

2024 South Dakota Legislature

House Bill 1249**AMENDMENT 1249A
FOR THE INTRODUCED BILL**

1 **An Act to establish a task force to address the welfare of Indian children in South**
2 **Dakota.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** There is hereby established an Indian Child Welfare~~Commission Task Force~~ to
5 carry out the duties set forth in section 5 of this Act.

6 **Section 2.** For purposes of this Act, the term, Indian child, means a child who is a member
7 of an Indian tribe, or who is eligible for membership in an Indian tribe and is the biological
8 child of a member of an Indian tribe.

9 **Section 3.** The Indian Child Welfare Task Force consists of:

- 10 (1) Two representatives from the Department of Social Services appointed by the
11 secretary of the Department of Social Services;
12 (2) One representative from each of the nine Indian tribes of South Dakota appointed
13 by the Governor at the written recommendation of the tribal chairman of each
14 tribe;
15 (3) Two representatives from the Unified Judicial System appointed by the chief justice
16 of the Supreme Court;
17 (4) Two members of the Senate, no more than one of whom may be from one political
18 party, appointed by the president pro tempore of the Senate;
19 (5) Two members of the House of Representatives, no more than one of whom may
20 be from one political party, appointed by the speaker of the House of
21 Representatives;
22 (6) One representative from a private agency involved in foster care and adoption
23 appointed by the Governor;

- 1 (7) One representative who is a court-appointed special advocate from a county with
2 high rates of Indian children within the Department of Social Services system,
3 appointed by the Governor;
- 4 (8) One representative from the Department of Corrections, who is a member of the
5 Council of Juvenile Services, appointed by the Governor; and
- 6 (9) One representative appointed by the state's attorney association.

7 **Section 4.** The Indian Child Welfare Task Force shall meet as necessary to accomplish
8 objectives of section 5 of this Act and shall dissolve on November 15, 2026. The task force
9 must be co-chaired by one representative or senator from South Dakota Legislature appointed
10 by the LRC Executive Committee, and the task force must be co-chaired by one of the
11 representatives of an Indian tribe in South Dakota, chosen by a plurality vote of the Indian
12 tribe representatives provided in section 3 of this Act. Members of the committee must be
13 compensated for their attendance at meetings and for time spent in conduct of committee
14 business at rates established by the Executive Board of the Legislative Research Council. The
15 director of the Legislative Research Council, or one or more persons from the director's office,
16 shall act as secretary to the committee, or the committee may employ a secretary. The task
17 force must be under the supervision of the Executive Board of the Legislative Research Council
18 and staffed and funded as an interim legislative committee.

19 **Section 5.** ~~The Task Force~~ task force shall study the federal Indian Child Welfare Act of 1978,
20 PL 95-608, 25 U.S.C. §§ 1901-1963 (January 1, 2024), other states' Indian child welfare laws,
21 and existing protections and provisions for Indian children within state statute, and take into
22 account the following objectives:

- 23 (1) Develop best practices for promoting the welfare of Indian children and families
24 based on a review of existing practice and law in South Dakota, the 2004
25 Governor's Commission on the Indian Child Welfare Act, applicable federal law, the
26 laws of other states, and the laws of Indian tribes;
- 27 (2) Explore and evaluate options to address and resolve identified issues and barriers
28 to recruiting, preparing, and supporting Indian foster families and adoptive
29 families;
- 30 (3) Identify improved standards and timeframes for ordering the termination of
31 parental rights, with the goal of reducing the need to terminate parental rights
32 whenever possible;

1 (4) Explore ways to overcome barriers to family reunification such as housing, cost of
2 living, substance abuse and addiction disorders, and incarceration; ~~and~~

3 (5) Evaluate strategies to make effective use of qualified expert witnesses in child
4 placement proceedings involving Indian children; ~~and~~

5 (6) Propose legislation if necessary to address the objectives of the task force.

6 In pursuit of these objectives, the task force shall consider input from subject
7 matter experts from tribal, state, federal and national agencies, foundations, coalitions,
8 and advocacy organizations.

9 **Section 6.** No later than November 15, 2026, the Indian Child Welfare Task Force shall
10 present its findings and develop recommendations to the Executive Board of the Legislative
11 Research Council, the State-Tribal Relations Committee, and the Governor, providing
12 standards and procedures to preserve and protect Indian families and the welfare of Indian
13 children in South Dakota.