

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

664D0728

HOUSE BILL NO. 1299

Introduced by: Representatives Haley, Fischer-Clemens, Hagen, Koetzle, and Lucas and
Senators Olson, Duxbury, Flowers, Hutmacher, Paisley, and Symens

1 FOR AN ACT ENTITLED, An Act to provide for a bill of rights for the parents of children in
2 the care of the state.

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

4 Section 1. The Legislature finds that the parents of children who are in the care of the state
5 continue to require the maintenance of the familial relationship which should not be restricted
6 to any greater extent than the physical separation consequent to state custody makes inevitable.
7 To implement this principle, the Legislature recognizes the following rights of parents with
8 children in the care of the state:

9 (1) The right to information regarding their children:

10 (a) Written reports of any incidents involving their children either as actors or as
11 witnesses;

12 (b) Prompt notification of any significant injury or episode such as fainting,
13 seizure, asthma attack, or suicide attempt;

14 (c) Timely notification and explanation, by a qualified medical professional, of any
15 medical services rendered or medication changes ordered;

16 (d) Monthly reports including academic grades and homework, progress through

- 1 rehabilitation programs notes, and psychological counseling progress notes;
- 2 (e) Prior notice of any transfers to another facility except emergency transfers;
- 3 (f) Notice of and participation in program induction and exit processes and
- 4 ceremonies;
- 5 (2) The right to maintain the familial relationship with their children:
 - 6 (a) Clear, uniform, written and published, rules of contact which facilitate
 - 7 maintaining the parent child bond;
 - 8 (b) Weekly visitation which should not be revoked as a means of discipline;
 - 9 (c) Next day visitation after any significant injury or episode such as fainting,
 - 10 seizure, asthma attack, or suicide attempt;
 - 11 (d) Twice weekly telephone calls;
 - 12 (e) Unlimited private mail correspondence, absent a showing of physical, mental,
 - 13 or emotional harm to the child or facilitation or attempted facilitation of
 - 14 escape;
 - 15 (f) Unfettered physical contact with their children during all visitations absent a
 - 16 showing that there is a reasonable threat of physical harm from the child
 - 17 toward either the parents or facility staff, or from the parent toward the child;
 - 18 (g) Family counseling both immediately prior to and immediately post release of
 - 19 their children from incarceration;
- 20 (3) The right to oversee the religious, spiritual, and moral training of their children:
 - 21 (a) Permitting the parents to provide their children with such religious, spiritual,
 - 22 or moral treatises or supplies as they deem necessary to the practice of each
 - 23 child's individual religion;
 - 24 (b) Permitting parents to arrange for religious, spiritual, or moral leaders or
 - 25 teachers of their choosing to visit their children on a regular basis.