

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0274

## SENATE BILL NO. 22

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to authorize a parent to appear in person, by counsel, or by  
2 telephone for a hearing to voluntarily terminate parental rights.

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

4 Section 1. That § 25-5A-14 be amended to read as follows:

5 25-5A-14. ~~The personal presence of one parent at the hearing is required for jurisdictional~~  
6 ~~purposes. However, any~~ For jurisdictional purposes, one parent shall appear, in person or by  
7 attorney, at the hearing. However, for good cause shown, the court may permit the hearing to  
8 be conducted telephonically. Any other person whose consent is necessary, may appear by filing  
9 with the court a power of attorney. If the Department of Social Services or a licensed child  
10 placement agency has custody of a child by written agreement of a parent with power of attorney  
11 to consent, the secretary or an authorized agent may appear and consent. Notwithstanding the  
12 foregoing provisions of this section, due regard shall be given to the Indian Child Welfare Act  
13 (25 U.S.C. Secs. 1901-1963) as in effect on January 1, 2003, if applicable.

