

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0245

SENATE BILL NO. 62

Introduced by: The Committee on Health and Human Services at the request of the Department
of Social Services

1 FOR AN ACT ENTITLED, An Act to require a personal representative to include social
2 security numbers of deceased medical assistance recipients in certain notices provided to the
3 Department of Social Services.

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

5 Section 1. That § 29A-3-705 be amended to read as follows:

6 29A-3-705. (a) Not later than fourteen days after appointment, every personal
7 representative, except any special administrator, shall give information of the appointment to the
8 heirs and devisees, including, if there has been no formal testacy proceeding and if the personal
9 representative was appointed on the assumption that the decedent died intestate, the devisees in
10 any unprobated will mentioned in the application for appointment of a personal representative.

11 (b) The information shall be delivered or sent by ordinary mail to each of the heirs and
12 devisees whose address is reasonably available to the personal representative. The duty does not
13 extend to require information to persons who have been adjudicated in a prior formal testacy
14 proceeding to have no interest in the estate. The information shall include the name and address
15 of the personal representative, indicate that it is being sent to persons who have or may have

1 some interest in the estate being administered, indicate whether bond has been filed, describe the
2 court where papers relating to the estate are on file, and shall be accompanied by a copy of the
3 will admitted to probate, if any. The information shall state that the estate is being administered
4 by the personal representative under the South Dakota Probate Code without supervision by the
5 court but that recipients are entitled to information regarding the administration from the
6 personal representative, to file a demand for notice under § 29A-3-204, and to petition the court
7 in any matter relating to the estate, including distribution of assets and expenses of
8 administration.

9 (c) Not later than fourteen days after appointment, every personal representative, other than
10 a special administrator, shall also give written information of the appointment to the State
11 Department of Social Services in Pierre, South Dakota, except that such information need not
12 include a copy of the will. The information shall include the decedent's social security number
13 and, if available upon reasonable investigation, the decedent's deceased spouse's name and social
14 security number.

15 (d) The personal representative's failure to give the information is a breach of duty to the
16 persons concerned but does not affect the validity of the appointment, the personal
17 representative's powers or other duties. A personal representative may inform other persons of
18 the appointment.