Active efforts—the legal standard required to preserve an Indian family before a child may be removed from the family home and placed into foster care. [See 25 U.S.C. 1912(d)] It is also the legal standard for reunification efforts before a court may terminate parental rights to an “Indian child.” LOOK FOR ELABORATION IN CASE LAW OR JONES’S BOOK

Beyond a reasonable doubt—the highest legal standard of proof known to the law. It is sometimes referred to as 99% of the evidence, and it the standard by which a person must be prove guilty in a criminal proceeding. It is the legal standard that must be met when the state seeks to terminate the parental rights of an Indian parent to an “Indian child.”

Clear and convincing evidence—a legal standard that is often characterized as 75% of the evidence. It is the legal standard of evidence that must be met before the court may assert jurisdiction over and “Indian child.” This is the legal standard that must be met in order to terminate the parental rights of a non-Indian child.

Cultural Humility--

Domicile—a place where one lives and has the present intention of remaining.

Historical tribes—communities of Indian persons that are recognized by the state of Michigan but which are not recognized by the federal government. [See DHS policy manual, CFF 743]

Indian—any person who is a member of an Indian tribe or Alaska Native who is a member of an Alaska Native community that is recognized by the Secretary of the Interior.

Indian child—means a person under 18-years-of-age who is either: a) a member of an Indian tribe; or b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. [see 25 U.S.C. 1903(4)]

Indian Tribe—means any Indian tribe, band nation, or other organized group or community of Indians recognized by the Secretary of the Interior. This includes Alaska Native villages as defined by law. [see 25 U.S.C. 1903(8)]

Intersectionality (of social identities)—recognizes that human differences vary along important dimensions such as race, ethnicity, gender, gender identity, age, ability, socioeconomic class, and so on but work together, interact and lead to individual differences and perspectives depending on the social and cultural contexts.
Multi-Ethnic Placement Act as amended by the Interethnic Adoption Provisions (MEPA/IEP)—a federal statute which generally prohibits the consideration of race when making foster care or adoptive placements if such consideration would delay or deny a placement.

**Preponderance of the evidence**—the standard of evidence a CPS worker must find before finding that child maltreatment has occurred. In a legal proceeding, it means more than half of the legally admissible evidence. This is the standard of evidence for the family court to assert jurisdiction over non-Indian children.

**Reasonable efforts**—the legal standard for preserving a family unit typically required to have been provided by both federal (Title IV-E) and state law before the court may order a child removed from the family home and placed into foster care. It is also the standard set by federal and state law for efforts to reunify a child with his or her biological family once placed into foster care.

**Title IV-E**—a federal statute 42 U.S.C. 670, et seq.) which provides funding to states to support foster care.

**Tribal court**—a court with jurisdiction over child custody proceedings or any other administrative body of a tribe which has authority over child custody proceedings. [see 25 U.S.C. 1903(12)]