



## 2020 South Dakota Legislature

# House Bill 1122

Introduced by: **Representative** Cwach

1 **An Act to require child abuse or neglect investigations upon the filing of truancy**  
 2 **complaints.**

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

4 **Section 1.** That § 13-27-20 be AMENDED:

5 **13-27-20. Truancy complaint--Content.**

6 Each truancy officer shall make and file truancy complaints, and any teacher,  
 7 school officer, or any citizen may make and file a truancy complaint, ~~before a~~ in the circuit  
 8 ~~court judge having jurisdiction over the school in which the child is enrolled,~~ against any  
 9 person having control of a child of compulsory school age who is not attending school or  
 10 whose attendance is irregular. The complaint shall state the name, and address if known,  
 11 of the parent, guardian, or person responsible for the control of the child. The complaint  
 12 shall be verified by oath upon belief of the complainant.

13 **Section 2.** That § 13-27-21 be AMENDED:

14 **13-27-21. Truancy complaint--Investigation of abuse or neglect by**  
 15 **department--Written report of findings.**

16 ~~Upon filing of receiving a truancy complaint in accordance with § 13-27-20,~~ the  
 17 judge of ~~a the~~ the circuit court shall issue a warrant of arrest to the sheriff of the county  
 18 directing ~~him the sheriff~~ to bring the defendant before the court and to summon witnesses  
 19 required to ascertain the facts in the case.

20 Upon receiving a truancy complaint in accordance with § 13-27-20, the clerk of the  
 21 circuit court shall forward a copy of the complaint to the Department of Social Services.

22 Upon receipt of the truancy complaint, the department shall cause an investigation  
 23 to be made, regarding potential abuse or neglect, in accordance with § 26-8A-9. The  
 24 department shall, within thirty days of receiving the complaint, provide the clerk and the  
 25 person who filed the complaint with a written report regarding the department's findings.

1 **Section 3.** That § 26-8A-9 be AMENDED:

2 **26-8A-9. Investigation of oral report--Other action permitted--Appointment**  
3 **of attorney--Compensation.**

4 Upon receipt of a report pursuant to § 26-8A-8 or upon receipt of a truancy report  
5 pursuant to § 13-27-21, the Department of Social Services or law enforcement officers  
6 shall investigate. Investigating personnel may personally interview a child out of the  
7 presence of the child's parents, guardian, or custodian without advance notice or consent.  
8 The investigation does not prohibit any other lawful action. If the investigation and report  
9 indicate that child abuse or neglect has occurred, the state's attorney shall take  
10 appropriate action immediately. The court may appoint an attorney, guardian ad litem, or  
11 special advocate to assist in representing the best interests of the child. Any such  
12 appointment shall occur in the manner the county in which the action is being conducted  
13 has chosen to provide indigent counsel under § 23A-40-7. Compensation and expense  
14 allowances for the child's attorney, guardian ad litem, or special advocate shall be  
15 determined and paid according to § 26-7A-31.