

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

283B0162

HOUSE BILL NO. 1086

Introduced by: Representatives Madden, Barker, Lucas, Matthews, Napoli, and Peterson (Bill)
and Senators Aker, Daugaard, Dunn (Rebecca), and Whiting

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding court-ordered
2 temporary custody of a child.

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

4 Section 1. That § 26-7A-13 be amended to read as follows:

5 26-7A-13. The court may order temporary custody of any child within the jurisdiction of the
6 court during any noticed hearing. Without noticed hearing, the court or an intake officer may
7 immediately issue a written temporary custody directive in the following instances on receipt of
8 an affidavit or, in the absence of a written affidavit when circumstances make it reasonable, on
9 receipt of sworn oral testimony communicated by telephone or other appropriate means:

10 (1) On application by a state's attorney, social worker of Department of Social Services,
11 or law enforcement officer respecting an apparent, alleged, or adjudicated abused or
12 neglected child stating good cause to believe as follows:

13 (a) The child is abandoned or is seriously endangered by the child's environment;

14 or

15 (b) There exists an imminent danger to the child's life or safety and immediate

1 removal of the child from the child's parents, guardian, or custodian appears to
2 be necessary for the protection of the child;

3 (2) On application by a state's attorney, court services officer, or law enforcement officer
4 respecting an apparent, alleged, or adjudicated child in need of supervision or
5 delinquent child stating good cause pursuant to § 26-8B-3 or 26-8C-3, as applicable,
6 to believe as follows:

7 (a) The child seriously endangers others or there is need for protection of ~~others~~
8 ~~from~~ the child; or

9 (b) The child has run away or escaped from the child's parents, guardian, or
10 custodian.