

February 15, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1536

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 27-20.3-19 of the North Dakota Century Code, relating to Indian child welfare; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 27-20.3-19 of the North Dakota Century Code is created and enacted as follows:

Foster care or preadoptive placements - Criteria - Preferences.

An Indian child accepted for foster care or preadoptive placement must be placed in the least restrictive setting that most approximates a family and which meets the child's special needs, if any. The child must be placed within reasonable proximity to the child's home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference must be given, in the absence of good cause to the contrary, to a placement with:

- a. A member of the Indian child's extended family;
- b. A foster home licensed, approved, or specified by the Indian child's tribe;
- c. An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. An institution for children approved by an Indian tribe operated by an Indian organization which has a program suitable to meet the Indian child's needs.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY. During the 2023-24 interim, the legislative management shall consider studying the implications of codifying the Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.]. The study must include a review of the Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.], section 27-20.3-19, related case law, and input from stakeholders. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly