

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

754C0785

## HOUSE BILL NO. 1249

Introduced by: Representatives Richter, Apa, Brown (Jarvis), Davis, Duniphan, and Volesky  
and Senators Drake, Everist, Hutmacher, and Symens

1 FOR AN ACT ENTITLED, An Act to permit court-ordered temporary custody of certain  
2 juveniles who reoffend the drinking and driving statutes.

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

4 Section 1. That § 26-7A-13 be amended to read as follows:

5 26-7A-13. The court may order temporary custody of any child within the jurisdiction of the  
6 court during any noticed hearing. Without noticed hearing, the court or an intake officer may  
7 immediately issue a written temporary custody directive in the following instances on receipt of  
8 an affidavit or, in the absence of a written affidavit when circumstances make it reasonable, on  
9 receipt of sworn oral testimony communicated by telephone or other appropriate means:

10 (1) On application by a state's attorney, social worker of Department of Social Services,  
11 or law enforcement officer respecting an apparent, alleged, or adjudicated abused or  
12 neglected child stating good cause to believe as follows:

13 (a) The child is abandoned or is seriously endangered by the child's environment;

14 or

15 (b) There exists an imminent danger to the child's life or safety and immediate  
16 removal of the child from the child's parents, guardian, or custodian appears to

1                   be necessary for the protection of the child;

2       (2)   On application by a state's attorney, court services officer, or law enforcement officer  
3           respecting an apparent, alleged, or adjudicated child in need of supervision or  
4           delinquent child stating good cause pursuant to § 26-8B-3 or 26-8C-3, as applicable,  
5           to believe as follows:

6           (a)   The child seriously endangers others or there is need for protection of the child;  
7                   or

8           (b)   The child has run away or escaped from the child's parents, guardian, or  
9                   custodian; or

10          (c)   The child has previously been adjudicated for a violation of § 32-23-1 or 32-  
11               23-21 and has been subsequently reapprehended for a violation of § 32-23-1  
12               or 32-23-21.