

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

838Z0619

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 106** - 1/31/2018

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), Bolin, Greenfield (Brock), Kolbeck, Maher, Monroe, Nelson, Netherton, and Partridge and Representatives Greenfield (Lana), Campbell, Dennert, Diedrich, DiSanto, Frye-Mueller, Gosch, Howard, Latterell, May, Pischke, Rasmussen, and Zikmund

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the placement of
2 a foster child with a relative or close family friend.

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

4 Section 1. That § 26-7A-19 be amended to read:

5 26-7A-19. If the child is an apparent, alleged, or adjudicated abused or neglected child, after
6 the temporary custody hearing the court may:

- 7 (1) Order the release of the child from temporary custody, either with or without
8 restriction or condition or upon written promise of the child's parents, guardian, or
9 custodian regarding the care and protection of the child; or
- 10 (2) Continue the temporary custody of the child under the terms and conditions for
11 duration and placement that the court requires, including placement of temporary
12 custody of the child with the Department of Social Services, in foster care or shelter.
13 The court and the Department of Social Services shall give placement preference to



1 a relative ~~or~~, custodian, or an individual, not related by birth, adoption, or marriage
2 to the child but who has an emotionally significant relationship with the child, who
3 is available and who has been determined by the department to be qualified, provided
4 that placement with ~~the~~ that relative or, custodian, or individual is in the best interest
5 of the child. If temporary custody of the child is continued by the court, the court may
6 provide for visitation of the child by the child's parents, guardian, custodian, or
7 family members in keeping with the best interests of the child. If the child is in
8 temporary custody of the Department of Social Services and has not been adjudicated
9 as an abused or neglected child, the court shall review the child's temporary custody
10 placement at least once every sixty days.

11 As used in this section, the term, relative, means an adult who is related to the child by
12 blood, adoption, or marriage, and who is the child's grandparent, aunt, uncle, sibling, brother-in-
13 law, sister-in-law, niece, nephew, great grandparent, great uncle, great aunt, first cousin, second
14 cousin, stepparent, or stepsibling.

15 As used in this section, the term, custodian, means an adult who is the biological parent,
16 adoptive parent, or guardian of the child's sibling or half-sibling.