

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB25-1204 be amended as follows:

- 1 Amend printed bill, page 12, line 25, strike "AN INDIAN".
- 2 Page 12, strike lines 26 and 27.
- 3 Page 13, strike line 1.
- 4 Page 18, line 17, strike "CHILD." and substitute "CHILD, REGARDLESS OF
- 5 WHETHER THE PARENT HAS HAD PRIOR CUSTODY OF THE INDIAN CHILD.".
- 6 Page 18, line 22, after "COMMUNITY," insert "AS DETERMINED BY THE
- 7 INDIAN CHILD'S TRIBE,".
- 8 Page 19, strike lines 12 through 27.
- 9 Page 20, strike lines 1 through 8.
- 10 Page 20, line 9, strike "**19-1.2-108.**" and substitute "**19-1.2-107.**".
- 11 Page 23, strike line 24 and substitute "WARD OF A TRIBAL COURT.".
- 12 Page 26, line 15, after "ANY;" insert "AND".
- 13 Page 26, line 21, strike "TRIBES; AND". and substitute "TRIBES.".
- 14 Page 26, strike lines 22 through 27.
- 15 Page 27, strike lines 1 through 3 and substitute:
  - 16 "(c) IN PERFORMING DUE DILIGENCE, THE PETITIONING OR FILING
  - 17 PARTY MAY, IF A KNOWN CONNECTION HAS NOT BEEN IDENTIFIED
  - 18 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION BUT THE COURT OR
  - 19 PETITIONING OR FILING PARTY RECEIVES A REASONABLY CREDIBLE
  - 20 ASSERTION OF THE CHILD'S INDIAN HERITAGE WITHOUT IDENTIFICATION OF
  - 21 A SPECIFIC TRIBE OR TRIBES BUT NARROWED TO A REGION OF THE UNITED
  - 22 STATES, ASK EITHER RELEVANT TRIBES IN THAT IDENTIFIED REGION OR THE
  - 23 RELEVANT BUREAU OF INDIAN AFFAIRS OFFICE IF THE RELEVANT TRIBES OR
  - 24 BUREAU HAVE INFORMATION RELEVANT TO THE DETERMINATION THAT
  - 25 THE CHILD IS AN INDIAN CHILD.
  - 26 (d) SUBSECTION (4)(b) OF THIS SECTION DOES NOT PREVENT A
  - 27 PETITIONING PARTY FROM SENDING A WRITTEN INQUIRY TO AN ASSERTED
  - 28 TRIBE FOR THE PURPOSE OF SATISFYING THE DUE DILIGENCE

1 REQUIREMENTS PURSUANT TO SUBSECTION (4)(b)(VI) OF THIS SECTION. A  
2 WRITTEN INQUIRY MUST NOT BE CONSTRUED AS FORMAL NOTICE AND IS  
3 NOT CONSIDERED A DETERMINATION THAT THERE IS REASON TO KNOW THE  
4 CHILD IS AN INDIAN CHILD."

5 Page 29, line 3, strike "**19-1.2-109.**" and substitute "**19-1.2-108.**".

6 Page 29, line 4, after "ARTICLE 1.2" insert "IN A CHILD CUSTODY  
7 PROCEEDING".

8 Page 31, after line 26 insert:

9 **"19-1.2-109. Enrollment of an Indian child with a tribe.**

10 (1) UNLESS AN INDIAN CHILD'S PARENT OBJECTS, THE PETITIONING OR  
11 FILING PARTY OR THE INDIAN TRIBE SHALL ASSIST IN ENROLLING AN  
12 INDIAN CHILD WHO IS IN THE COURT'S JURISDICTION IN A TRIBE WITH  
13 WHICH THE CHILD IS ELIGIBLE FOR ENROLLMENT. IF THE INDIAN CHILD IS  
14 ELIGIBLE TO BE ENROLLED IN MORE THAN ONE TRIBE, THE COURT SHALL  
15 DETERMINE MEMBERSHIP PURSUANT TO SECTION 19-1.2-107.

16 (2) IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION, WHEN  
17 THE PETITIONING OR FILING PARTY, INCLUDING A COUNTY DEPARTMENT OR  
18 A CHILD PLACEMENT AGENCY, HAS REASON TO KNOW THAT THE CHILD IS  
19 AN INDIAN CHILD, THE PETITIONING OR FILING PARTY SHALL, AT A  
20 MINIMUM, STATE IN WRITING OR ORALLY ON THE RECORD THE RELEVANT  
21 TRIBE OR TRIBES WITH WHICH THE CHILD MAY BE ELIGIBLE FOR  
22 ENROLLMENT TO DETERMINE IF THE CHILD IS IN FACT ELIGIBLE FOR  
23 ENROLLMENT. THE NOTIFICATION TO THE RELEVANT TRIBE OR TRIBES MAY  
24 BE DONE IN CONJUNCTION WITH THE NOTICE REQUIREMENTS SET FORTH IN  
25 SECTION 19-1.2-107 (1)(b).

26 (3) IN A CHILD CUSTODY PROCEEDING, WHEN THE PETITIONING OR  
27 FILING PARTY HAS REASON TO KNOW THAT THE CHILD IS AN INDIAN CHILD  
28 AND THAT THE INDIAN CHILD IS ELIGIBLE FOR ENROLLMENT IN A TRIBE,  
29 SUCH AS IF A PARENT CLAIMS TRIBAL AFFILIATION, THE PETITIONING OR  
30 FILING PARTY SHALL NOTIFY THE INDIAN CHILD AND THE INDIAN CHILD'S  
31 PARENT OF THE PARENT'S RIGHT TO OBJECT TO THE PETITIONING OR FILING  
32 PARTY'S ASSISTANCE PURSUANT TO SUBSECTION (1) OF THIS SECTION."

33 Page 34, line 21, strike "PROCEEDING" and substitute "REMOVAL".

34 Page 35, strike lines 2 and 3 and substitute:

35 "(b) DESPITE DILIGENT EFFORTS, THE COURT HAS BEEN UNABLE TO  
36 HOLD A HEARING BASED ON THE CRITERIA SET FORTH IN SECTION  
37 19-1.2-123. IN SUCH A CASE, THE COURT SHALL SCHEDULE THE HEARING

1    WITHIN SEVEN DAYS AFTER THE DETERMINATION MADE PURSUANT TO THIS  
2    SUBSECTION (4).".

3    Page 60, strike line 20 and substitute:

4               **"19-1.2-129.   Report. (1)   THE STATE DEPARTMENT SHALL**  
5    COMPILE ANY INFORMATION THAT RELATES TO THE IMPLEMENTATION OF  
6    THIS ARTICLE 1.2 AND IS REQUIRED PURSUANT TO 45 CFR 1355.44  
7    CONCERNING THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING  
8    SYSTEM.

9               (2) (a) ON OR BEFORE JULY 1, 2027,".

10   Page 62, line 22, strike "FEBRUARY 1, 2028," and substitute "DECEMBER  
11   1, 2027,".

12   Page 62, line 25, strike "(1)(a) AND (1)(b)" and substitute "(2)(a) AND  
13   (2)(b)".

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