**24:14:01:03.  Parent.** For the purposes of this article, the term, parent, means:

(1)  A biological or adoptive parent of a child;

(2)  A foster parent, unless contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;

(3)  A guardian generally authorized to act as the child's parent, or authorized to make early intervention, educational, health, or development decisions for the child, but not the state if the child is a ward of the state;

(4)  An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare; or

(5)  A surrogate parent who has been appointed in accordance with chapter 24:14:14.

Except as provided below, the biological or adoptive parent, if attempting to act as the parent under this article and if more than one party is qualified under this section to act as a parent, is presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational or early intervention service decisions for the child.

If a judicial decree or order identifies a specific person under subdivisions 1 to 4, inclusive, of this section to act as the parent of a child or to make educational or early intervention service decisions on behalf of a child, then the person is deemed to be the parent for purposes of this section, except that if a contractor provides any services to a child or any family member of the child, the contractor may not act as the parent for the child.

**Source:** 35 SDR 82, effective October 22, 2008; 39 SDR 109, effective December 17, 2012; 49 SDR 7, effective July 31, 2022.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-1-23, 13-14-1, 13-37-1.1.