LUMBEE TRIBE OF NORTH CAROLINA

CLLO-2026-0917-01 **DATE:** September 17, 2026

"Lumbee Indian Child Welfare Act"

WHEREAS, the Lumbee Tribe of North Carolina is a sovereign tribal nation with inherent authority and a sacred governmental responsibility to protect the health, safety, welfare, identity, and future of Lumbee children and families;

WHEREAS, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (Tribal Council);

WHEREAS, the Tribal Council recognizes that Lumbee children are the living continuation of the Lumbee People, and that each Lumbee child carries family lineage, community identity, tribal history, and cultural responsibility that must be protected across generations;

WHEREAS, the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq., was enacted to protect Indian children, Indian families, and Indian tribes from the unnecessary breakup of Indian families and to promote the stability and security of Indian tribes and families;

WHEREAS, the federal regulations implementing the Indian Child Welfare Act, including 25 CFR Part 23, establish minimum federal standards for notice, active efforts, emergency proceedings, transfer, intervention, placement preferences, recordkeeping, and state court proceedings involving Indian children;

WHEREAS, the Lumbee Tribe has a direct and continuing governmental interest in child custody proceedings involving Lumbee children, including foster care placements, emergency removals, termination of parental rights proceedings, pre-adoptive placements, adoptive placements, guardianships, kinship placements, and other proceedings that affect a Lumbee child's family, identity, and permanency;

WHEREAS, the Tribal Council finds that Lumbee children involved in child welfare systems must be identified early, protected from unnecessary separation, and connected whenever safe and appropriate to parents, siblings, grandparents, extended family, kinship caregivers, elders, community, culture, language, tribal enrollment, and homeland;

WHEREAS, county departments of social services, state agencies, courts, attorneys, guardian ad litems, hospitals, foster care providers, adoption agencies, schools, and other child-serving entities need a clear and official Lumbee tribal process for ICWA notice, enrollment verification, case response, family search, placement recommendations, and cultural connection planning;

WHEREAS, the Lumbee Tribe recognizes that child welfare proceedings can cause trauma, grief, disconnection, and loss of identity when children are removed without timely tribal involvement, culturally competent services, active family preservation efforts, or kinship placement searches;

WHEREAS, the Tribal Council desires to establish a formal standing community advisory committee to advise on ICWA matters, advise tribal leadership, support families, make placement and cultural recommendations, and strengthen collaboration with state, county, federal, and community partners;

WHEREAS, the creation of a Lumbee Indian Child Welfare Act Law and Advisory Committee will strengthen the Tribe's ability to protect Lumbee children, preserve Lumbee families, build kinship and foster care resources, and promote culturally grounded permanency for children in care;

WHEREAS, the Lumbee Tribal Council finds that this Ordinance is necessary and proper to protect the best interests of Lumbee children, the rights of Lumbee families, and the sovereign interests of the Lumbee Tribe of North Carolina;

THEREFORE, be it enacted by the Tribal Council that the following ordinance shall be cited as the "ICWA

SECTION 1. PURPOSE

The purpose of this Ordinance is to protect the rights, culture, safety, family connections, and best interests of Lumbee children involved in child custody, foster care, termination of parental rights, pre-adoptive, adoptive, guardianship, kinship, or emergency removal proceedings.

This Ordinance is intended to ensure that Lumbee children remain connected, whenever safe and appropriate to their parents, siblings, extended family, tribal community, cultural identity, traditions, history, and homeland.

This Ordinance is further intended to create a consistent tribal process for ICWA notice, enrollment verification, tribal participation, active efforts review, family search, kinship placement, foster family development, cultural connection planning, and intergovernmental coordination.

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

A. "Active Efforts" means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite a Lumbee child with the child's parent, parents, Indian custodian, or family, consistent with ICWA and applicable federal regulations.

B. "Child Custody Proceeding" means any proceeding involving foster care placement, termination of parental rights, pre-adoptive placement, adoptive placement, guardianship, custody transfer, emergency removal, or any other proceeding where the custody or placement of a Lumbee child may be affected.

C. "Committee" means the Lumbee Indian Child Welfare Act Committee established by this Ordinance.

D. "Emergency Proceeding" means a court action, agency action, or protective action involving emergency removal or emergency placement of a Lumbee child due to alleged imminent physical damage or harm.

E. "Extended Family Member" shall be interpreted broadly and consistently with Lumbee family customs and may include grandparents, great-grandparents, adult siblings, aunts, uncles, cousins, stepparents, godparents, ceremonial kin, family-recognized relatives, or other persons recognized by the family or Tribe as having a close familial or cultural relationship with the child.

F. "ICWA" means the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq., and its implementing regulations.

G. "Lumbee Child" means an unmarried person under the age of eighteen who is either: (1) a member or enrolled citizen of the Lumbee Tribe of North Carolina; or (2) eligible for membership or enrollment in the Lumbee Tribe and the biological child of a member or enrolled citizen of the Lumbee Tribe.

H. "Lumbee Family" means the parents, siblings, grandparents, extended family, Indian custodian, kinship caregivers, and culturally recognized relatives of a Lumbee child.

I. "Tribal ICWA Agent" means the person formally designated by the Tribal Administration to receive ICWA notices on behalf of the Lumbee Tribe.

J. "Tribal Representative" means a person authorized by the Lumbee Tribe to appear, communicate, participate, or provide recommendations in child welfare proceedings involving a Lumbee child.

SECTION 3. DESIGNATION OF TRIBAL ICWA AGENT

The Tribal Administration shall designate an official Tribal ICWA Agent for Service of Notice to receive ICWA notices, court notices, agency inquiries, adoption notices, emergency removal notices, and related child welfare communications.

Tribal Administration shall publish the name and contact information for the ICWA Agent on the Tribal Website.

The Tribal ICWA Agent or his or her designee shall be authorized to receive ICWA notices on behalf of the Tribe; date-stamp and log all notices received; notify the Committee and Tribal Attorney of urgent matters; coordinate enrollment verification requests; issue preliminary responses when authorized; maintain a confidential ICWA case tracking system; and ensure that the Tribe's designated ICWA agent's information is submitted to the appropriate federal office for publication or listing as required.

SECTION 4. CULTURAL CONNECTION PLANS

Cultural Connection Plans shall be developed for every Lumbee child in foster care, guardianship, adoption, or out-of-home placement when appropriate.

The Cultural Connection Plan may include contact with Lumbee relatives; participation in Lumbee cultural events; education about Lumbee history and identity; connection to elders and cultural mentors; enrollment support; sibling visitation; visits to the child's home community; access to Lumbee community programs; support for tribal ceremonies, gatherings, and cultural teachings; and a plan for maintaining the child's identity as a Lumbee person.

SECTION 5. LUMBEE PLACEMENT PREFERENCES

In any foster care, pre-adoptive, guardianship, or adoptive placement involving a Lumbee child, the Tribe establishes the following placement preferences, unless good cause exists under applicable law to depart from these preferences.

Every placement shall protect the child's safety; preserve sibling relationships whenever possible; maintain the child's connection to Lumbee family and culture; be the least restrictive and most family-like setting available; be near the child's home, extended family, school, community, or siblings when appropriate; support reunification whenever safe and legally appropriate; and respect the child's cultural identity as a Lumbee child.

For foster care, guardianship, or pre-adoptive placement, preference shall be given in the following order: (1) a parent or Indian custodian, when safe and appropriate; (2) a member of the child's extended family; (3) a Lumbee kinship caregiver identified by the family or Tribe; (4) a foster home licensed, approved, or specified by the Lumbee Tribe; (5) a home of another Lumbee tribal citizen; (6) an Indian foster home licensed or approved by an authorized licensing agency; (7) a foster home committed in writing to maintaining the child's Lumbee Cultural Connection Plan and approved by the Tribe; or (8) an institution or group setting approved by an Indian Tribe or operated by an Indian organization and suitable to meet the child's needs.

For adoptive placement, preference shall be given in the following order: (1) a member of the child's extended family; (2) a Lumbee tribal citizen or Lumbee family; (3) another Indian family; (4) a family approved by the Lumbee Tribe that agrees to maintain the child's Lumbee Cultural Connection Plan; or (5) another placement determined by the court and Tribe to be in the child's best interest and consistent with ICWA.

Any non-Lumbee or non-Indian placement considered for a Lumbee child must be reviewed for its willingness and ability to support the child's Lumbee identity, including family contact, tribal enrollment, cultural education, sibling connections, and participation in Lumbee community life.

SECTION 6. CASE RESPONSE PROCEDURES

Upon receipt of an ICWA notice or child welfare inquiry, the Tribal ICWA Agent shall record the date and time received, open a confidential case file, review whether the matter is urgent, request enrollment verification, and notify the Tribal Attorney when court action may be required.

For emergency removals, emergency placements, shelter hearings, nonsecure hearings, or urgent court matters, the ICWA Agent shall provide notices as soon as possible.

Non-emergency removals shall be reviewed within five business days of receipt.

The Tribe may issue a written response stating whether the child is enrolled or eligible for enrollment, whether the Tribe confirms the child as a Lumbee child, whether the Tribe intends to intervene, whether additional information is needed, whether the Tribe requests a continuance, whether the Tribe requests participation in family meetings or court proceedings, whether the Tribe has placement recommendations, and whether the Tribe objects to any proposed action.

No court pleading, formal legal intervention, motion to transfer, or legal objection shall be filed on behalf of the Tribe without coordination with the Tribal Attorney or other authorized legal counsel.

SECTION 7. ESTABLISHMENT OF ICWA COMMITTEE

The Lumbee Tribe, through its sovereignty and right to implement its own programs, hereby establishes an Indian Child Welfare Act Committee, hereinafter referred to as the Committee.

SECTION 8. MEMBERSHIP OF COMMITTEE

I. Committee Composition

The committee shall consist of nine voting members and may include non-voting advisory members. Voting members shall be nominated by the Tribal Chairman and confirmed by the Tribal Council. Voting members shall consist of three (3) ex-officio members serving by virtue of their Tribal government position; three (3) members appointed by the Tribal Chairperson, and three (3) members appointed by the Tribal Council.

Appointed committee members shall serve staggered three-year terms. Initial appointments may be staggered as one-year, two-year, and three-year terms to promote continuity. Appointed Committee Members may be reappointed for one additional three-year term.

The Committee shall elect a Chairperson, Vice-Chairperson, and Secretary from among its voting members. A quorum shall consist of a majority of voting members, and no official committee action may be taken without a quorum.

II. Ex-Officio Members

The following voting members shall serve ex officio by virtue of their Tribal Government position. These members shall not require appointment by the Tribal Council or Tribal Chairperson.

1. Director of Health and Human Services, or the Director's designee;
2. ICWA Manager; and
3. Tribal Enrollment Representative.

Ex-Officio members shall serve for as long as they serve in the Government position giving rise to membership and shall not be subject to the term limits applicable to appointed committee members.

III. Appointed Members

a. Committee Members Nominated by the Tribal Chairperson
    i. The following three (3) voting members shall be nominated by the Tribal Chairperson and confirmed by the Tribal Council
        1. One Representative with experience in family services, youth services, family preservation, or Tribal support services;
        2. One Lumbee Elder or cultural knowledge keeper with demonstrated knowledge of Lumbee culture, traditions, families, and community; and
        3. One child welfare professional with experience in foster care, adoption, kinship care, social work, or related field;

b. Committee Members Appointed by Tribal Council
    i. The following three (3) voting members shall be appointed by the Tribal Council
        1. One behavioral health, substance use disorder, or trauma-informed care professional;
        2. One Lumbee foster parent, adoptive parent, kinship caregiver, or other individual with relevant lived experience involving the child welfare system; and
        3. One Tribal Community member with demonstrated knowledge of Lumbee families, communities, and traditional family kinship networks.

c. Geographic Representation
    i. In making appointments to the Committee, the Tribal Chairperson and Tribal Council shall seek to ensure that the appointed membership reflects the geographic diversity of the Lumbee Tribal Territory.

Required Voting Membership

Seat	Required Member / Representative	Primary Role
1 – Ex Officio	Director of Health and Human Services, or designee	Departmental oversight and service coordination
2 - Ex Officio	ICWA Director or ICWA Coordinator, if such position exists	Case coordination and ICWA response
3 - Ex Officio	Tribal Enrollment Office representative	Enrollment and eligibility verification
4 – Nominated by Tribal Chair	Family Services, Youth Services, or Tribal Support Services representative	Family preservation and service linkage
5 - Nominated by Tribal Chair	Lumbee elder or cultural knowledge keeper	Cultural guidance and community connection
6 - Nominated by Tribal Chair	Child welfare professional	Foster care, adoption, kinship, or social work expertise
7 - Appointed by Tribal Council	Behavioral health, substance abuse, or trauma-informed care professional	Clinical and trauma-informed guidance
8 - Appointed by Tribal Council	Lumbee foster parent, adoptive parent, kinship caregiver, or person with lived experience	Caregiver and lived-experience perspective
9 - Appointed by Tribal Council	Community member with knowledge of Lumbee family systems	Community accountability and family network knowledge

SECTION 9. NON-VOTING ADVISORY MEMBERS

Committee may invite non-voting advisory members as needed, including the Tribal Attorney or legal counsel, a Tribal Court representative if applicable, a county Department of Social Services liaison, a North Carolina Division of Social Services representative, a guardian ad litem representative, or any other person with expertise needed for a specific case or policy matter.

Advisory members shall participate only as authorized by the Committee and shall be subject to confidentiality requirements when involved in case-specific matters.

SECTION 10. DUTIES AND RESPONSIBILITIES OF COMMITTEE

The Committee will serve as an advisory committee on all matters related to child welfare and the Indian Child Welfare Act. The Committee may make recommendations related to Tribal Ordinances and Tribal policy to the Tribal Administration and the Tribal Council. The Committee will also make general recommendations regarding available grant funds and strengthen partnerships with local, state, and federal health care agencies.

Specific Duties of the Committee shall include but are not limited to:

1) Active Efforts Review -- In any matter involving a Lumbee child, the Committee may review:

   a) Whether active efforts have been provided to the family. Active efforts may include, but are not limited to, family team meetings, substance abuse treatment referrals, mental health services, parenting support, housing assistance, transportation assistance, workforce and employment support, kinship caregiver support, cultural mentorship, domestic violence support, peer support services, family preservation services, and post-reunification services; and;

   b) The Committee may recommend additional active efforts when services are insufficient, delayed, not culturally appropriate, or not reasonably accessible to the child, parents, Indian custodian, or kinship caregiver.

2) Confidentiality

   a) The Committee shall ensure that all ICWA case information, child welfare records, enrollment records, family information, medical information, behavioral health information, court documents, and placement information are treated as confidential.

   b) Committee members and advisory participants shall sign a confidentiality agreement before participating in case reviews.

   c) No Committee member shall disclose confidential information except as authorized by law, court order, tribal policy, or official tribal duty.

   d) Violation of confidentiality may result in removal from the Committee and any other remedy available under tribal law.

3) Conflicts of Interest

   a) Committee member(s) shall disclose any actual or potential conflict of interest, including family relationship, placement interest, employment relationship, financial interest, or personal involvement in a case.

   b) Committee member(s) with a conflict shall not vote on that case and may be excluded from discussion if necessary to protect confidentiality, fairness, or the integrity of the process.

4) Recordkeeping

   a) The Committee shall maintain confidential records of ICWA notices received, enrollment verification requests, tribal responses, committee recommendations, placement recommendations, cultural connection plans, court participation, agency communication, active efforts concerns, and final case outcomes when known.

   b) Records shall be maintained in accordance with the tribal record retention policy and applicable federal and state confidentiality requirements.

CERTIFICATION

THIS **CLLO-2026-0917-01**, named "LUMBEE INDIAN CHILD WELFARE ACT" ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 18 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 17TH DAY OF SEPTEMBER 2026, BY A VOTE OF 18 YES, 0 NO, AND 0 ABSTENTION(S).

9/17/2026

ATTEST: ALBERT ALEXANDER BAKER — DATE
SPEAKER, TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA

Chocajuana Oxendine 9/17/2026

ATTEST: CHOCAJUANA OXENDINE — DATE
SECRETARY, TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA

9/26/26

ATTEST: JOHN L. LOWERY — DATE
CHAIRMAN, LUMBEE TRIBE OF NORTH CAROLINA

POSTING

THIS CLLO-2026-0917-01, "LUMBEE INDIAN CHILD WELFARE ACT," duly posted on the 17TH day of September, 2026.

Melissa Hunt 9/17/26

ATTEST: MELISSA HUNT DATE

TRIBAL CLERK DESIGNEE, Lumbee Tribe of North Carolina



Lumbee Tribe of North Carolina

The Desk of the Tribal Clerk

Record of Posting

Tribal Ordinance: **CLLO-2026-0917-01**

Posted Date: 09/17/2026

Presented to Tribal Chairman for Review: 09/17/2026

Signature of Veto Date: 09/26/2026

Reason for Veto:

Other:

John L. Lowery — 9/26/26

Tribal Chairman of the Lumbee Tribe of North Carolina — Date

Melissa Hunt — 9/26/26

Tribal Clerk Designee of the Lumbee Tribe of North Carolina — Date