



2023 South Dakota Legislature

Senate Bill 191

SENATE ENGROSSED

Introduced by: **Senator Foster**

1 **An Act to establish the 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 Task Force to carry out the
5 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 tribal chairman of each tribe;
14 (3) Two representatives from the state courts appointed by the chief justice of the
15 Supreme Court of South Dakota;
16 (4) Two members of the Senate, no more than one of whom may be from one political
17 party, appointed by the president pro tempore of the Senate; and
18 (5) Two members of the House of Representatives, no more than one of whom may
19 be from one political party, appointed by the speaker of the House of
20 Representatives.

21 **Section 4.** The Indian Child Welfare Task Force shall hold at least eight meetings and shall
22 dissolve on November 15, 2024. The task force shall be co-chaired by one representative
23 from the Department of Social Services, chosen by the secretary of the Department of Social
24 Services, and the task force shall be co-chaired by one of the representatives of an Indian

1 tribe in South Dakota, chosen by a plurality vote of the Indian tribe representatives provided
2 in section 3 of this Act. Members of the committee shall be compensated for their attendance
3 at meetings and for time spent in conduct of committee business at rates established by the
4 Executive Board of the Legislative Research Council. The director of the Legislative Research
5 Council, or one or more persons from the director's office, shall act as secretary to the
6 committee, or the committee may employ a secretary.

7 **Section 5.** The task force shall:

- 8 (1) Develop best practices for promoting the welfare of Indian children and families
9 based on a review of existing practice and law in South Dakota, the 2004
10 Governor's Commission on the Indian Child Welfare Act, applicable federal law, the
11 laws of other states, and the laws of Indian tribes;
12 (2) Create a plan to recruit, prepare, and support Indian foster families and adoptive
13 families;
14 (3) Create a plan to prioritize the placement of Indian children with their relatives and
15 with members of their tribe;
16 (4) Identify improved standards and timeframes for ordering the termination of
17 parental rights, with the goal of reducing the need to terminate parental rights
18 whenever possible;
19 (5) Explore ways to overcome barriers to family reunification such as cost of living and
20 incarceration; and
21 (6) Evaluate strategies to make effective use of qualified expert witnesses in child
22 placement proceedings involving Indian children.

23 **Section 6.** No later than November 15, 2024, the Indian Child Welfare Task Force shall
24 present the findings of the task force and recommend draft legislation to the Executive Board
25 of the Legislative Research Council providing for standards and procedures to preserve and
26 protect Indian families and the welfare of Indian children in South Dakota.