

Introduced by

Representatives Davis, Conmy, Finley-DeVile, Hager, Henderson, Klemin, Pyle, Rohr, Weisz

Senator Luick

1 A BILL for an Act to create and enact a new subsection to section 27-20.3-19 of the North  
2 Dakota Century Code, relating to Indian child welfare; and to provide for a legislative  
3 management study.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **Foster care or preadoptive placements - Criteria - Preferences.**

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

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

20 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY.** During the 2023-24 interim, the  
21 legislative management shall consider studying the implications of codifying the Indian Child  
22 Welfare Act of 1978 [25 U.S.C. 1901 et seq.]. The study must include a review of the Indian  
23 Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.], section 27-20.3-19, related case law, and  
24 input from stakeholders. The legislative management shall report its findings and

Sixty-eighth  
Legislative Assembly

- 1 recommendations, together with any legislation necessary to implement the recommendations,
- 2 to the sixty-ninth legislative assembly.