



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEVPUTTA SANGVAN • Secretary

LISA TUCKER CAULEY • Division Director, Human Services

July 30, 2026

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

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

SUBJECT: Code Updates to the 5094 for American Indian Children

REQUIRED ACTION: ☒ Information Only ☒ Time Sensitive ☐ Immediate

The North Carolina Department of Health and Human Services Division of Social Services (NCDHHS DSS) is committed to supporting counties in meeting federal and state requirements for the reporting and tracking of American Indian children who encounter the Child Welfare System in North Carolina.

On December 18, 2025, the President signed into effect the Lumbee Fairness Act granting full Federal Recognition to the Lumbee Nation. The Lumbee join the Catawba Nation and the Eastern Band of Cherokee Indians (EBCI) as Federally Recognized Tribes in North Carolina. As shared in the DCDL dated March 26, 2026, this recognition brings significant protections to American Indian 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 an American Indian child.

Additionally, on January 4, 2026, Congress enacted Public Law 118-258 reauthorizing and updating federal child welfare programs under Title IV-B of the Social Security Act. This legislation increased the requirements for data that must be reported to the Children's Bureau beginning October 1, 2026. To that end, NCDHHS is enacting changes to the reporting on the DSS-5094 and enhancing tracking in PATH NC to ensure all American Indian Children who are eligible for membership in a Federally Recognized Tribe are accounted for.

Beginning **August 3, 2026**, for those counties who are still using the **DSS-5094** to track children in foster care, new options in **Field 18, Special Populations** will be available to **identify American Indian Children in custody in North Carolina**. The options for selection will be;

For Counties currently using the 5094:

1. EBCI Child in **Graham, Jackson, and Swain Counties ONLY**
2. Indian Child from a Federally Recognized Tribe NEW
3. Unaccompanied Refugee Minor
4. Not Applicable

For counties that are using **PATH NC** for Ongoing Services:

1. Navigate to the child's Person Page
2. Select the Personal Information Tab.
3. Select the pencil icon.
4. Locate the field ICWA Eligible and choose "Yes."

Action Steps for DSS Agencies:

1. Review current foster care roles and determine if any child is eligible to be a member of a Federally Recognized Tribe. This link is a list of all federally recognized tribes in the United State:

<https://www.federalregister.gov/documents/2026/01/30/2026-01899/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>

2. If using the 5094, please update with the appropriate code as shown above.
3. If using PATH NC, please follow the directions above ONLY for American Indian Children from a federally recognized tribe.
4. Follow these steps for any subsequent American Indian Children that come into custody.

Should you have any questions, please contact Peter West at peter.west@dhhs.nc.gov.

Sincerely,

Peter L. West

Peter L. West, ThM
Section Chief, PATH NC Implementation Lead/Tribal Liaison
Division of Social Services, Child Welfare
North Carolina Department of Health and Human Services

Cc: Lisa Tucker Cauley Division Director Human Services, Child, Family and Adult Regional Support
Donna Fayko, Deputy Director for Child Welfare Services
Tammy Shook, Interim Assistant Deputy Director for Child Welfare Services
Beth Riley, Child Welfare Financial Officer
Adrian Daye, Section Chief for Permanency
Kimaree Sanders, Section Chief for Regulatory and Licensing
Kathy Stone, Section Chief for Child Welfare Safety
Meredith Houchins, Interim Section Chief for County Operations
Heather McAllister, Section Chief for Well-Being
Jennifer Oshnock, Child Welfare Business Manager, HSBIA
Shauna Cuffee, Chief, Performance Management
Myra Dixon, Branch Head, Subsystems, Office of the Controller
Caleb Hawkins, Lead LBL

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