

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

471M0008

## HOUSE BILL NO. 1086

Introduced by: Representatives Glenski, Garnos, Hanks, Heineman, Kraus, Lange, McCoy, Miles, Murschel, Nelson, Rausch, Rave, Schafer, Sigdestad, Street, Tidemann, Weems, and Wick and Senators Peterson (Jim), Gant, Greenfield, Kloucek, and Koetzle

1 FOR AN ACT ENTITLED, An Act to restrict the rights of certain sex offenders related to  
2 adoption or visitation of children.

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

4 Section 1. That § 25-6-4 be amended to read as follows:

5 25-6-4. No child may be adopted without the consent of the child's parents. However, if it  
6 is in the best interest of the child, the court may waive consent from a parent or putative father  
7 who:

- 8 (1) Has been convicted of any crime punishable by imprisonment in the penitentiary for  
9 a period that, in the opinion of the court, will deprive the child of the parent's  
10 companionship for a critical period of time;
- 11 (2) Has, by clear and convincing evidence, abandoned the child for six months or more  
12 immediately prior to the filing of the petition;
- 13 (3) Has substantially and continuously or repeatedly neglected the child and refused to  
14 give the child necessary parental care and protection;



- 1       (4)    Being financially able, has willfully neglected to provide the child with the necessary
- 2            subsistence, education, or other care necessary for the child's health, morals, or
- 3            welfare or has neglected to pay for such subsistence, education, or other care if legal
- 4            custody of the child is lodged with others and such payment ordered by the court;
- 5       (5)    Is unfit by reason of habitual abuse of intoxicating liquor or narcotic drugs;
- 6       (6)    Has been judicially deprived of the custody of the child, if the adjudication is final
- 7            on appeal to the court of last resort or the time for an appeal has expired; ~~or~~
- 8       (6A) Has caused the child to be conceived as a result of rape as defined in § 22-22-1 or
- 9            incest as defined in § 22-22-19.1 or a comparable offense under the laws of the state
- 10           where the act occurred; or
- 11       (7)    Does not appear personally or by counsel at the hearing to terminate parental rights
- 12            after notice pursuant to §§ 25-5A-11 and 25-5A-12 which was received at least thirty
- 13            days prior to the hearing.

14       Section 2. That chapter 25-4A be amended by adding thereto a NEW SECTION to read as  
15 follows:

16       If it is in the best interest of the child, the court may prohibit, revoke, or restrict visitation  
17 rights to a child for any person who has caused the child to be conceived as a result of rape as  
18 defined in § 22-22-1 or incest as defined in § 22-22-19.1 or a comparable offense under the laws  
19 of the state where the act occurred.