

**May 25, 2004 ICWA Agenda
Pierre, SD**

COMMISSION AGENDA

1. Welcome
2. Introduction of Commission Co-Chairs – Roger Campbell
The Honorable Judge Janine Kern
The Honorable Judge BJ Jones
3. Introduction of Commission Members
4. Review of Commission Binders and Materials
5. Overview of Senate Bill 211
6. Introduction of Independent Reviewers
7. Presentation by Dawn Marie Rubio and Brenda Bellonger
8. Timeline of Work over the Next Seven Months
9. Questions/Answers
10. Next Meeting Schedule and Location

**Governor's ICWA Commission
May 25, 2004, Pierre, SD
Meeting Minutes**

ICWA Commission members present: Jack Von Wald, Keith Bonenberger, Representative Jim Bradford, Tami Bern, Kathleen Trandahl, Sara Olson, D.J. Hanson, B.J. Jones, Bob Walters, Janine Kern, Ramona O'Connor, Denise Murphy, Dave Valandra, Joni Cutler, Sister Mary Curran, Deb Fischer-Clemens, Virgena Wieseler, Ann Holzhauser, Cordelia White Elk, Renee Eggebraaten, Mike Schad, Tracey Manywounds, Michael LaPointe, Robert Duxbury, Doug Herrmann, Bill Whitelance

ICWA Commission members absent: Charlene Bell-Kokesh, Rose McCauley, Steve Emery

Others Present: Roger Campbell, Kim Paxton, Margaret Eagan, Jim Ellenbecker, Dawn Marie Rubio, Molly Beuckens

1. Welcome – Bob Walters opened the work of the Commission with a prayer.

2. Introduction of Commission Co-Chairs – Roger Campbell, Executive Director, Tribal Government Relations

Director Campbell indicated that the Governor fully supports this Commission and its charge and that his office will staff the Commission.

a. The Honorable Judge Janine Kern

Kern stated that SD has the seventh highest number of children per capita in foster care in the United States. The Commission has an opportunity to work together to better the situation of South Dakota's most vulnerable children.

b. The Honorable Judge B.J. Jones

Jones stressed the importance of the work of the newly formed Commission and the goal of enabling Tribes to increase their capacity to provide their own child protection services.

3. Introduction of Commission Members

Each of the Commission members introduced themselves and expressed their hopes and desires regarding the work of the Commission.

4. Review of Commission Binders and Materials

5. Overview of Senate Bill 211

Judge Jones walked the Commission through the materials in the binders, including Senate Bill 211, which created the Commission and defined its duties, the ICWA and the BIA guidelines. Judge Jones also briefly described the Adoption and Safe Family Act enacted by Congress in 1997. Senate Bill 211 in its original form was defeated. Perhaps after the work of the Commission, a better bill can be passed.

6. Introduction of Independent Reviewers

7. Presentation by Dawn Marie Rubio and Brenda Bellonger

National Center for State Courts - NCSC (Dawn Marie Rubio) and North American Indian Legal Services, Inc – NAILS, INC. (Brenda Bellonger)

NCSC was founded in 1971 and is a non-profit corporation devoted to the enhancement of justice and the courts. It has offices in Williamsburg; Washington, DC; and Denver. It also provides research, education, consulting, information services, technology, and technical assistance.

NAILS, Inc was founded in 1998 and is also a non-profit corporation. Its purposes are to provide legal representation of North American Indian tribes and individuals, to protect tribal resources, to promote effective and accountable practices in tribal government, to improve tribal economic

prosperity, and to safeguard and ensure individual rights. The Governor's office selected these two groups on April 22, 2004, after a competitive bid process, to assess South Dakota's compliance with ICWA.

The Review Team described the steps it intended to take to obtain data to assess compliance. The Team intends to take the following steps:

- 1) Review a statistically significant number of DSS and the corresponding UJS ICWA files from each circuit in the state;
- 2) Conduct focus groups on all nine reservations;
- 3) Conduct focus groups with state stakeholders; and
- 4) Disseminate a web-based survey to state and tribal stakeholders.

The Team described its timeline:

June 2004-Mid July 2004: Preparation and Development Activities

Mid July 2004-September 2004: Data Collection Activities

Mid August 2004 – October 2004: Data Analysis Activities

November 2004 – December 2004: Draft and Final Report Activities

June 2004 – December 2004: Project Management and Quality Assurance Activities

The Review Team requested that the Tribal Councils for each Tribe pass a resolution authorizing the examination of court files involving placement with DSS and authorizing tribal personnel to participate in focus groups. After the meeting adjourned Brenda Bellonger from NAILS assisted the Co-Chairs in drafting a resolution for consideration by the Tribes. The Governor's Office of Tribal Government Relations forwarded the Resolutions to the Tribes for consideration.

8. Report from Virgena Wieseler – Child Protection Services

Ms. Wieseler reported that currently South Dakota has approximately 1,250 children in foster care of which 750 are Native American. Half of these children were placed in foster care by the State Courts and half by the Tribal Courts. Only ten percent of all foster homes are Native American. Upon inquiry by Mike Schad, Wieseler indicated that South Dakota has no specific kinship requirements. Wieseler discussed the status of the contracts DSS has with each of the Indian tribes. DSS has had a full contract with the Sisseton-Wahpeton Oyate Tribe since 1978. The Tribe provides a full array of CPS services. DSS has IV-E and licensing agreements with Standing Rock, Crow Creek and Flandreau. Agreements previously existed with Yankton and Cheyenne River. Rosebud and Oglala are working with DSS to develop contracts.

9. Timeline of Commission work over the next seven months

Judge Jones discussed the potential ways which Commission members could assist the Review Team, including facilitating the state and tribal site visits, producing the state files for review and obtaining the tribal resolutions.

The Commission scheduled its meeting dates and locations:

August 10, 2004 – Sioux Falls, SD

October 12, 2004 – Rapid City, SD

December 7, 2004 – Pierre, SD (Alternate date: December 14, 2004)

10. Listening Sessions on the Reservations

The Commission discussed the feasibility of holding listening sessions on each reservation to give members of the public an opportunity to express their views about the State's compliance with ICWA and offer potential solutions. Representative Bradford suggested that either Judge Jones or Kern be at each session along with as many Commission members as possible. The Commission discussed potential dates for the listening sessions and the logistics for these

meetings. The Commission agreed that the sessions would be an important part of their work.

The meeting adjourned at 3:45 p.m.