

Amended Child Protection Law Benefits Tribes

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On March 7, Gov. Snyder signed legislation to amend the Child Protection Law, allowing the Michigan Department of Health and Human Services to share information from an Indian child's protective services case with tribal representatives.

Previously, the Child Protection Law prohibited the Department of Health and Human Services (DHHS) from sharing confidential information with tribal representatives regarding alleged abuse or neglect of an Indian child. Under the prior law this information could only be shared with a narrowly defined list of individuals and entities such as physicians or law enforcement agencies. Therefore, with respect to cases involving an Indian child, the DHHS followed a policy of informing tribal representatives of a Child Protection Services matter involving an Indian child only *after* initiating a child custody proceeding.

This practice has been at odds with the Michigan Indian Families Preservation Act (MIFPA), and the rationale presented for the bill addresses this issue. Recognizing tribes are in the best position to prevent the breakup of Indian families, MIFPA provides that an Indian tribe has jurisdiction over child custody proceedings and state representatives must consult with the tribe when providing services to an Indian child. Tribal access to information regarding suspected abuse or neglect of an Indian child complies with MIFPA, therefore the Child Protection Law should not prohibit such access.

Including tribes on the list of individuals and entities allowed access to confidential records of Indian children gives tribal representatives the opportunity to intervene and assist the family in a culturally appropriate manner *before* custody proceeding are underway. They can mobilize support from the tribe, Indian social services and extended family on behalf of the child. Further, tribes can also designate a team to evaluate and monitor progress of remedial services and rehabilitative programs designed to keep Indian families intact.

The amendment recognizes that the best interests of Indian children are served when Children's Protective Services and tribal representatives share information and work together to provide services and support to the child and the family prior to initiation of custody proceedings.

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