



2021 South Dakota Legislature

Senate Bill 31

Introduced by: The Committee on Health and Human Services at the request of the Department of Human Services

1 **An Act to provide for the release of adult abuse case information to certain parties**
 2 **to assist in the provision of adult protective services.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **1-36A-29.1. Records confidential--Exceptions--Information received**
 6 **confidential--Exception.**

7 All investigative case records and files relating to reports of abuse, neglect, or
 8 exploitation of adults and elderly are confidential, and no disclosure of any such records,
 9 files, or other information may be made except as authorized in this chapter. The
 10 Department of Human Services may release records, files, or other information to the
 11 following parties upon receipt of a request showing that it is necessary for the parties to
 12 have the information in the performance of official functions relating to abuse, neglect, or
 13 exploitation:

14 (1) The attorney general, state's attorneys, law enforcement agencies, protective
 15 services workers, and courts investigating reports of known or suspected abuse,
 16 neglect, or exploitation;

17 (2) The attorney, legal guardian, conservator, an agent under an advanced health care
 18 directive, or a health care decision maker pursuant to § 34-12C-3, of the adult who
 19 is the subject of the information;

20 (3) Public officials or their authorized representatives who require the information in
 21 connection with the discharge of official duties;

22 (4) Institutions and agencies that have legal responsibility or authorization to care for,
 23 treat, or supervise a person who is the subject of the information or report;

24 (5) A family member of the person who is the subject of the information or report;

25 (6) A state, regional, or national registry of adult and elderly abuse, neglect, or
 26 exploitation cases and courts of record of other states; or

- 1 (7) A health care professional providing diagnosis or treatment for a person who is
2 suspected or found to be abused, neglected, or exploited.
3 A party receiving information pursuant to this section shall hold the information
4 confidential except to the extent a court orders the release of the information for the
5 determination of an issue before the court.