

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

264P0584

HOUSE BILL NO. 1304

Introduced by: Representatives Van Norman, Ahlers, Bradford, Burg, Dennert, Engels, Feinstein, Halverson, Lucas, Moore, Nygaard, Sigdestad, and Thompson and Senators Two Bulls, Bartling, Heidepriem, Hoerth, Hundstad, Katus, Kloucek, Maher, Nesselhuf, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to implement the recommendations of the Indian Child
2 Welfare Commission.

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

4 Section 1. The Department of Social Services shall promulgate rules pursuant to chapter
5 1-26 to establish criteria for the transfer of cases from state to tribal courts in which the
6 department maintains placement, care, and supervision of the child. Funding for any child
7 whose case has been transferred from a state court to a tribal court shall continue through Title
8 IV-E of the federal Social Security Act, as amended to January 1, 2008, to support any paid
9 placements if all federal requirements under Title IV-E of the federal Social Security Act, as
10 amended to January 1, 2008, are met. No child may be denied needed services if the child's case
11 is transferred from state to tribal court, and the necessary funds shall follow the child as
12 provided in this section.

13 Section 2. The Department of Social Services shall make available cultural sensitivity
14 training to any person who participates in the implementation of the federal Indian Child



1 Welfare Act (25 U.S.C. §§ 1901- 1963), as amended to January 1, 2008, and the child placement
2 system, including judges, state's attorneys, CASA workers, defense counsel, and department
3 personnel.

4 Section 3. The Department of Social Services shall meet with the Indian tribes located in
5 South Dakota to discuss their interest in pursuing the contracting of child protection services. The
6 department shall attempt to negotiate and enter into agreements with tribal governments to offer
7 each tribe the option of providing the tribe's own child protection services through a contract
8 with the State. Such contracts shall be designed to allow the use of programs and funding
9 established through Title IV-E of the federal Social Security Act, as amended to January 1,
10 2008, and the use licensing agreements with the department to allow pass through of such
11 federal funds to pay foster care and other costs related to the provision of child protection
12 services.