

Reasons for Removal Provided by ICWA Affidavits

Filed in Oglala Sioux Tribe v. Van Hunnicks

That returning _____, Indian children, to their parents care would result in serious emotional or physical damage to the children; for the reason(s) stated below:

A10-50

- On January 9, 2010, _____ was assaulted by _____ and was taken to the Emergency room. It was reported that _____ assaulted _____ in an apartment and then continued to assault _____ outside the apartment. There were no appropriate caretakers to care for the children.

A10-177

- On November 13, 2010, _____ was arrested for possession of Methamphetamine and Prescription Pain Killers.
- _____ admits to specialist _____ and her CSO _____ to smoking Meth in her home with her children present.
- Upon _____'s arrest, the home was found to be in poor condition, with feces in the vents, and garbage and clothes covering the floor. There was no appropriate food in the home, according to _____, and _____'s diaper was found to be "sagging to the floor".
- _____ admits that she has neglected her children due to her drug addiction.
- _____ remains in the Pennington Co. Jail due to her use and is unable to provide for her children.

A10-270

- On February 23, 2010, law enforcement took custody of these four children because they had been residing with relative caretaker _____ for about a month. _____ is unable to care for the children or meet basic needs any longer.
- _____ arrives at _____ home when law enforcement was there. _____ was intoxicated and not able to care for her children. _____ was later admitted to Detox for the second time in 1 week.
- _____'s whereabouts were unknown at the time of placement.

A10-358

- On February 16, 2010, _____ tested positive for cocaine, Meth, and marijuana.

- On February 16, 2010, _____ was driving a car with her children through Sioux Falls, SD and got into a car accident while these drugs were in her system.
- _____ admitted to specialist _____ to abusing these drugs.
- _____ lives in the State of Illinois and not able to care for the children who reside in South Dakota.
- _____'s location is unknown and has not claimed paternity for _____. _____ signed the birth certificate for _____ even though he claims he is not the biological father.

A10-544

- On May 1, 2010, _____ was found to be intoxicated in her home with other unknown adults whom were also intoxicated.
- There were no sober caretakers for _____ and he was placed in licensed foster care.
- The location of the other children and fathers were unknown at this time.

A10-773

- On July 2, 2010, _____ and _____ were taken into custody by Law Enforcement as there were no appropriate sober caretakers. _____'s PBT results were .223 at 7:00 a.m., and was unable to care for the children.
- _____ hid from Law Enforcement as a result of having a warrant from Minnehaha County stemming from driving with a suspended license after his second DUI. _____ admits to consuming alcohol and Marijuana prior to going to sleep on July 2, 2010. _____ left his home, while Law Enforcement was at his home, leaving his children without appropriate supervision.
- _____ and _____ were found awake on the couch when Law Enforcement arrived at the home.
- _____ and _____ currently face charges of Non-Support of a Child (x4), Possession of Marijuana and Paraphernalia, and Possession of Meth and Paraphernalia.

A10-783

- On July 10, 2010, _____ was intoxicated and driving her vehicle on St. Cloud Street in Rapid City where she was involved in a head collision with another vehicle. This caused her vehicle to leave the road and roll down an embankment. _____ suffered a skull fracture and was admitted to Rapid City Regional Hospital for observation.
- _____ has a pending DUI charge from July 3, 2010 and is facing a second DUI charge from July 10, 2010.
- _____ is currently incarcerated in the Pennington Co. Jail.
- _____ and _____ could not be placed with their biological father because his current location is unknown and he was unable to be reached at the time of placement.

A10-901

- _____ has a history of unaddressed drug and alcohol use that has been a priority above the care of her children.

A10-955

- On August 16, 2010, _____ was arrested for two warrants. _____ was unable to be located by the caretaker of her son. _____ did not attempt to contact _____ caretaker or inquire about his whereabouts.

A10-1035

- On September 16, 2010, _____ brought _____ and _____ to the Department and reported that she does not want the children and can not provide for them. _____ wants the children placed with someone who can take care of them. _____ reports that the children cry a lot and she doesn't know what to do. _____ described getting nervous and irritable due to their crying and ends up screaming at the children. The children were placed in a licensed foster home.

A10-1064

- _____ was found unsupervised, away from his home.
- _____ was staying with a relative however the relative was not caring for the child as he was not noticed to be gone.

A10-1116

- _____ and _____ have ongoing domestic violence within their relationship as well as alcohol and drug addictions. _____ has severely assaulted _____ on several occasions throughout their relationship.
- The Department worked with the family on a non-court basis for ten months to address the foreseeable danger related to the violence and substance abuse, and the parents were not successful.
- The Department's non-court case was closed on September 15, 2010, and legal guardianship of _____ was voluntarily given to maternal grandmother, _____, as reunification with the parents was not possible.
- The Department has since received referrals indicating both _____ and _____ are using drugs, specifically methamphetamine. Upon hearing this information, _____

immediately gave _____ back to his parents and left the area. She cannot be located at this time.

- _____ is not protective of _____ and has placed him in an unsafe environment with his parents. _____ and _____ are not protective and have exposed _____ to violence and substance abuse in the past.

A10-119

- _____ has been diagnosed as having _____ and will suffer severe brain damage if not cared for properly.
- _____ and _____, parents have been unwilling or unable to give her the best care to ensure that _____ will not occur.

A10-1170

- On November 1, 2010, _____ was arrested for Non Support of a Child and placed in Pennington Co. Jail.
- Witnesses reported to the police that _____ grabbed _____ by the front of his coat and threw him to the ground. Witnesses also reported that _____ slapped _____ in the face.
- Officers report administering a PBT which registered .252.
- _____ made verbal threats to the officer while enroute to the Pennington Co. Jail and kicked the inside of the patrol car.
- Absent parent is believed to be in Minnesota.

A10-1191

- On November 6, 2010, _____ called law enforcement because _____ and _____ were in a physical altercation.
- _____ was highly intoxicated and attempted to assault _____ with a knife. She was arrested for aggravated assault.
- Both children were present and witnessed parts of the altercation.
- Law Enforcement did not feel that _____ was a protective caregiver as he did not call for assistance; therefore the children were placed in licensed foster care.
- _____'s whereabouts were unknown at the time of removal.

A10-1201

- _____'s mother, _____, is incarcerated in the Brule Co. Jail in Chamberlain, South Dakota
- The family feels that _____'s father, _____, is not an appropriate caretaker because he is an alcoholic

- _____ was in the care of his sister, _____. However, _____ feels that she is unable to care for _____ because of his destructive and rage.
- At this time, there have been no appropriate caretakers identified.

A10-1238

- On November 5, 2010, _____ was admitted to Rapid City Regional Hospital with a perforated bowel and required surgery.
- Dr. _____ and Dr. _____ both noted that this injury was likely “non-accidental” and the parents were not able to provide an adequate explanation.
- On November 12, 2010, _____ and _____ failed their polygraphs at the Pennington Co. State’s Attorney Office regarding how the child was injured.

A10-1320

- _____ and _____ continue to involve the children in domestic violence situations.
- _____ is an alcoholic and becomes out of control when he is intoxicated.
- _____ allows _____ in the home and around the children when he is intoxicated.

A11-480

- On May 14, 2011, both _____ and _____ were intoxicated, and they were at a party with their four month old son, _____.
- Law enforcement responded because _____ was stabbed, but it was not immediately determined whether _____ stabbed her or whether her wounds were self-inflicted.
- _____ was admitted to the Rapid City Regional Hospital and _____ was placed in licensed foster care.
- An Immediate Protective Plan was not implemented because neither _____ nor _____ were present at the time that On-Call Specialist _____ took custody of _____ so she was unable to determine potential relative placement options.

A11-497

- _____ was brought to Rapid City Regional Hospital with injuries sustained to his head resulting in a fractured skull and subdural hematoma.
- _____’s injury was the result of being struck in the head by his father, _____, who was intoxicated.
- _____’s mother, _____, has stated to Law Enforcement that she would does not want to press charges on _____ for causing the injury to _____.

A11-645

- On July 2, 2011, Law Enforcement obtained custody of _____, as she was found in the arms of her grandmother, _____, who was walking down the street intoxicated.
- _____ had been left in _____'s care by her mother, _____.
- There were no immediate sober caretakers in the home to care for _____.
- _____'s father, _____, is currently incarcerated in the Pennington Co. Jail and unable to care for _____.

A11-1004

- On November 3, 2011, Officer _____ picked _____ up for burglary and for being in possession of stolen property. When Officer _____ tried to locate _____ and _____, he was given conflicting information on _____ and _____ whereabouts.
- _____ informed Officer _____ that _____ could not care for him because of conflicts with her new boyfriend. _____ also told Officer _____ that he and his sister, _____, had not been in _____'s care for approximately two months and have not been in school at all this school year.
- On November 4, 2011, Officer _____ located _____ at the Stardust Motel and transported her to the Department of Social Services. _____ confirmed that she had not been in her mother's care for approximately two months and that she had not been in school at all this school year.
- _____ is currently residing in Oklahoma. He was under the assumption that the children were in _____'s care. _____ said the children were supposed to be in _____'s care.
- It's unclear who was supposed to be the primary caretaker for the children but neither _____ nor _____ called the children in as being runaways.
- The Department of Social Services tried to locate family members that would care for the children however no appropriate caretakers could be located leaving no alternative except to place the children in Protective Custody with Child Protective Services.

A11-1060

- On November 29, 2011, Law Enforcement Officer _____ found the children in _____'s care while _____ was intoxicated with a PBT level of .124.
- Marijuana was also found at the residence which _____ admitted to abusing in the residence.
- _____'s adult daughter, _____, was present at the residence; however, she admitted to also using marijuana and she was found to have open warrants.
- _____ and _____ were both arrested and transported to the Pennington Co. Jail.
- A Protection Order was filed by _____ against the children's biological mother, _____, in August 5, 2011 and is valid until August 5, 2016 which was signed by Judge Thomas Trimble. The Protection Order includes _____, _____ and _____.

A12-36

- On January 7, 2012 _____ was arrested and incarcerated for a warrant for No Driver's License.
- _____'s arrest rendered her unable to care for _____, and law enforcement felt that there were no appropriate alternate caretakers for _____.
- _____ was taken into temporary protective custody of the Department of Social Services, as an immediate Protective Plan could not be implemented because there were no appropriate caretakers.
- _____ lives in Kyle, and he has had little contact with _____.

A12-219

- _____ gave birth to a baby boy at the Rapid City Regional Hospital on February 23, 2012. Baby Boy _____ was born at 28 weeks gestation weighing 2 pounds 8 ounces. _____ admitted to consuming alcohol and "sniffing something" during the weekend prior to giving birth to the baby boy.
- _____ tested positive for Amphetamines and Methamphetamines on February 23, 2012 at the Rapid City Regional Hospital.
- _____ has unaddressed alcohol and drug issues which caused her child to be born premature and in poor health. The baby is currently in the Rapid City Regional Neonatal Intensive Unit receiving medical services. Custody of this child was not obtained due to his medically fragile state.
- _____ and her two children, _____ and _____, were residing with relatives; however, prior to giving birth to the baby boy, _____ and her children were evicted from the residence.
- _____ does not have a permanent residence and she is temporarily staying in a hotel
- _____ lives in Manderon, SD and his actual whereabouts are unknown and he does not provide for the health and wellbeing for his child, _____.
- _____ lives in Pine Ridge, SD and his actual whereabouts are unknown and he does not provide for the health and wellbeing for his child, _____.
- _____'s substance abuse is out of control therefore a Pick Up and Place Order was issued by Pennington Co State's Attorney Office.

A12-245

- On March 6, 2012, _____ was admitted to the Rapid City Regional Hospital because she was assaulted by her father, _____. _____ was observed to have a large 10-12 inch in length hand print bruise on her back. _____ was also observed to have bruising around the upper part of her left ear that expanded into her hair.

- _____ was also observed to have bruising from the assault. _____ had a distinguished hand mark in the middle of her back with scrape marks and tenderness on the lower portion of her back.
- _____ reported that she had been assaulted by _____ two to three days prior to March 6, 2012. _____ and other family members indicated that there has been ongoing domestic violence with minimal intervention for a couple of years.
- _____'s location is currently unknown, as he left the residence when he discovered that law enforcement was involved.
- Due to the severity of the assault of the vulnerable children, _____, _____ and _____, and _____'s inability to protect her children from ongoing domestic violence, law enforcement took emergency protective custody of the children.

A12-302

- On March 25, 2012, law enforcement responded to the home of _____ due to reports of minors consuming alcohol. _____ resides in the home with her two grandsons, whom she has joint custody of through the Cheyenne River Sioux Tribe. _____ was not at home, and there were no other adult caretakers present. _____ had left her fifteen year old grandson, _____, in charge of _____ when she left the morning of March 24 for a funeral in Eagle Butte. _____ was only supposed to be gone for the day, but she ran into car trouble when she was dropping friend off in Canton, SD. _____ asked her brother, _____, to look in on the boys until she got home the next day. _____ was not yet home when law enforcement came to her home at 9:00 PM. _____ had thrown a party in her absence, and he was intoxicated when officers got to the home. _____ was arrested, and he was taken to Western South Dakota Juvenile Services Center. Officers tried to contact _____, but her phone went straight to voicemail. Due to no available caretakers, _____ was taken into protective custody, and he was placed into licensed foster care. _____ arrived home a couple of hours later.
- _____ was taken into temporary protective custody of the Department of Social Services, as an Immediate Protective Plan could not be implemented because there were no appropriate caretakers available.
- _____'s mother, _____, is currently residing in Eagle Butte, and it was reported that she is struggling with substance abuse issues.

A12-468

- On May 9, 2012, law enforcement was dispatched to _____ residence in reference to an assault.
- _____ was not involved in the assault, but she was found to be intoxicated and unable to provide appropriate care for her children without arranging for an alternative caretaker.

- _____ had lived with the family, but he absconded to the reservation in order to evade arrest for Parole Violation approximately two months earlier.
- _____ pays child support for _____, but he has never had a relationship with _____.

A12-571

- The child was present during an assault between her mother _____ and the mother's boyfriend at which time the mother was arrested for Simple Assault Domestic Violence.
- There is a history of domestic violence between _____ and _____, and this was the second law enforcement response within five days.
- The continued violence while the child is present creates a dangerous environment where there is a likelihood of emotional and/or physical harm.

A12-712

- On the evening of July 30, 2012, law enforcement responded to a report of a disturbance regarding _____ and her neighbor.
- _____ was arrested on a bench warrant for Failure to Appear on the initial charge of Minor in Consumption of Alcohol, and she was cited for an additional charge of Minor in Consumption of Alcohol because she had been drinking.
- _____ was incarcerated in the Pennington Co. Jail, and her children were left in the care of her sister, _____.
- On the morning of July 31, 2012, law enforcement responded again to a disturbance at the family's residence.
- _____ was found to be very intoxicated, and he was involuntarily admitted to Detox.
- Responding Officers found the children in the home with no appropriate caretaker, as _____ was passed out due to intoxication.
- Because _____ was incarcerated and _____ was involuntarily admitted to Detox leaving their children without an appropriate caretaker, the children were taken into temporary protective custody of the Department of Social Services by law enforcement.

A12-749

- _____ was arrested on August 10, 2012, and taken to the Pennington Co. Jail on the charges of Family-Non Support of Child by Parent and Felony Simple Assault Against a Law Enforcement Officer.
- _____ was located by law enforcement in Roosevelt Park. While the police were arresting her a member of the public advised that there were two children in the park who are believed to be _____'s. _____ denied her children were present. The children identified _____ as their mother, and she was found to be in possession of their social

security cards. Review of Child Protective files confirm that she is the birth mother of _____ and _____.

- _____ could not identify any available caretakers for _____ and _____, due to her noncompliance with law enforcement and DSS, thus leaving no alternative for law enforcement and place the child in Protective Custody with Child Protective Services.
- _____'s PBT at jail was .250.

A12-839

- On September 7, 2012, _____ contacted law enforcement regarding _____. When Officer _____ responded he was informed by _____ that she could no longer care for _____ because _____ was not helping out. Officer _____ informed _____ that he could not take _____ at the moment as _____ was not sixty day old or younger according to the Baby Moses Law. Officer _____ informed _____ that he would have to notify the Department of Social Services and get the Department involved. _____ left the scene with _____.
- On September 8, 2012, Officer _____ responded to a baby, late identified as _____ by Officer _____, who had been abandoned at a convenience store at 901 E. North Street in Rapid City, South Dakota.
- Currently, neither _____ nor _____ have been able to be contacted.
- Due to no available caretakers, _____ was placed into the legal and physical custody of the Department of Social Services by Law Enforcement.

A12-867

- On September 22, 2012, _____ became intoxicated and engaged in an altercation. Law enforcement was dispatched to the residence, because of the disturbance, but _____ fled the scene prior to law enforcement's arrival. _____ left _____ behind without an appropriate caretaker. _____ was later arrested for DUI and was transported to the Pennington Co. Jail.
- It is unknown if there was actually an altercation but _____ informed Law Enforcement that his "dad was fighting".
- _____ struggles with substance abuse, and is struggling to maintain sobriety.
- _____'s current whereabouts are unknown.
- Immediate Protection Plan could not be implemented because _____ was intoxicated and volatile thus leaving no alternative for law enforcement except to place the child in Protective Custody with Child Protective Services.

A13-20

- On January 6, 2013, _____ was arrested for DUI, lane driving, no driver's license, no seatbelt, no child seatbelt, ingestion and possession of marijuana. _____ was arrested for

outstanding warrant and ingestion. The children were in the vehicle when _____ and _____ were arrested.

- _____ and _____ were transported to the Pennington Co. Jail prior to Family Service Specialist _____'s arrival so a Present Danger Plan (PDP) could not be implemented thus leaving no alternative for law enforcement except to place the children in Protective Custody with Child Protective Services.

A13-30

- On January 8, 2013, _____ chose to become intoxicated and impaired and exposed _____ to her intoxication.
- Law enforcement responded to the report of _____ attempting to leave _____ with a couple who were unknown to her.
- _____ was found to be intoxicated by law enforcement as her preliminary breath test was .277.
- _____ was transported to Detox by law enforcement leaving her unavailable to care for _____.
- _____'s whereabouts could not and have not been determined.

A13-49

- _____ was intoxicated and arrested on January 17, 2013.
- _____ was intoxicated and arrested on January 17, 2013.
- Neither parent could consent and sign a Present Danger Plan.
- The whereabouts of _____'s father, _____, are unknown.

A13-298

- _____, birth mother to _____ and _____, is currently incarcerated in the Pennington Co. Jail.
- _____, birth father to _____, is currently incarcerated in the Pennington Co. Jail.
- _____, legal father to _____, is currently incarcerated in the Pennington Co. Jail.
- The birth father to _____ is unknown at this time.

A13-560

- _____, birth mother to _____ and _____, has been unable to be contacted since the children came into emergency protective custody. Her whereabouts are unknown at this time.
- _____, birth father to _____ and _____, is currently incarcerated in the Pennington Co. Jail.

- _____ had left _____ and _____ home without a caretaker where they were found playing outside alone in a parking lot that contained heavy machinery as the parking lot was being paved. The door to the apartment was open but there were no adults present in the residence. Law Enforcement was contacted and responded. Officer _____ attempted to contact _____ via telephone and waited for _____ to return for approximately one hour before taking temporary protective custody of the children.

A13-609

- On September 5, 2013, _____ chose to become intoxicated without arranging for an appropriate caretaker for her children. Her Preliminary Breath Test resulted .206% Blood-Alcohol Content.
- Law enforcement was contacted because the children were fearful that _____ would harm herself, and _____ was referred to Crisis Care Center by law enforcement for making suicidal statements.
- Law Enforcement took temporary protective custody of _____ and _____ prior to contacting On-Call Specialist _____.
- _____ and _____ report that _____ consumes alcohol often and that she regularly makes suicidal statements to the children while intoxicated.

A13-616

- On September 9, 2013, law enforcement responded to the residence and arrested _____ for Simple Assault/Domestic Violence. _____ was present during this incident. _____'s arrest left her unable to care for _____.
- Law enforcement was unable to locate _____ after they arrested _____, therefore leaving _____ without a caretaker.

A13-639

- On September 14, 2013, _____ was driving a vehicle in a high-speed pursuit with law enforcement while _____ was in the vehicle.
- _____ then fled from law enforcement leaving his son in the vehicle.
- _____'s whereabouts were unknown at the time of temporary protective custody.
- Law enforcement took temporary protective custody of _____ because there were no caretakers.

A13-738

- On November 3, 2013, _____ was arrested for non-support of a child and placed at the Pennington Co. Jail.

- _____ was intoxicated and kicked _____ out of the home leaving him with no appropriate caretaker.
- _____'s biological father, _____, is deceased.

A13-845

- _____ is the mother to _____ and _____. _____ is the sister and Indian Custodian to _____. _____ is alleged to have caused physical harm to _____, resulting in leaving marks on _____.
- _____ is currently incarcerated at the Pennington Co. Jail.
- _____, birth father to _____ and _____, is currently incarcerated at the Pennington Co. Jail.
- _____, birth father to _____, is reported to live in Allen, SD, and has been unable to be contacted.
- _____, birth father to _____, is reported to live in Pine Ridge, SD, and has been unable to be contacted.
- _____, birth mother to _____, is deceased.

A14-47

- _____ tested positive for amphetamines on January 22, 2014 and was placed on a probation hold by her Court Services Officer, _____. _____ was placed into the Pennington Co. Jail by law enforcement.
- _____ admitted to Court Services Officer _____ that she used methamphetamine on January 17, 2014. _____ reported that she was in the home when her mother used methamphetamine on January 17, 2014.
- _____ is believed to be released from the Pennington Co. Jail on January 24, 2014.
- _____ reported that she was incarcerated in July of 2013 for drug charges and has been on probation with Court Services Officer _____ since November 2013.
- _____ is reported to not have a relationship with her father as he has been reported to not be involved in her life since birth.
- There are reported concerns of ongoing drug use and possible drug distribution regarding _____.

A14-60

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