

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0248

SENATE BILL NO. 260

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide that termination of parental rights is final and
2 unconditional.

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

4 Section 1. That § 26-8A-27 be amended to read as follows:

5 26-8A-27. On completion of a final dispositional hearing regarding a child adjudicated to be
6 abused or neglected, the court may enter a final decree of disposition terminating all parental
7 rights of one or both parents of the child if the court finds, by clear and convincing evidence, that
8 the least restrictive alternative available commensurate with the best interests of the child with
9 due regard for the rights of the parents, the public and the state so requires. The court may enter
10 a decree terminating parental rights if the court finds, by clear and convincing evidence, that the
11 parents have abandoned the child for at least six months and during this period the parents have
12 not manifested to the child or to the physical custodian or caretaker of the child a firm intention
13 to resume physical custody of the child and to make suitable arrangements for the care of the
14 child.

15 Upon the entry of the final decree of disposition terminating the parental rights of both
16 parents or of the surviving parent, the court shall vest the Department of Social Services with

1 the custody and guardianship of the person of the child for the purpose of placing the child for
2 adoption and authorizing appropriate personnel of the department to consent to adoption of the
3 child without need for any notice or consent of any parent of the child. The final decree
4 terminating parental rights is final and unconditional. The natural parents retain no post-
5 termination rights or privileges including post-termination visitation except for any final visitation
6 allowed by the department.

7 Upon the entry of a final decree of disposition terminating the parental rights of one parent,
8 the court may leave the child in the custody of the remaining parent and end the proceedings.