

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

655N0351

## HOUSE BILL NO. 1107

Introduced by: Representatives Hunt, Buckingham, and Weems and Senators McNenny,  
Abdallah, and Garnos

1 FOR AN ACT ENTITLED, An Act to clarify the application of certain statutes for the  
2 protection of abused or neglected children.

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

4 Section 1. That § 26-8A-2 be amended to read as follows:

5 26-8A-2. In this chapter and chapter 26-7A, the term, abused or neglected child, means a  
6 child:

- 7 (1) Whose parent, guardian, or custodian has abandoned the child or has subjected the  
8 child to mistreatment or abuse;
- 9 (2) Who lacks proper parental care through the actions or omissions of the child's parent,  
10 guardian, or custodian;
- 11 (3) Whose environment is injurious to the child's welfare;
- 12 (4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary  
13 subsistence, supervision, education, medical care, or any other care necessary for the  
14 child's health, guidance, or well-being;
- 15 (5) Who is homeless, without proper care, or not domiciled with the child's parent,



- 1 guardian, or custodian through no fault of the child's parent, guardian, or custodian;
- 2 (6) Who is threatened with substantial harm;
- 3 (7) Who has sustained emotional harm or mental injury as indicated by an injury to the
- 4 child's intellectual or psychological capacity evidenced by an observable and
- 5 substantial impairment in the child's ability to function within the child's normal
- 6 range of performance and behavior, with due regard to the child's culture;
- 7 (8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the
- 8 child's parent, guardian, custodian, or any other person responsible for the child's
- 9 care;
- 10 (9) Who is, as an unborn child, or was subject to prenatal exposure to abusive use of
- 11 alcohol or any controlled drug or substance not lawfully prescribed by a practitioner
- 12 as authorized by chapters 22-42 and 34-20B; or
- 13 (10) Whose parent, guardian, or custodian knowingly exposes the child to an environment
- 14 that is being used for the manufacture, use, or distribution of methamphetamines or
- 15 any other unlawfully manufactured controlled drug or substance.