**67:14:32:08.  General qualifications for adoptive applicants.** To qualify as an adoptive applicant:

(1)  The applicant shall be at least 21 years of age and resides in South Dakota. Verification of age is required;

(2)  No member of the applicant's household 18 years of age or older, other than a child placed in the home for foster care, may have on record a substantiated report of child abuse or neglect;

(3)  No member of the applicant's household may have a conviction for any of the crimes specified in § 67:14:32:05.05;

(4)  The applicant shall be capable of providing good care for children;

(5)  The applicant shall have income to meet the needs of the applicant's existing family and to support, care for, and educate an adopted child;

(6)  The applicant's children, if any, shall be willing to accept an adopted child as a member of the family;

(7)  The applicant's family composition, needs, and relationships may not adversely affect an adopted child; and

(8)  The applicant shall have the ability to parent a child, which includes a basic understanding of the child's physical and mental or emotional development and the ability to fulfill the child's needs. An applicant shall have the ability to offer continuing care and guidance to a child throughout the stages of the child's development in a manner consistent with the social and cultural heritage norms of the child. The applicant shall be able to continue meeting the needs of the applicant's own children, if any. The applicant shall display the capacity to provide good care for children.

The department may require a psychological evaluation and the submission of medical records if questions arise during the application process regarding the applicant's emotional stability or the emotional stability of another household member.

**Source:** 2 SDR 62, effective April 5, 1976; 7 SDR 23, effective September 18, 1980; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 72, effective December 14, 1982; 17 SDR 157, effective April 23, 1991; 21 SDR 206, effective June 4, 1995; 35 SDR 187, effective February 11, 2009; 47 SDR 24, effective September 10, 2020.

**General Authority:** SDCL 26-4-9.1(1)(3)(4).

**Law Implemented:** SDCL 26-4-9.1(1)(3)(4).

**Cross-References:**

Required criminal records checks, 42 U.S.C. § 671(a)(20).

Home study report required -- Criminal record check and central registry screening to be included -- Violation as misdemeanor, SDCL 25-6-9.1.

Confidentiality of abuse or neglect information -- Violation as misdemeanor -- Release to certain parties, SDCL 26-8A-13.

Information from another state's central registry or national crime database to be used only for background check for approval of foster or adoptive placement, SDCL 26-6-14.13.