

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

174U0721

HOUSE BILL NO. 1211

Introduced by: Representatives Killer, Bartling, Feickert, Gibson, Heinert, Hunhoff (Bernie), Kirschman, May, Munsterman, Rounds, Schrempp, Soli, and Wismer and Senators Bradford, Frerichs, Krebs, Lucas, and Maher

1 FOR AN ACT ENTITLED, An Act to provide for an Indian Child Welfare Act court
2 monitoring program.

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

4 Section 1. The Department of Social Services, through agreements with one or more Indian
5 tribes in South Dakota, shall establish and implement an Indian Child Welfare Act court
6 monitoring program. The court monitoring program shall designate court monitors who will
7 attend court hearings and proceedings to monitor compliance with the federal Indian Child
8 Welfare Act, 25 U.S.C. 1901 to 1963, as amended to January 1, 2013, in an effort to protect the
9 rights of Native American children and families. The court monitor program shall also provide
10 consultation and technical assistance to social and human services systems and the legal system
11 on matters relating to Indian Child Welfare Act cases. As a part of the program, trained
12 observers shall gather information on compliance at court hearings. Information and data shall
13 be compiled and sent to all key stakeholders, such as tribal officials, judges, attorneys, state and
14 county agencies, and other affected parties. Under the program, a checklist of actions that must



- 1 occur for each type of hearing to be in compliance with the Indian Child Welfare Act shall be
- 2 devised so that a court monitor, tribe, or advocate can complete the checklist at the hearing.
- 3 Data shall be entered into a central system and compiled to show incidences of, or larger
- 4 patterns of noncompliance.