

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 4, 2025
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB25-1204 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 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:

1 "(c) IN PERFORMING DUE DILIGENCE, THE PETITIONING OR FILING
2 PARTY MAY, IF A KNOWN CONNECTION HAS NOT BEEN IDENTIFIED
3 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION BUT THE COURT OR
4 PETITIONING OR FILING PARTY RECEIVES A REASONABLY CREDIBLE
5 ASSERTION OF THE CHILD'S INDIAN HERITAGE WITHOUT IDENTIFICATION OF
6 A SPECIFIC TRIBE OR TRIBES BUT NARROWED TO A REGION OF THE UNITED
7 STATES, ASK EITHER RELEVANT TRIBES IN THAT IDENTIFIED REGION OR THE
8 RELEVANT BUREAU OF INDIAN AFFAIRS OFFICE IF THE RELEVANT TRIBES OR
9 BUREAU HAVE INFORMATION RELEVANT TO THE DETERMINATION THAT
10 THE CHILD IS AN INDIAN CHILD.

11 (d) SUBSECTION (4)(b) OF THIS SECTION DOES NOT PREVENT A
12 PETITIONING PARTY FROM SENDING A WRITTEN INQUIRY TO AN ASSERTED
13 TRIBE FOR THE PURPOSE OF SATISFYING THE DUE DILIGENCE
14 REQUIREMENTS PURSUANT TO SUBSECTION (4)(b)(VI) OF THIS SECTION. A
15 WRITTEN INQUIRY MUST NOT BE CONSTRUED AS FORMAL NOTICE AND IS
16 NOT CONSIDERED A DETERMINATION THAT THERE IS REASON TO KNOW THE
17 CHILD IS AN INDIAN CHILD."

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

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

21 Page 31, after line 26 insert:

22 "**19-1.2-109. Enrollment of an Indian child with a tribe.**

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

29 (2) IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION, WHEN
30 THE PETITIONING OR FILING PARTY, INCLUDING A COUNTY DEPARTMENT OR
31 A CHILD PLACEMENT AGENCY, HAS REASON TO KNOW THAT THE CHILD IS
32 AN INDIAN CHILD, THE PETITIONING OR FILING PARTY SHALL, AT A
33 MINIMUM, STATE IN WRITING OR ORALLY ON THE RECORD THE RELEVANT
34 TRIBE OR TRIBES WITH WHICH THE CHILD MAY BE ELIGIBLE FOR
35 ENROLLMENT TO DETERMINE IF THE CHILD IS IN FACT ELIGIBLE FOR
36 ENROLLMENT. THE NOTIFICATION TO THE RELEVANT TRIBE OR TRIBES MAY
37 BE DONE IN CONJUNCTION WITH THE NOTICE REQUIREMENTS SET FORTH IN
38 SECTION 19-1.2-107 (1)(b).

39 (3) IN A CHILD CUSTODY PROCEEDING, WHEN THE PETITIONING OR
40 FILING PARTY HAS REASON TO KNOW THAT THE CHILD IS AN INDIAN CHILD

1 AND THAT THE INDIAN CHILD IS ELIGIBLE FOR ENROLLMENT IN A TRIBE,
2 THE PETITIONING OR FILING PARTY SHALL NOTIFY THE INDIAN CHILD AND
3 THE INDIAN CHILD'S PARENT OF THE PARENT'S RIGHT TO OBJECT TO THE
4 PETITIONING OR FILING PARTY'S ASSISTANCE PURSUANT TO SUBSECTION (1)
5 OF THIS SECTION."

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

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

8 "(b) DESPITE DILIGENT EFFORTS, THE COURT HAS BEEN UNABLE TO
9 HOLD A HEARING BASED ON THE CRITERIA SET FORTH IN SECTION
10 19-1.2-123. IN SUCH A CASE, THE COURT SHALL SCHEDULE THE HEARING
11 WITHIN SEVEN DAYS AFTER THE DETERMINATION MADE PURSUANT TO THIS
12 SUBSECTION (4)."

13 Page 60, strike line 20 and substitute:

14 "**19-1.2-129. Report.** (1) THE STATE DEPARTMENT SHALL
15 COMPILE ANY INFORMATION THAT RELATES TO THE IMPLEMENTATION OF
16 THIS ARTICLE 1.2 AND IS REQUIRED PURSUANT TO 45 CFR 1355.44
17 CONCERNING THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING
18 SYSTEM.

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

20 Page 61, strike lines 12 through 27.

21 Page 62, strike lines 1 through 21 and substitute:

22 "(II) THE NUMBER OF INDIAN CHILDREN IN FOSTER CARE;
23 (III) THE NUMBER OF INDIAN CHILDREN PLACED IN ADOPTIVE
24 HOMES FROM THE CHILD WELFARE SYSTEM; AND
25 (IV) THE NUMBER OF AVAILABLE PLACEMENTS AND COMMON
26 BARRIERS TO RECRUITMENT AND RETENTION OF APPROPRIATE
27 PLACEMENTS."

28 Page 62, line 22, strike "FEBRUARY 1, 2028," and substitute "DECEMBER
29 1, 2027,".

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

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