tribes²⁴ are:

Burt Lake Band of Ottawa and Chippewa Indians
6461 E. Brutus Road
P.O. Box 206
Brutus, MI 49716
(231) 529-6113

Grand River Bands of Ottawa Indian
P.O. Box 2937
Grand Rapids, MI 49501-2937
(616) 458-8759

Related terms: [American Indian](#), [Federal Recognition](#).

NATIVE AMERICAN

A term used to describe indigenous people of the American continents which has several different common meanings and scope, according to regional use and context²⁵.

Related terms: [Aboriginal Person](#), [American Indian](#), [Canadian Indian](#), [Indian](#), [Indigenous Person](#), [North American Indian](#).

**NATIVE AMERICAN
AFFAIRS
DIRECTOR**

A Department of Human Services staff member(s) who:

22. Wikipedia, the free dictionary at: <http://en.wikipedia.org/wiki/M%C3%A9tis>

23. Wikipedia, the free dictionary at:
http://en.wikipedia.org/wiki/State_recognized_tribes

24. Department of Human Services public Web site at: http://www.michigan.gov/dhs/0,1607,7-124-5452_7124_7209-21045--,00.html

25. Wikipedia, the free dictionary at:
http://en.wikipedia.org/wiki/Native_Americans

- Monitors the department's child, adult and family services policy for compliance with ICWA and Indian law.
- Investigates complaints of noncompliance from tribes.
- Provides consultation to case managers relating to Indian law and administrative rules.
- Provides ICWA materials and training.

**NORTH AMERICAN
INDIAN**

An indigenous person of the North American continent.

Related terms: [Aboriginal Person](#), [American Indian](#), [Canadian Indian](#), [Indian](#), [Indigenous Person](#), [Native American](#).

PARENT

Any biological parent(s) of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father where paternity has not been acknowledged or established under tribal law, tribal custom, or under state law.

Note: While ICWA does not define the putative father, staff should use Michigan law regarding putative fathers.

Related terms: [Putative Father](#).

PERMANENCY

A child's placement that lasts long enough and is comfortable enough for the child to have a sense of belonging; "belonging-ness²⁶."

**PRE-ADOPTIVE
PLACEMENT**

The temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement [25 USC 1903(1)(iii)].

**PREPONDERANCE
OF THE EVIDENCE**

Evidence which is of greater weight or more convincing than evidence which is offered in opposition to it. A preponderance of the evidence is the level of proof necessary for child protective services to confirm child abuse or neglect of a **non**-Indian child by a parent or caretaker under Michigan law.

26. *NICWA Indian Child Welfare Glossary and Flowchart*, National Indian Child Welfare Association, at 8, available at: a) http://www.nicwa.org/Indian_Child_Welfare_Act/glossary.pdf
b) Dictionary.com at: <http://dictionary.reference.com/browse/permanent>
c) *Cross-Cultural Skills in Indian Child Welfare: A Guide for the Non-Indian*, NICWA, 1996, at 56.

A preponderance of the evidence is a lower standard of proof than is necessary to establish child abuse or neglect of an Indian child under ICWA.

Related terms: [Clear and Convincing Evidence](#).

PUTATIVE FATHER The alleged biological father of a child. A putative father can only exist where a child has no legal father²⁷.

Note: While ICWA does not define the putative father, staff should follow Michigan law regarding putative fathers²⁸.

**QUALIFIED
EXPERT WITNESS**

- A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organizations and child-rearing practices.
- A lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe.
- A professional person having substantial education and experience in the area of his or her specialty and substantial knowledge of prevailing social and cultural standards and child rearing practices within the Indian community.
- An Indian Outreach Worker (IOW) may be considered a qualified expert witness if DHS receives written approval from the child's tribe approving the IOW as a qualified expert witness.

**REASONABLE
EFFORTS**

The level of effort made by DHS to prevent a **non**-Indian child's removal from his or her home, or the efforts made to rectify the conditions that caused the non-Indian child's removal from his or her home.

RELATIVE

An extended family member²⁹ [25 USC 1903(2)].

**REMEDIAL
SERVICES**

Services designed to remedy the circumstances, which caused or may cause placement or continued placement of the Indian child outside the home³⁰ [25 USC 1912(d)].

27. Absent Parent Protocol online at: <http://courts.michigan.gov/scao/resources/standards/APP.pdf>

28. Black's Law Dictionary, 8th Edition, 2004.

29. *Dictionary.com Unabridged* (v1.1) Random House, Inc., available at Dictionary.com, <http://dictionary.reference.com/browse/relative>.

30. Jones, BJ, *The Indian Child Welfare Act Handbook*. American Bar Association, 1995, at 58.

RESERVATION	Indian country as defined in Section 1151 of Title 18, United States Code and any lands, not covered under such section, title to which is either held by the United States in trust for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual subject to a restriction by the United States against alienation [25 1903(10)].
SECRETARY	The United States Secretary of the Interior [25 USC 1903(11)].
STATUS OFFENSE	A child's violation of the juvenile code by the commission of an act that would not be illegal if committed by an adult, but that indicates that the child is beyond parental control. Examples include running away from home, truancy and incorrigibility ³¹ [see NAA 500 , Juvenile Justice for Indian Child(ren)].
TERMINATION OF PARENTAL RIGHTS	Any action, including a voluntary proceeding, which may result in the termination of the parent-child relationship or the permanent removal of the child from the parent's custody.
TRIBAL COURT	A court with jurisdiction over child custody proceedings and which is either a court of Indian offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.
TRIBAL INTERVENTION	<p>Tribal intervention in a child <i>custody</i> case occurs when a tribe acts on its right to participate in a child custody <i>proceeding</i>. The <i>Indian Child Welfare Act</i> states that "in any State court proceeding for the <i>foster care placement</i> of, or <i>termination of parental rights</i> to, an <i>Indian child</i>, the <i>Indian custodian</i> of the <i>child</i> and the <i>Indian child's</i> tribe shall have a right to intervene at any point in the proceeding [<i>italics added</i>]" (25 USC 1911(c)).</p> <p>This intervention can be wide in its interpretation: the tribe may request to transfer the case to tribal court (a "transfer of jurisdiction") or the tribe may choose to only monitor the case through court records. Transfer of jurisdiction can be requested by either the parent or the tribe. A tribe may intervene at any point in an Indian child custody proceeding³².</p> <p><i>Related terms:</i> Indian Child Welfare Act.</p>

31. Michigan Absent Parent Protocol: Identifying, Locating, and Notifying Absent Parents in Child Protective Proceedings at:

<http://courts.michigan.gov/scao/resources/standards/APP.pdf>

32. Indian Child Welfare Glossary and Flowchart, National Indian Child Welfare Association (NICWA) at: http://www.nicwa.org/Indian_Child_Welfare_Act/glossary.pdf

**TRIBAL
MEMBERSHIP**

Defined by each tribe and is not necessarily based on blood quantum³³.

**TRIBAL
ORGANIZATION**

Tribal organization means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities)³⁴.

Related terms: [Indian Organization](#), [Urban Indian Organization](#).

TRUSTEE

A trustee³⁵ is a person or organization acting on behalf of a beneficiary.

The Department of Human Services (DHS), as a government agency in accordance with federal Indian law, acts as a trustee for Indian people in Indian Child Welfare cases. The beneficiary for Indian Child Welfare cases can be simultaneously the Indian child, Indian family, and Indian tribe according to their function or situation. Indian Child Welfare cases often involve multiple American Indian beneficiaries based upon Federal-Indian Trust Relationships.

Related terms: [American Indian](#), [Beneficiary](#), [Indian Child Welfare Act](#), [Federal-Indian Trust Relationship](#).

**URBAN INDIAN
ORGANIZATION**

An organization facilitating programming and advocacy for American Indians located in an urban area.

Related terms: [Indian Organization](#), [Tribal Organization](#).

**VOLUNTARY
PROCEEDING**

Any action in which a parent or Indian custodian has voluntarily given custody of his or her child to another person or agency. This voluntary action does not prohibit the parent or Indian custodian from regaining custody of the child at any time ([25 USC 1913](#))

33. Michigan Absent Parent Protocol: Identifying, Locating, and Notifying Absent Parents in Child Protective Proceedings at:

<http://courts.michigan.gov/scao/resources/standards/APP.pdf>.

34. http://www.law.cornell.edu/uscode/25/uscode/25_0000450---b000-.html

35. Wikipedia, the free dictionary at: <http://en.wikipedia.org/wiki/Trustee>