



2025 South Dakota Legislature

Senate Bill 113

Introduced by: **Senator Grove**

1 **An Act to provide protections for parental rights.**

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

3 **Section 1. That a NEW SECTION be added to chapter 1-1A:**

4 The liberty of a parent to the nurture, care, custody, and control of the parent's
 5 child, including the right to direct the upbringing, education, health care, and mental
 6 health of the child, is a fundamental right.

7 All parental rights are exclusively reserved to a parent of a child, without
 8 obstruction by or interference from a state agency, political subdivision, or any elected or
 9 appointed official or employee of this state or its political subdivisions. These include the
 10 right and responsibility to:

11 (1) Direct the upbringing of the child;

12 (2) Direct the moral or religious training of the child;

13 (3) Make all physical and mental healthcare decisions for the child and consent to, or
 14 withhold consent for, all physical and mental health care on the child's behalf;

15 (4) Access and review all health information and medical records that relate to the
 16 child;

17 (5) Direct the education of the child, including the right to choose public, private,
 18 religious, home school, and alternative instruction;

19 (6) Make reasonable choices within the public school system for the education of the
 20 child;

21 (7) Access and review all educational records of the child maintained by the school or
 22 school district;

23 (8) Have the child excused from school attendance for religious or other purposes; and

24 (9) Participate in parent-teacher organizations and other school organizations.

25 No state agency, political subdivision, or any elected or appointed official or
 26 employee of this state or its political subdivisions may infringe upon the fundamental right

1 of a parent, unless the infringement is narrowly tailored to meet a compelling
2 governmental interest by the least restrictive means, as provided by law.

3 This section constitutes a general law of the state within the meaning of S.D.
4 Const., Article IX, § 2 and supersedes any contrary provision in a home rule charter. Any
5 person aggrieved by a violation of this section may file an action for damages, injunctive
6 relief, or other appropriate redress in circuit court, or may assert such violation as a
7 defense in a judicial or administrative proceeding. The plaintiff, if the prevailing party,
8 may also recover reasonable attorney's fees and costs.