

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

273E0130

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1122 - 02/05/2001

Introduced by: Representatives Brown (Jarvis), Bartling, Flowers, Garnos, Hennies
(Thomas), Jaspers, Juhnke, Lintz, Napoli, and Slaughter and Senators de
Hueck, Hagen, Koetzle, Putnam, Reedy, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to modify the time required for a temporary custody hearing
2 to be held in certain juvenile legal proceedings.

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

4 Section 1. That § 26-7A-15 be amended to read as follows:

5 26-7A-15. The officer or party who takes a child into temporary custody, with or without
6 a court order, except under a court order issued during a noticed hearing after an action has been
7 commenced, shall immediately, without unnecessary delay in keeping with the circumstances,
8 inform the child's parents, guardian, or custodian of the temporary custody and of the right to
9 a prompt hearing by the court to determine whether temporary custody should be continued. If
10 the child's parents, guardian, or custodian cannot be located after reasonable inquiry, the officer
11 or party taking temporary custody of the child shall report that fact and the circumstances
12 immediately to the state's attorney. The state's attorney shall notify the child's parents, guardian,
13 or custodian, without unnecessary delay, of the time, date, and place of the temporary custody
14 hearing. The hearing shall be held within forty-eight hours if it concerns any apparent abused or

1 neglected child or within twenty-four hours if it concerns any apparent delinquent child pursuant
2 to § 26-8C-3 or any apparent child in need of supervision pursuant to § 26-8B-3, excluding
3 Saturdays, Sundays, and court holidays, after taking the child into temporary custody, unless
4 extended by order of the court. Failure to notify the child's parents, guardian, or custodian of the
5 temporary custody hearing is not cause for delay of the hearing if the child is represented by an
6 attorney at the hearing.