

## 2025 South Dakota Legislature

**Senate Bill 113****AMENDMENT 113A  
FOR THE INTRODUCED BILL**

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.~~

9 ~~The liberty of a parent to the nurture, care, custody, and control of the parent's~~  
10 ~~child is a fundamental right. An agency or officer of this state or an agency or officer of~~  
11 ~~any political subdivision of this state may not infringe upon the fundamental right of a~~  
12 ~~parent unless the infringement is narrowly tailored to meet a compelling governmental~~  
13 ~~interest by the least restrictive means allowable by law.~~