



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEV DUTTA SANGVAI • Secretary

LISA TUCKER CAULEY • Division Director, Human Services

March 26, 2026

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION: DIRECTORS, CHILD WELFARE PROGRAM ADMINISTRATORS,
MANAGERS, SUPERVISORS**

SUBJECT: NEXT STEPS FOR LUMBEE TRIBE FEDERAL RECOGNITION

**PURPOSE: TO INFORM NC COUNTIES OF NEXT STEPS TO INFORM THE LUMBEE
TRIBE OF CHILDREN WITH AMERICAN INDIAN HERITAGE**

REQUIRED ACTION: Information Only X Time Sensitive Immediate

On December 18, 2025, the Lumbee Nation was granted full recognition from the federal government. This recommendation brings significant protections to Lumbee children who are the subject of child welfare cases, based on the Indian Child Welfare Act (ICWA). These protections impact the work an agency must do when working with a Lumbee child.

NCDHHS has initiated planning meetings with the leadership of the Lumbee Nation to establish agreed upon protocols for local DSS agencies to follow. These meetings have been productive and beneficial in establishing a good working relationship with Lumbee leadership.

It is our goal to provide local agencies with the information they need to ensure that the protections outlined in ICWA are adhered to when a Lumbee child becomes known to an agency. There are six basic protections that are outlined in ICWA:

- Notice to the child's parents, Indian guardians, Tribe, and Bureau of Indian Affairs(BIA)
- Application of *prevailing and cultural standards of tribal communities* via expert witness
- Active efforts to prevent removals and reunify families
- Tribal determination of placement preferences
- Transfer of child welfare case to tribal courts
- *Beyond a reasonable doubt* level of evidence for termination of parental rights

NCDHHS is working with our General Counsel, the Attorney General's office, and leadership across state government to ensure that we all have the same understanding of these protections and how they should be applied in the work. Over the next several months, there will be additional information and technical assistance provided regarding these protections.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES

LOCATION: 1915 Health Services Way, Raleigh NC 27607

MAILING ADDRESS: 2408 Mail Service Center

Raleigh, NC 27699-2410

www.ncdhhs.gov • Main Tel. (919) 527-6393

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

The primary purpose of this letter is to give local agencies steps that need to be taken now to ensure ICWA protections are followed. These initial steps are *Identify* and *Notify*.

Identify

The Lumbee Nation has the sole authority to determine if a child is Lumbee. **The local agency cannot make that determination.** Agencies should begin now to identify any children in their custody for whom there has been any indication of Lumbee Heritage. This could include the parents saying they “think” they are – which is all an agency needs to trigger notice to the Lumbee Nation.

Agencies are required to create a list of children who meet this criterion for potential Lumbee Membership. Please send this list to your Regional Child Welfare Specialist.

Notify

Whenever a child with potential Lumbee Heritage is identified,

- 1) The first step is to notify the Lumbee Nation and the courts. Agencies will use the DSS-5336, attached here, to send notification to the Lumbee Nation. A separate form will need to be filled out for each child. Please fill out as much information in Section A as possible and pay particular attention to parent’s and grandparent’s information. All notices should be **Certified Mail** to:

Cherry Maynor Beasley, PhD, MS, RN, FAAN
Director of Health and Human Services
6984 NC Hwy 711 West
Pembroke, NC 28372

- 2) The second step is to notify the court about this child’s status. Agencies must present the DSS-5336 to the court, showing that the notice has been sent. Please do not wait for the Lumbee Nation to respond. The court will make findings that the child is potentially Lumbee and that DSS has sent notification to the tribe. The court will then make subsequent findings based on the response from the Lumbee Nation. ***Please work with your agency attorney to develop the best method to address these notices being presented to the court.***
- 3) The final step in the notification process is to send the DSS-5336 to the Bureau of Indian Affairs. Please send the notice to:

Eastern Regional Director
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville, TN 37214

Again, this is the beginning of much more work to be done in the days ahead as we navigate this new relationship with the federally recognized Lumbee Nation. Thank you for your commitment to this work and to upholding the requirements of the Indian Child Welfare Act.

If you have any questions, please do not hesitate to reach out. Peter.west@dhhs.nc.gov

Sincerely,

Peter L. West

Peter L. West, ThM
Section Chief, PATH NC Implementation Lead and Tribal Liaison

cc: Lisa Tucker Cauley, Division Director, Human Services
Donna Fayko, Deputy Director, Child Welfare Services
Tammy Shook, Interim Assistant Deputy Director, Child Welfare Services
William "Ben" Rose, Lead Regional Director
Adrian Daye, Section Chief, Permanency
Meredith Houchins, Interim Section Chief, County Operations
Heather McAlister, Section Chief, Well Being
Kimaree Sanders, Section Chief, Regulatory and Licensing
Kathy Stone, Section Chief, Safety

Attachment: Fostering Connections/Tribal Relative Search" (DSS-5336) Instructions

CWS-22-2026