

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

772B0818

SENATE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB1302** -  
2/23/98

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representative Koskan and Senator Johnson (William)

1 FOR AN ACT ENTITLED, An Act to make perpetrators of child abuse liable for Department  
2 of Social Services' payments that are directly related to child abuse and to create a lien.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Child abuse," any violation of § 26-10-1 or chapter 22-22 if the victim of such crime  
6 is a child;

7 (2) "Perpetrator of child abuse," any person convicted of any violation of § 26-10-1 or  
8 chapter 22-22 if the victim of such crime was a child or whose name has been enrolled  
9 in the central registry for abuse and neglect established in § 26-8A-12.

10 Section 2. Any payment of public moneys by or through the Department of Social Services  
11 for services directly related to the child abuse is a debt due to the department and owed by the  
12 perpetrator of the child abuse.

13 Section 3. If a perpetrator of child abuse owes, but does not pay for services directly related  
14 to child abuse, the Department of Social Services has a lien upon all the property, both real and

1 personal, including joint tenancy interests belonging to the perpetrator, or to be thereafter  
2 acquired by the perpetrator, or in which the perpetrator has any interest, but excluding any  
3 homestead interest held in joint tenancy, for all public moneys expended by the department for  
4 services directly related to the child abuse. In order to preserve such lien, the department shall  
5 give notice of the lien by filing with the register of deeds office a sworn statement or certificate  
6 showing the amount expended and unpaid for services directly related to the child abuse. The  
7 sworn statement or certificate may be filed in any county in which property of the perpetrator  
8 is located, and shall contain a description of the property, and shall attach to the property  
9 individually owned by the perpetrator and jointly owned property other than a homestead  
10 interest. The priority of the lien shall be established by the date of the filing. The register of deeds  
11 office is not entitled to any fee for registering or filing any lien under this section.

12 Section 4. The lien for services directly related to the child abuse is a lien by operation of  
13 law, with the full force and effect and attributes of a lien of this state, including enforceability,  
14 and is entitled, as a lien, to full faith and credit in this state.

1 **BILL HISTORY**

2 1/26/98 First read in House and referred to Health and Human Services. H.J. 229

3 2/4/98 Scheduled for Committee hearing on this date.

4 2/6/98 Scheduled for Committee hearing on this date.

5 2/6/98 Deferred to 36th legislative day, AYES 10, NAYS 2. H.J. 429

6 2/11/98 Health and Human Services Hog Housed.

7 2/11/98 Health and Human Services Reconsidered, AYES 7, NAYS 4.

8 2/11/98 Health and Human Services Do Pass Amended, Passed, AYES 7, NAYS 4. H.J. 548

9 2/12/98 House of Representatives Deferred to another day, AYES 62, NAYS 3. H.J. 634

10 2/13/98 House of Representatives Do Pass Amended, Passed, AYES 36, NAYS 29. H.J. 674

11 2/14/98 First read in Senate and referred to Health and Human Services. S.J. 536

12 2/20/98 Health and Human Services Hog Housed.

13 2/20/98 Scheduled for Committee hearing on this date.

14 2/20/98 Health and Human Services Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 619