



2024 South Dakota Legislature

Senate Bill 202

Introduced by: **Senator Bordeaux**

1 **An Act to require active efforts in abuse and neglect proceedings that involve Indian**
 2 **children.**

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

4 **Section 1. That chapter 26-8A be amended with a NEW SECTION:**

5 The Department of Social Services shall exert active efforts in any proceeding that
 6 involves a child who is a member of an Indian tribe, or who is eligible for membership in
 7 an Indian tribe and is the biological child of a member of an Indian tribe, in order to:

- 8 (1) Prevent or eliminate the need for removal of the child from the home of the child's
 9 parents, guardian, or custodian;
 10 (2) Return the child to the home of the child's parents, guardian, or custodian; or
 11 (3) Prevent the need for termination of parental rights.

12 For purposes of this section, the term "active efforts" means efforts that are
 13 affirmative, thorough, and timely, and that are intended primarily to maintain or reunite
 14 an Indian child with the child's family. Active efforts represent a higher standard of conduct
 15 than reasonable efforts and should be provided, to the maximum extent possible, in a
 16 manner consistent with the prevailing social and cultural conditions and way of life of the
 17 Indian child's tribe.