

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

848Y0372

SENATE ENGROSSED NO. **SB 167** - 2/22/2017

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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 revise certain provisions regarding certain notices to be
2 provided by guardians of protected persons.

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

4 Section 1. That § 29A-5-403 be amended to read:

5 29A-5-403. A guardian of a protected person shall file a report with the court within sixty
6 days following the first anniversary of the appointment and:

7 (1) At least annually thereafter;

8 (2) When the court orders additional reports to be filed;

9 (3) When the guardian resigns or is removed; and

10 (4) When the guardianship is terminated, unless the court determines that there is then
11 no need therefor.

12 A guardian may elect to file a periodic report on a calendar-year basis. However, in no event
13 may such a report cover a period of more than one year. A calendar-year report shall be filed
14 with the court no later than April fifteenth of the succeeding year.



1 A report shall briefly state:

2 (1) The current mental, physical, and social condition of the protected person;

3 (2) The living arrangements during the reporting period;

4 (3) The medical, educational, vocational, and other professional services provided to the
5 protected person and the guardian's opinion as to the adequacy of the protected
6 person's care;

7 (4) A summary of the guardian's visits with and activities on the protected person's
8 behalf;

9 (5) If the protected person is institutionalized, whether the guardian agrees with the
10 current treatment or habilitation plan;

11 (6) A recommendation as to the need for continued guardianship and any recommended
12 changes in the scope of the guardianship;

13 (7) Any other information requested by the court or useful in the opinion of the guardian;
14 and

15 (8) The compensation requested and the reasonable and necessary expenses incurred by
16 the guardian.

17 A guardian shall mail a copy of the report to the individuals and entities specified in § 29A-
18 5-410 no later than fourteen days following its filing.

19 Any interested person may request a hearing on the report. The court may order the guardian
20 to attend the hearing on the report on the court's own motion or on the petition of any interested
21 person. A report of the guardian may be incorporated into and made a part of the accounting of
22 the conservator.

23 If, during the period intervening any annual report required under this section, there is a
24 material adverse change in the medical condition of the minor or protected person that requires

1 hospitalization or a change in residency that is more than a temporary change, unless otherwise
2 ordered by the court, the guardian shall file a report with the court describing any change in
3 medical condition or change in residency and provide reasonable and timely notice of any
4 change in medical condition or change in residency to the individuals or entities specified in
5 § 29A-5-410. For purposes of this section, reasonable and timely notice means any appropriate
6 method of notice to be selected by the guardian that includes written notice no later than
7 fourteen days following the date on which the guardian learns of the material change.