

# State of South Dakota

EIGHTIETH  
LEGISLATIVE ASSEMBLY, 2005

400L0230

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. SB 12 - 01/21/2005

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 telephonically for a hearing  
2 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 good cause shown, and upon notice to any other person or  
7 authorized agency whose consent is required pursuant to § 25-5A-6, the court may permit the  
8 parent to appear telephonically if the parent does so in the physical presence of a person  
9 designated by the court to monitor the parent's appearance. Any other person whose consent is  
10 necessary; may appear by filing with the court a power of attorney. If the Department of Social  
11 Services or a licensed child placement agency has custody of a child by written agreement of  
12 a parent with power of attorney to consent, the secretary or an authorized agent may appear and  
13 consent. Notwithstanding the foregoing provisions of this section, due regard shall be given to  
14 the Indian Child Welfare Act (25 U.S.C. 1901 to 1963, inclusive,) as in effect on January 1,  
15 2005, if applicable.

