

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

848Y0372

## SENATE JUDICIARY ENGROSSED NO. **SB 167** - 2/16/2017

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;

14 (5) The protected person dies; or



1 (6) Any funeral or burial arrangements have been made and the time, place, and date for  
2 any ceremony, procession, or memorial to be held in connection with the burial or  
3 cremation of the deceased, protected person.

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

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

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

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

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

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

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

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

24 If two persons qualify as the closest relative, the notice required pursuant to this Act shall

- 1 be provided to both persons. If more than two persons qualify as the closest relative, the notice
- 2 shall be provided to the two oldest persons from among those persons who qualify.