

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0246

## SENATE BILL NO. 261

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. The natural parents of an adopted  
7 child shall retain no rights or privileges to have visitation or other post-adoption contact with the  
8 child, except in cases where a natural parent consents to the adoption of ~~his or her~~ a child by the  
9 child's stepfather or stepmother who is the present spouse of the natural parent. The South  
10 Dakota Supreme Court decision, People in Interest of S.A.H., 537 N.W.2d 1 (S.D. 1985), is  
11 abrogated by the South Dakota Legislature in so far as the case gave circuit courts the option  
12 to order an open adoption or post-termination visitation. Post-adoption visitation is an  
13 extraordinary remedy and may be exercised only by the adoptive parents when in the child's best  
14 interests.