

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

572P0653

## HOUSE BILL NO. 1201

Introduced by: Representatives Cutler, Buckingham, Gillespie, Gilson, Lucas, and Peters and  
Senators Gray, Dempster, Hunhoff, Katus, and Maher

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the placement or  
2 return of abused or neglected children.

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

4 Section 1. That § 1-11-22 be amended to read as follows:

5 1-11-22. ~~The~~ During any state of a proceeding under chapter 26-8A, the court may condition  
6 the placement or return of a an apparent, alleged, or adjudicated abused or neglected child  
7 ~~pursuant to § 26-8A-22 or 26-8A-26~~ on participation in the 24/7 sobriety program and payment  
8 of associated costs and expenses.

9 Section 2. That chapter 26-8A be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 If the court finds the apparent, alleged, or adjudicated abuse or neglect of a child was related  
12 to the use of alcohol, marijuana, or any controlled drug or substance, the placement or return of  
13 the child may be subject to the condition that a parent, guardian, custodian, or any other adult  
14 residing in the home submits to tests for alcohol, marijuana, or any controlled drug or substance  
15 prior to or during the placement or return of the child. If a parent, guardian, custodian, or any



1 other adult residing in the home tests positive for alcohol, marijuana, or any controlled drug or  
2 substance, or fails to submit to the test as required, the Department of Social Services may  
3 immediately remove the child from the physical custody of the parent, guardian, or custodian,  
4 without prior court order, subject to a review hearing, which may be telephonic, within forty-  
5 eight hours excluding Saturdays, Sundays, and court holidays. As used in this section, any  
6 controlled drug or substance means a controlled drug or substance which was not lawfully  
7 prescribed by a practitioner as authorized by chapters 22-42 and 34-20B.