

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

385H0692

SENATE BILL NO. 155

Introduced by: Senators Koskan, Apa, Bogue, de Hueck, Duxbury, and Hutmacher and
Representatives Jensen, Bartling, Flowers, Juhnke, Klaudt, Napoli, Van
Gerpen, and Wick

1 FOR AN ACT ENTITLED, An Act to revise the civil liability of foster parents for certain
2 personal injuries sustained by foster children in their care.

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

4 Section 1. That § 25-5-23 be amended to read as follows:

5 25-5-23. ~~Foster parents shall be~~ No foster parent is civilly liable for personal injuries
6 sustained by foster children ~~only to the extent natural parents are liable to their children~~ unless
7 the injury was proximately caused by the willful and wanton misconduct of the foster parent
8 toward the foster child or gross negligence in the standard of care provided by the foster parent
9 for the foster child. Any recovery for personal injury arising out of participation in any farming
10 or ranching activity in which natural children of an equivalent age commonly participate in the
11 course of living, playing, or assisting their parents on a farm or ranch is specifically barred.

