

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0246

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB261** - 3/3/97

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

1 FOR AN ACT ENTITLED, An Act to prohibit conditional adoptions.

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

3 Section 1. That § 25-6-17 be amended to read as follows:

4 25-6-17. The natural parents of an adopted child are from the time of the adoption, relieved  
5 of all parental duties towards, and of all responsibility for the child so adopted, and have no right  
6 over it. Adoption of a child shall be final and unconditional except as otherwise provided by  
7 § 25-6-21. The natural parents of an adopted child shall retain no rights or privileges to have  
8 visitation or other post-adoption contact with the child, except in cases where a natural parent  
9 consents to the adoption of ~~his or her~~ a child by the child's stepfather or stepmother who is the  
10 present spouse of the natural parent. The South Dakota Supreme Court decision, People in  
11 Interest of S.A.H., 537 N.W.2d 1 (S.D. 1995), is abrogated by the South Dakota Legislature in  
12 so far as the case gave circuit courts the option to order an open adoption or post-termination  
13 visitation. Post-adoption visitation is an extraordinary remedy and may be exercised only by the  
14 adoptive parents when in the child's best interests.

1 **BILL HISTORY**

2 2/4/97 First read in Senate and referred to State Affairs. S.J. 307

3 2/12/97 Scheduled for Committee hearing on this date.

4 2/12/97 State Affairs Do Pass, Passed, AYES 7, NAYS 1. S.J. 421

5 2/14/97 Motion to Amend, Passed. S.J. 457

6 2/14/97 Senate Do Pass Amended, Passed, AYES 35, NAYS 0. S.J. 457

7 2/15/97 First read in House and referred to Judiciary. H.J. 523

8 2/21/97 House of Representatives Re-referred to State Affairs.

9 2/26/97 Scheduled for Committee hearing on this date.

10 2/26/97 State Affairs Deferred to another day. H.J. 709

11 2/28/97 Scheduled for Committee hearing on this date.

12 2/28/97 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. H.J. 775