

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0871

HOUSE BILL NO. 1297

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

1 FOR AN ACT ENTITLED, An Act to revise the circumstances under which it is not required
2 to provide reasonable efforts to reunite parents with children adjudicated as abused and
3 neglected.

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

5 Section 1. That § 26-8A-21.1 be amended to read as follows:

6 26-8A-21.1. Nothing in § 26-8A-21 requires reunification of a child with a parent who:

- 7 (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-
8 22-19.1, 22-22-22, or 26-10-1 or subdivision 22-22-1(1) or (2);
- 9 (2) Committed a crime defined in § 22-18-1.1 against the child or another child of such
10 parent; ~~or~~
- 11 (3) Has had parental rights to another child involuntarily terminated by a prior legal
12 proceeding under § 26-8A-26;
- 13 (4) Has been diagnosed by a psychologist or physician as having a mental illness or
14 mental deficiency that could be a threat to the physical or mental well-being of the
15 child;
- 16 (5) Has a history of chronic alcohol or drug abuse;
- 17 (6) Is incarcerated and, therefore, unavailable to care for the child during a significant

1 period of the child's minority, unless justified by the child's age or level of need for
2 care by an adult; or

3 (7) Has demonstrated inability to protect the child from substantial harm or the risk of
4 substantial harm, and the child has been removed from the parent's custody because
5 the child has been adjudicated abused and neglected by a court on at least one
6 previous occasion.

7 Section 2. That § 26-8A-26.1 be amended to read as follows:

8 26-8A-26.1. In addition to the provisions of § 26-8A-26, the court may find that good cause
9 exists for termination of parental rights of a parent who:

10 (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-
11 22-19.1, 22-22-22, or 26-10-1 or subdivision 22-22-1(1) or (2);

12 (2) Committed a crime defined in § 22-18-1.1 against the child or another child of such
13 parent; ~~or~~

14 (3) Has had parental rights to another child involuntarily terminated by a prior legal
15 proceeding under ~~§ 26-8A-26~~;

16 (4) Has been diagnosed by a psychologist or physician as having a mental illness or
17 mental deficiency that could be a threat to the physical or mental well-being of the
18 child;

19 (5) Has a history of chronic alcohol or drug abuse;

20 (6) Is incarcerated and, therefore, unavailable to care for the child during a significant
21 period of the child's minority, unless justified by the child's age or level of need for
22 care by an adult; or

23 (7) Has demonstrated inability to protect the child from substantial harm or the risk of
24 substantial harm, and the child has been removed from the parent's custody because
25 the child has been adjudicated abused and neglected by a court on at least one

1 previous occasion.