

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

628P0245

SENATE ENGROSSED NO. **HB 1132** - 2/26/2008

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the circumstances
2 under which children may be held in temporary custody.

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

4 Section 1. That § 26-7A-14 be amended to read as follows:

5 26-7A-14. An apparent abused or neglected child taken into temporary custody and not
6 released to the child's parents, guardian, or custodian may be placed in the temporary care of the
7 Department of Social Services, foster care, or a shelter as designated by the court to be the least
8 restrictive alternative for the child. A child apparently in need of supervision or an apparent
9 delinquent child taken into temporary custody and not released to the child's parents, guardian,
10 or custodian may be placed in foster care, shelter, or detention as designated by the court to be
11 the least restrictive alternative for the child. The temporary caretaker of the child shall promptly
12 notify the state's attorney of the child's placement.

13 No child may be held in temporary custody longer than forty-eight hours, or twenty-four
14 hours pursuant to § 26-8B-3, excluding Saturdays, Sundays, and court holidays, unless a
15 temporary custody petition for an apparent abuse or neglect case or other petition has been filed,



1 the child is within the jurisdiction of the court and the court orders longer custody during a
2 noticed hearing or a telephonic hearing.

3 The court may at any time order the release of a child from temporary custody without
4 holding a hearing, either with or without restriction or condition or upon written promise of the
5 child's parents, guardian, or custodian regarding the care and protection of an apparent abused
6 or neglected child or regarding custody and appearance in court of an apparent child in need of
7 supervision or an apparent delinquent child at a time, date, and place to be determined by the
8 court.

9 Provisions of this chapter on temporary custody do not abrogate or limit the authority of the
10 court to order temporary custody of any child during any noticed hearing after an action has
11 been commenced.