

IN THE SUPREME COURT

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OF THE

FEB 25 2005

STATE OF SOUTH DAKOTA

Shirley A. Johnson Long
Clerk

* * * *

IN THE MATTER OF THE ADOPTION)
OF A NEW RULE TO BE DESIGNATED)
AT SDCL 26-8A-33)

RULE 05-10

A hearing was held on February 17, 2005, at Pierre, South Dakota, relating to the adoption of a new rule to be designated at SDCL 26-8A-33, and the Court having considered the proposed new rule the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that a new rule be adopted and designated to read in its entirety at SDCL 26-8A-33 as follows:

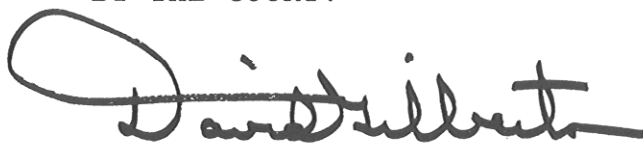
SDCL 26-8A-33, relating to ICWA proceedings.

In any abuse or neglect proceeding involving a child covered by the Indian Child Welfare Act (25 U.S.C. §§ 1901-1963), as amended to January 1, 2005, the tribe may appear by counsel or by a representative of the tribe designated by the tribe to intervene on behalf of the tribe. When the tribe appears as a party by a representative of the tribe, the name of the representative and a statement of authorization for that individual or agency to appear as the tribe must be submitted to the court in the form of a tribal resolution or other document evidencing an official act of the tribe.

IT FURTHER ORDERED that this rule shall become effective immediately.

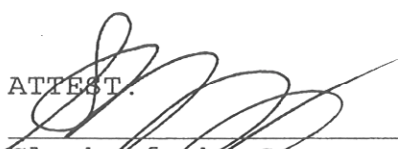
DATED at Pierre, South Dakota, this 25th day of February, 2005.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST.


Clerk of the Supreme Court
(SEAL)