



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEVPUTTA SANGVAI • Secretary

LISA TUCKER CAULEY • Division Director, Human Services

October 1, 2026

Dear County Directors of Social Services

Attention: Directors, Program Administrators, Managers, and Supervisors

Subject: Coordination with the Lumbee Tribe for Assignment of Qualified Expert Witness

REQUIRED ACTION: ☐ Information Only ☒ Time Sensitive ☒ Immediate

Purpose: Indian Child Welfare Act (ICWA) Requirement for Coordination for Assignment of Qualified Expert Witness

On December 18, 2025, the President signed the Lumbee Fairness Act, giving the Lumbee Tribe full federal recognition. Since that time, the North Carolina Department of Health and Human Services, Division of Social Services (NCDHHS DSS) have worked collaboratively with the Lumbee leadership to ensure Lumbee children and youth are protected under the Indian Child Welfare Act (ICWA) of 1978.

One element of ICWA is a requirement that court proceedings involving an Indian child including the recommendation to place the child in foster care outside of their tribal community, continue the child's placement in foster care, or termination of parental rights, testimony is required from a Qualified Expert Witness (QEW). This QEW is someone who can speak to (1) whether continued custody would likely result in serious emotional or physical harm, and (2) the Tribe's cultural and social standards.

ICWA states that only the child's tribe can determine a child's status for enrollment. The child's tribe is also responsible for approving any person the agency plans to utilize as a QEW. Therefore, counties should promptly notify the Tribe whenever Lumbee affiliation is suspected and coordinate with them to identify an appropriate QEW, as required under 25 C.F.R. § 23.122.

*****Note that assigned county social workers cannot serve as QEWs.***

To support consistent ICWA compliance, **the Lumbee Tribe has provided an attached letter outlining their process for confirming Lumbee affiliation, coordinating QEW assignment, and assisting counties with cultural guidance.** This attachment should be reviewed and used in all Lumbee-related ICWA cases.

Thank you for your continued commitment to ensuring statutory protections for Lumbee children.

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

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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, Child, Family and Adult Regional Support
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Meredith Houchins, Interim Section Chief, County Operations
Heather McAllister, Section Chief, Well Being
Kimaree Sanders, Section Chief, Regulatory and Licensing
Kathy Stone, Section Chief, Safety

ATTACHMENT: Coordination with the Lumbee Tribe for Assignment of Qualified Expert Witness (QEW)

CWS-73-2026