

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0192

## HOUSE BILL NO. 1021

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to allow child advocacy centers and tribal agencies that  
2 provide child placement services to obtain results from a check of the central registry for  
3 abuse and neglect.

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

5 Section 1. That § 26-8A-12.2 be amended to read:

6 26-8A-12.2. Upon receipt of names of current or potential employees or volunteers from the  
7 Juvenile Division of the Department of Corrections, any adolescent treatment program operated  
8 by the Department of Human Services or the Department of Social Services, any entity  
9 recognized as administering a CASA program as provided in § 16-2-51, any child advocacy  
10 center accredited by the National Children's Alliance, or a court considering appointment of a  
11 guardian ad litem for a child in a proceeding pursuant to chapter 26-8A, the Department of  
12 Social Services shall compare the names to the central registry for abuse and neglect and report  
13 any findings to the requesting program director, to the Bureau of Human Resources human  
14 resource manager, child advocacy center, or to the court. Any potential employee or volunteer  
15 under this section shall give written consent ~~prior to~~ before completion of the abuse and neglect



1 screening. Failure to submit to abuse and neglect screening disqualifies an applicant from  
2 employment or appointment.

3 Section 2. That § 26-8A-12.3 be amended to read:

4 26-8A-12.3. Upon the receipt of a written request from a licensed child welfare agency or  
5 a private child welfare agency whose licensure has been waived pursuant to § 26-6-9, the  
6 Department of Social Services shall conduct a check of the central registry for child abuse and  
7 neglect for kinship, foster care, adoption, or employment applicants and shall provide the results  
8 to the requesting agency. Further, upon written request from an agency that provides child  
9 welfare services or child placement services for a federally recognized tribe, the department  
10 shall conduct a check of the central registry for child abuse and neglect for kinship, foster care,  
11 or adoption applicants and shall provide the results to the requesting tribal agency. ~~Prior to~~  
12 Before the department ~~conducting~~ conducts any check of the central registry for child abuse and  
13 neglect pursuant to this section, the requesting agency shall provide to the department a consent  
14 signed by the applicant for kinship, foster care, adoption, or employment.