South Dakota **Court Upholds End Of Father's Parental Rights**

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PIERRE — The South Dakota Supreme Court on Thursday upheld a lower court's decision to end a man's parental rights to his daughter in a ruling that defines the extent of efforts the state must make to prevent the breakup of an American Indian family.

The state Department of Social Services made an active effort, as required under the federal Indian Child Welfare Act, to help the child's father receive training so the girl could be placed in his California home, the high court said in a unanimous ruling.

"Those efforts were unsuccessful in any progress toward that goal," the Supreme Court said in a ruling that identified the girl and her parents only by their initials.

The girl and her mother were members of the Fort Peck Sioux Tribe of Montana living in South Dakota when the 1-year-old child was removed from her mother's home and placed in foster care in June 2009 because the mother was intoxicated. Her father, who had not previously known about the child, sought to have his daughter placed in his home.

California officials determined he would have to complete parenting and alcohol education classes. California could not conduct a later study of the man's home because his other children had been removed due to allegations his wife had physically abused them,

according to court documents. Circuit Judge Jeff W. Davis last year terminated the man's parental rights to the girl, ruling that it was in the child's best interests and the man had not completed required treatment programs. The girl's mother also lost her rights to the child but did not appeal that ruling.

Attorneys in the case did not immediately respond to telephone calls seeking comment Thursday.

Some American Indian families have argued that South Dakota does not do enough to comply with federal laws dealing with removing Indian children from their families, but the Supreme Court said state officials complied with those laws.

In his appeal, the man argued that South Dakota child welfare officials had not complied with federal law requiring an active effort to prevent the breakup of an American Indian family.

The Supreme Court for the first time ruled Thursday that the federal law's requirement of an active effort to keep an American Indian family together imposes a higher standard than the reasonable effort required in state law for non-Indian families.

The high court said the South Dakota Department of Social Services made both an active and reasonable effort to help the man gain custody of his child by paying for an alcohol treatment program, providing him with a list of free parenting classes and giving him stamped envelopes so he could send mail to his daughter.

"While these efforts cannot be considered herculean, they are active as opposed to passive," Justice Glen A. Severson wrote for the Supreme Court.

The court also said those efforts were unsuccessful because the man had not completed all the required treatment programs and California could not approve placement of the girl in his home while his other children had been removed.

The girl "should not be required to wait for father to develop parenting skills that may never develop," Severson wrote.

Court documents indicate the girl's foster parents want to adopt her and the Fort Peck tribe has urged that she be adopted by the foster parents, the Supreme Court said.

Jackley: 85-Octane Gas Can't Be Sold In S.D.

SIOUX FALLS (AP) — South Dakota Attorney General Marty Jackley has issued an opinion stating that under current rules, 85-octane gasoline can't be sold in South Dakota.

Gov. Dennis Daugaard had asked Jackley to look into the matter after earlier directing the Department of Public Safety to implement an emergency rule allowing the sale of 85-octane gasoline with mandatory cautionary labels while permanent rules are debated and adopted.

The emergency rules will require South Dakota retailers who choose to sell 85-octane gas to label their fuel pumps to caution consumers to check their vehicle owner's manuals to determine what grade of motor fuel is appropriate.

Octane is a measure of fuel performance, with a higher octane level indicates better performance. Many manufacturers recommend a minimum of 87 octane fuel.

Feds Deny Iowa No Child Left Behind Waiver

DES MOINES, Iowa (AP) — The U.S. Department of Education has denied Iowa's request for a waiver from key provisions of the federal No Child Left Behind rules.

Iowa Department of Education Director Jason Glass says the state's application was denied because lawmakers in a bill passed this year requires any changes in teacher evaluations to be first approved by the Legislature.

Glass says he warned lawmakers that such a requirement would mean rejection. He says it's a missed opportunity for Iowa schools to find relief from the 2002 law. Glass says the law holds schools to unrealistic measures and then blames them for failure.

Gov. Terry Branstad says responsibility for the denial lies squarely at the feet of the Iowa Legislature, which did too little to improve schools despite repeated warnings.

Lincoln Couple Still Planning Autism School

LINCOLN, Neb. (AP) - A Lincoln couple hasn't given up on their plans to develop a private school for children with autism.

Earlier this week, the Lincoln City Council rejected a plan that would have turned the Lewis-Syford home on the University of Nebraska-Lincoln campus into the school. Some council members were concerned that putting another building and driveway behind the Lewis-Syford home would have harmed its historical character.

Chrissy and Matt McNair were undeterred.

"We'll move forward no matter what," Chrissy McNair told the Lincoln Journal Star.

She said she and her husband will continue raising money and begin looking for a rental property in Lincoln or a nearby town. They hope to open this fall.

The McNairs decided to open an autism center after suing the Lincoln school district in a dispute about the education plan for their son Luke, who has autism. They'd sought reimbursement from the district for \$37,000 they'd spend on placing him in a private school. They also asked the federal judge to rule that the district had violated federal education law because it had failed to provide Luke with a "free and ap-



propriate education plan" as required by the law.

The judge ruled for the district, and the McNairs are appealing.

The McNairs said their private, nonprofit center would be called FEAT Academy, with FEAT standing for Families for Effective Autism Treatment.

It would use an approach called applied behavior analysis, which teaches skills by breaking them down into smaller skills.

The McNairs said they're working with the Nebraska Education Department so their center would become an approved special education provider that could take students placed by public school districts.

Neb. Investigators **Find Remains** After Confession

CHADRON, Neb. (AP) - Investigators on Thursday found human remains in western Nebraska that they think are those of a Denver man believed to have died at the hands of a gunman killed in a standoff with police last week.

Andres Gonzalez told negotiators during the June 12 standoff that he killed Joshua Bullock, whose burned pickup truck was found by a rancher Dec. 14 near Chadron. The western Nebraska town is about 50 miles north of Alliance, where Gonzalez wounded three officers and his pharmacist hostage before dying in a shootout with police. Earlier in the day, officers found Gonzalez's father dead at his Alliance home.

Investigators believe Gonzalez killed the 38-year-old Bullock around Dec. 1 and left his body in a remote area of western Nebraska.

Patrol investigators found the remains near Chadron on Thursday morning, a news release from the State Patrol said.

The remains will be taken to Regional West Medical Center in Scottsbluff, where they will be examined by both a forensic pathologist and a forensic anthropologist, the patrol said. DNA testing also will be used to identify the remains.

Prices do not include \$75 Documentation Fee. *After all rebates including but not limited to Trade Assistance, maximum Private Offer rebate, GM Card Redemption Allowance, and Busines 1999 or newer passenger vehicle. (3) Must provide qualifying documentation of business ownership at time of delivery. See dealer for details. (4) Must qualify for Private Offer and have verif Lease (up to \$2,000 on select vehicles), Buick Conquest (up to \$2,000), Buick Lease/Finance Loyalty (\$2,000) Saturn Owner Loyalty Program (\$1,000) AARP (\$1,000 on Impala's Only), USA