

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0213

HOUSE BILL NO. 1011

Introduced by: The Committee on Health and Human Services at the request of the
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to domestic abuse
2 programs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-16 be amended to read as follows:

5 25-10-16. The board of county commissioners shall award domestic ~~abuse grants~~ violence
6 program funds to domestic ~~abuse~~ violence programs that are locally controlled and situated in
7 the state. ~~Grants~~ The funds may be awarded to either local governmental or nongovernmental
8 agencies or organizations, and may not be used for anything other than the costs of local
9 programs or shelters. No award of funds may be contingent upon the county receiving individual
10 client information. The county may retain ten percent of the county domestic ~~abuse~~ violence
11 program funds for administrative costs. The board of county commissioners shall distribute the
12 money in the county domestic ~~abuse~~ violence program fund to the recipients ~~of the grants~~
13 authorized by this section ~~on a quarterly basis~~ no less than annually.

14 Section 2. That § 25-10-18 be amended to read as follows:

15 25-10-18. Domestic ~~abuse grants~~ violence program funds shall be awarded by the board of



1 county commissioners to domestic violence programs that meet the requirements of § 25-10-28
2 within the following guidelines:

- 3 (1) Equitable distribution of funds according to need;
- 4 (2) Distribution of funds through grants to private, nonprofit organizations;
- 5 (3) Assurance of proper fiscal control and fund accounting procedures;
- 6 (4) Exchange of technical assistance with other related programs;
- 7 (5) Assurance of proper recordkeeping and reporting procedures; and
- 8 (6) Assurance of full opportunity for active citizen participation.

9 Section 3. That § 25-10-28 be amended to read as follows:

10 25-10-28. Any shelter or service programs established pursuant to §§ ~~25-10-26 to 25-10-33,~~
11 ~~inclusive;~~ this chapter shall have as its primary purpose the provision of services to victims of
12 domestic violence or sexual assault, or both, and shall include:

- 13 (1) Crisis telephone and referral services available twenty-four hours per day, seven days
14 per week;
- 15 (2) Shelter available twenty-four hours per day, seven days per week; ~~and~~
- 16 (3) Prevention and education programs periodically available to the local community;
- 17 (4) Victim advocacy; and
- 18 (5) Confidentiality of identity, location, records, and information pertaining to any
19 person to whom services are or were provided.

20 Section 4. That § 25-10-30 be amended to read as follows:

21 25-10-30. The Department of Social Services shall promulgate rules pursuant to chapter 1-
22 26 to:

- 23 (1) Establish minimum qualifications of ~~contractors eligible for grants pursuant to §§ 25-~~
24 ~~10-26 to 25-10-33, inclusive;~~ sexual assault or domestic violence shelters or service

1 programs; and

2 (2) ~~Establish procedures for grant applications and disbursements; and~~

3 ~~—(3)—Evaluate the programs and services provided by contractors with the grants received~~
4 ~~pursuant to §§ 25-10-26 to 25-10-33, inclusive sexual assault or domestic violence~~
5 ~~shelters or service programs.~~

6 Section 5. That § 25-10-15 be repealed.

7 ~~—25-10-15. Terms used in §§ 25-10-15 to 25-10-21, inclusive, unless a different meaning is~~
8 ~~clearly indicated by the context, mean:~~

9 ~~—(1)—"Domestic abuse," physical harm, bodily injury, or attempts to cause physical harm~~
10 ~~or bodily injury, or the infliction of fear of imminent physical harm or bodily injury~~
11 ~~between family or household members;~~

12 ~~—(2)—"Family or household members," spouses, former spouses, persons related by~~
13 ~~consanguinity, adoption, or law and living in the same household.~~

14 Section 6. That § 25-10-17 be repealed.

15 ~~—25-10-17. A minimum of twenty percent of the operational costs of a local domestic abuse~~
16 ~~program shall come from the local community served by the program. A local contribution may~~
17 ~~include in-kind contributions.~~

18 Section 7. That § 25-10-19 be repealed.

19 ~~—25-10-19. Local domestic abuse programs receiving domestic abuse grants shall provide~~
20 ~~services that include but are not limited to the following:~~

21 ~~—(1)—Emergency shelter for victims of domestic abuse and their minor children;~~

22 ~~—(2)—Information and referral services for victims of domestic abuse and other family or~~
23 ~~household members; and~~

24 ~~—(3)—Education and training for members of the community on matters which relate to~~

1 ~~domestic abuse.~~

2 Section 8. That § 25-10-20 be repealed.

3 ~~—25-10-20. The board of county commissioners shall provide for the confidentiality of victims~~
4 ~~of domestic abuse receiving services funded pursuant to §§ 25-10-15 to 25-10-21, inclusive.~~

5 Section 9. That § 25-10-26 be repealed.

6 ~~—25-10-26. As used in §§ 25-10-26 to 25-10-33, inclusive, the term, contractor, includes any~~
7 ~~county, tribe, first or second class municipality or township of this state or any combination~~
8 ~~thereof, or a private, nonprofit organization.~~

9 Section 10. That § 25-10-27 be repealed.

10 ~~—25-10-27. Grants awarded pursuant to §§ 25-10-26 to 25-10-33, inclusive, may not exceed~~
11 ~~forty percent of the total cost of programs or services provided by the contractors, and shall be~~
12 ~~used by contractors to:~~

13 ~~—(1)— Establish or maintain shelter or service programs for victims of domestic or sexual~~
14 ~~abuse and their dependent children; or~~

15 ~~—(2)— Develop or establish training programs for persons engaged in areas related to the~~
16 ~~problems of domestic or sexual abuse.~~

17 Section 11. That § 25-10-29 be repealed.

18 ~~—25-10-29. In awarding grants pursuant to §§ 25-10-26 to 25-10-33, inclusive, the~~
19 ~~Department of Social Services shall:~~

20 ~~—(1)— Give preference to contractors who use voluntary personnel;~~

21 ~~—(2)— Consider the needs of the people residing in the state; and~~

22 ~~—(3)— Provide equitable statewide funding of programs and services for victims of domestic~~
23 ~~and sexual abuse and programs to prevent domestic and sexual abuse.~~

24 Section 12. That § 25-10-31 be repealed.

1 ~~— 25-10-31. Evaluation of programs and services pursuant to §§ 25-10-26 to 25-10-33,~~
2 ~~inclusive, shall include a description of services, an analysis of the effectiveness of the program~~
3 ~~or service and an accounting of the use of state funds for the program or service.~~

4 Section 13. That § 25-10-32 be repealed.

5 ~~— 25-10-32. The Department of Social Services may accept and expend for the purpose of~~
6 ~~§§ 25-10-26 to 25-10-33, inclusive, in addition to the amount in § 25-10-26, any funds obtained~~
7 ~~from federal sources, gifts, contributions, or any other source if such acceptance and expenditure~~
8 ~~is approved in accordance with § 4-8B-10.~~

9 Section 14. That § 25-10-33 be repealed.

10 ~~— 25-10-33. Expenditures authorized by §§ 25-10-26 to 25-10-33, inclusive, shall be paid on~~
11 ~~warrants drawn by the state auditor on vouchers approved by the secretary of the Department~~
12 ~~of Social Services.~~