

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

565L0732

SENATE BILL NO. 178

Introduced by: Senators Schoenbeck and Gray and Representatives Murschel, Cutler, Faehn,
and Koistinen

1 FOR AN ACT ENTITLED, An Act to provide for the creation of county interdisciplinary child
2 information teams and to regulate their memberships, authority, and responsibilities.

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

4 Section 1. The following persons and agencies operating within a county may, by written
5 agreement, form a county interdisciplinary child information team:

- 6 (1) The state's attorney;
- 7 (2) The county sheriff;
- 8 (3) The chief of police of any municipality;
- 9 (4) The superintendent or the chief executive officer of any school district;
- 10 (5) The Department of Social Services;
- 11 (6) The Department of Corrections; and
- 12 (7) The administrator of the county teen court.

13 Section 2. The persons and agencies signing a written agreement to form a county
14 interdisciplinary child information team may, from time to time, by majority vote, allow the
15 following persons to sign the written agreement and join the team:



- 1 (1) Any physician, psychologist, psychiatrist, nurse, or other provider of medical and
2 mental health care;
- 3 (2) Any administrator of any private elementary and secondary school;
- 4 (3) Any attorney practicing law in the county; and
- 5 (4) Any responsible person that has a legitimate interest in one or more of the children
6 that the team is serving.

7 Section 3. The county interdisciplinary child information team may form one or more
8 auxiliary teams for the purpose of providing service to a single child, a group of children, or
9 specific children with a particular type of problem, or for any other purpose. Each auxiliary team
10 is subject to the written agreement. Each member of an auxiliary team must be a person who has
11 personal knowledge of or experience with some child serviced by the auxiliary team.

12 Section 4. The county interdisciplinary child information team and the written agreement
13 shall facilitate the exchange and sharing of information that one or more team members may be
14 able to use in serving a child in the course of their professions, specialties, interests, or
15 occupations for the purpose of holding each child accountable, ensuring the safety of the child
16 and the community, and providing early intervention to avert more serious problems.
17 Information regarding any child that a team member supplies to other team members is
18 confidential and may not be disseminated beyond the team.

19 Section 5. The terms of the written agreement shall provide for the rules under which the
20 team will operate, the method by which information will be shared, distributed, and managed,
21 the means by which the confidentiality of the information will be safeguarded, and any other
22 matters necessary to the purpose and functions of the team. The terms of the written agreement
23 shall also provide how the team will coordinate its efforts with child protection teams as
24 provided in § 26-8A-17 and local interagency teams, if any, as provided in § 27A-15-54. The

1 written agreement shall be filed with the county auditor.

2 Section 6. To the extent that the county interdisciplinary child information team is involved
3 in a proceeding that is held prior to adjudication by a court, the team satisfies the requirements
4 of 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974.
5 South Dakota school districts may release education records to the team. The terms of the
6 written agreement, as provided for in section 5 of this Act, shall include a requirement that the
7 officials and authorities to whom the information is disclosed certify in writing to the school
8 district that is releasing the education records that the education records or information from the
9 education records will not be disclosed to any other party without the prior written consent of
10 the parent or guardian of the student.

11 Section 7. Any person serving as a member of a county interdisciplinary child information
12 team as provided in section 1 of this Act whose action in facilitating the exchange and sharing
13 of information in serving any child in the course of their professions, specialities, interests, or
14 occupations for the purpose of holding each child accountable, ensuring the safety of the child
15 and the community, and providing early intervention to avert more serious problems, is immune
16 from any civil liability that might otherwise be incurred or imposed.

17 Section 8. Any agreement pursuant to this Act shall include a requirement for notice to the
18 parent or guardian unless the parent or guardian is the subject of an investigation by one of the
19 participating agencies with respect to the child's conduct or welfare.