

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0368

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 54 - 01/21/2005**

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to clarify the procedure to be followed for expedited abused
2 or neglected child proceedings.

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

4 Section 1. That § 26-8A-21.2 be amended to read as follows:

5 26-8A-21.2. If the court has determined that reasonable efforts to return an adjudicated
6 abused or neglected child to the home of the parent, guardian, or custodian are not appropriate,
7 a permanency hearing shall be held within thirty days after the determination. At the
8 permanency hearing, the court shall determine whether and, ~~if applicable,~~ when:

9 (1) The child should be placed for adoption, and the state ~~should file a petition for~~ shall
10 notify the parties of its intent to seek the termination of parental rights if such notice
11 has not already been provided;

12 (2) The child should be referred for legal guardianship;

13 (3) The child should be placed permanently with a fit and willing relative; or

14 (4) A compelling reason is documented with the court that none of the permanent plans
15 listed in this section would be in the best interest of the child, and the child should



1 be placed in another planned permanent living arrangement.

2 The court may immediately proceed with a final dispositional hearing if proper notice of the

3 hearing has been given.