

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

916T0465

## HOUSE BILL NO. 1052

Introduced by: Representatives Gosch, Blake, Deelstra, Dennert, Elliott, Hickey, Lucas, Magstadt, Novstrup (David), Romkema, Solum, Tulson, and Turbiville and Senators Nygaard, Begalka, Juhnke, Rave, Sutton, and Tieszen

1 FOR AN ACT ENTITLED, An Act to grant discretion to the court with regard to personal  
2 appearances in certain adoption appearances.

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

4 Section 1. That § 25-6-12 be amended to read as follows:

5 25-6-12. Before the hearing on a petition for adoption, the person adopting a child, the child  
6 adopted, and the other persons whose consent is necessary, shall execute their consent in  
7 writing, and the person adopting shall execute an agreement to the effect that the child adopted  
8 shall be treated in all respects as his or her own. The consent forms and the agreement of the  
9 person adopting shall be filed with the court. At the time of the hearing on the petition, the  
10 person adopting a child and the child to be adopted shall appear in court or by other means as  
11 may be allowed by the court. All persons whose consent is necessary, except the child and the  
12 person adopting the child, unless a different means of appearance is allowed by the court, may  
13 appear by a person filing with the court a power of attorney, or a guardian may appear on behalf  
14 of the child, or a duly incorporated home or society for the care of dependent or neglected



1 children may by its authorized officer or agent, consent to the adoption of a child surrendered  
2 to such home or society by a court of competent jurisdiction. The Department of Social Services  
3 may appear in court and consent to the adoption of a child surrendered to it by any court of  
4 competent jurisdiction, or, if the department has custody of a child by written agreement of a  
5 parent or parents with power of attorney to consent to adoption, by the officer of the department  
6 holding such power of attorney.