

Decision: 2021 ME 61

Docket: And-21-159

Submitted

On Briefs: October 20, 2021

Decided: December 7, 2021

Revised: January 4, 2022

Panel: STANFILL, C.J., and MEAD, GORMAN, JABAR, HUMPHREY, and HORTON, JJ.

IN RE CHILDREN OF MICHELLE C.

ERRATA SHEET

The Court’s decision certified on December 7, 2021, is revised to correct a possible misstatement of law and a reference to a witness by amending footnote 4 as follows:

The vague testimony from the mother’s grandmother about the mother’s possible Chesapeake heritage did not give the court “reason to know” that the children ~~could have been eligible for membership~~ were Indian children based on a relationship to any tribe from the Chesapeake region. 25 U.S.C.S. § 1912(a) (LEXIS through Pub. L. No. 117-65, approved November 23, 2021, with a gap of Pub. L. No. 117-58). The mother’s grandmother testified that she herself was not a member of any tribe, and the mother indicated the possibility that she had ~~a relationship~~ some connection only to the Micmac or Passamaquoddy tribes. ~~Because, under ICWA, the mother would need to be a member in order for the children to be eligible for tribal membership, there was no reason for the court to know that the children could have been eligible for membership to any tribe other than the Micmac or Passamaquoddy tribes. See 25 U.S.C.S. § 1903(4) (LEXIS through Pub. L. No. 117-65, approved November 23, 2021, with a gap of Pub. L. No. 117-58) (“Indian child’ means any unmarried person who is under age eighteen and is either (a) a member of an Indian~~

tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.”).

The original decision on the Court’s website has been replaced with the decision as revised.