**24:14:14:09.  Assigning a surrogate parent.** The service coordinator in conjunction with the local education agency as appropriate shall identify individuals at the agency and service provider level who may be appointed as surrogate parents. The surrogate must have no interests that conflict with the interests of the child the surrogate represents and have knowledge and skills that ensure adequate representation of the child. The service coordinator in conjunction with the local education agency is responsible for the training and certification of surrogate parents.

In implementing the provisions under this section for children who are wards of the state or placed in foster care, the department shall consult with the public agency that has been assigned care of the child.

In the case of a child who is a ward of the state, the surrogate parent, instead of being appointed by the department, may be appointed by the judge overseeing the infant or toddler's case if the surrogate parent meets the requirements in this section.

The department shall make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

**Source:** 20 SDR 223, effective July 7, 1994; 28 SDR 105, effective January 31, 2002; 39 SDR 109, effective December 17, 2012.

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

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