

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

848Y0372

SENATE BILL NO. 167

Introduced by: Senators Jensen (Phil) and Tapio and Representatives Jensen (Kevin), Brunner, Frye-Mueller, Gosch, Greenfield (Lana), Howard, Kaiser, Livermont, Marty, and Zikmund

1 FOR AN ACT ENTITLED, An Act to require the guardian or conservator of a protected person
2 to provide certain notices.

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

4 Section 1. That chapter 29-5 be amended by adding a NEW SECTION to read:

5 A guardian or conservator shall promptly notify a protected person's closest relative, any
6 person of court record, and any person designated by the protected person to be notified if:

7 (1) The protected person's residence has changed;

8 (2) The protected person is staying at a location other than the protected person's
9 residence for more than seven consecutive days;

10 (3) The protected person is admitted to or discharged from a nursing home, group home
11 or assisted living facility;

12 (4) The protected person is admitted to a medical facility for emergency care in response
13 to a life-threatening injury or medical condition, or for acute care; or

14 (5) The protected person dies.



1 A guardian or conservator shall provide the notice required in this section to the protected
2 person's closest relative in person or by telephone. For any person of court record or other
3 person designated by the protected person to be notified, the guardian or conservator shall
4 provide the notice by written correspondence. The notice provided shall include the appropriate
5 contact information and the current location of the protected person.

6 Section 2. That chapter 29A-5 be amended by adding a NEW SECTION to read:

7 A guardian or conservator may not provide notice pursuant to this Act if:

- 8 (1) A person who is entitled to notice pursuant to this Act informs the guardian or
9 conservator in writing that the person does not wish to receive notice;
- 10 (2) The protected person or a court order is expressly prohibiting the guardian or
11 conservator from providing notice to the person; or
- 12 (3) An order of protection or a restraining order has been issued against the person on
13 behalf of the protected person.

14 Section 3. That chapter 29A-5 be amended by adding a NEW SECTION to read:

15 As used in this Act, the term, closest relative, means:

- 16 (1) The protected person's spouse;
- 17 (2) An adult child of the protected person;
- 18 (3) A parent of the protected person; or
- 19 (4) An adult nearest in kinship to the protected person.

20 The closest relative is not a person who is a guardian of the protected person.

21 If two persons qualify as the closest relative, the notice required pursuant to this Act shall
22 be provided to both persons. If more than two persons qualify as the closest relative, the notice
23 shall be provided to the two oldest persons from among those persons who qualify.