

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0243

## SENATE BILL NO. 64

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 limit the time that a child may remain in foster care under  
2 certain conditions.

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

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

5 26-8A-26. If an adjudicated abused or neglected child whose parental rights have not been  
6 terminated has been in the custody of the Department of Social Services without a court  
7 approved plan for long-term foster care and it appears at a dispositional or review hearing  
8 ~~—(1)—~~ that all reasonable efforts have been made to rehabilitate the family,  
9 ~~—(2)—~~ that the conditions which led to the removal of the child still exist, and  
10 ~~—(3)—~~ there is little likelihood that those conditions will be remedied so the child can be  
11 returned to the custody of the child's parents, the court shall affirmatively find that  
12 good cause exists for termination of the parental rights of the child's parents and the  
13 court shall enter an order terminating parental rights. If the court does not find at the  
14 hearing, which shall be conducted in the same manner as a dispositional hearing, that  
15 good cause exists for termination of parental rights, the court may make further

1 disposition of the child as follows:

2 (1) Return custody of the child to the child's parents, guardian or custodian, with or  
3 without supervision;

4 (2) Continue foster care placement of the child for a specified period of time, and, if the  
5 child is sixteen years of age or older, direct the Department of Social Services to  
6 determine the services needed to assist the child to make the transition from foster  
7 care to independent living and, if appropriate, provide a plan for independent living  
8 for the child;

9 (3) Place the child in the custody of the Department of Social Services, a child placement  
10 agency, foster home or other child care facility for long-term foster care under a  
11 court-approved plan which names a specific foster home for the child, with or without  
12 guardianship of the child, and determines visitation rights of the child's parents,  
13 guardian or custodian. Under this subdivision, the court may retain jurisdiction of the  
14 action and proceedings for future consideration of termination of parental rights if  
15 termination of parental rights is the least restrictive alternative available in keeping  
16 with the best interests of the child.

17 In no case may a child remain in foster care for a period in excess of ~~eighteen~~ twelve months  
18 without the court making a dispositional decree setting forth one of the above options.