

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

817P0285

## HOUSE JUDICIARY ENGROSSED NO. **HB 1090** 1/23/2008

Introduced by: Representatives Vehle, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to require that most records and applications regarding a  
2 child reference the names and addresses of both parents.

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

4 Section 1. That § 25-5-7.3 be amended to read as follows:

5 25-5-7.3. ~~Notwithstanding any other provision of law, access~~ Access to records and  
6 information pertaining to a minor child, including, but not limited to, medical, ~~including~~  
7 ~~counseling~~, dental, ~~including~~ orthodontia, optometric and similar health care, and school  
8 records, ~~may not be denied to a parent because such parent is not the child's primary residential~~  
9 parent shall be made equally available to both parents. Counseling, psychiatric, psychotherapy,  
10 and other records subject to confidentiality or privilege shall only be released in accordance with  
11 state and federal law; but, if available to one parent, shall be available to both. The parents shall  
12 make reasonable efforts to ensure that the name and address of the other parent is listed on all  
13 such records.

14 Section 2. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 If either parent enrolls the child in any social, beneficent, religious, or peer group activity,  
3 service, benefit, or program for which written application is required, the enrolling parent shall  
4 provide the name and address of the other parent on, or supplementary to, the application.

5 Section 3. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The provisions of sections 1 and 2 of this Act do not apply in any case in which a court has:

8 (1) Terminated the rights of either parent; or

9 (2) Restrained either parent, by court order, from contact with the child.

10 Moreover, a court of competent jurisdiction may determine that the application of section  
11 1 or 2, or both, of this Act, is inappropriate under the facts and circumstances of any particular  
12 case.