

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0276

HOUSE BILL NO. 1025

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 revise certain provisions regarding confidentiality of child
2 abuse or neglect information.

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

4 Section 1. That § 26-8A-13 be amended to read as follows:

5 26-8A-13. All investigative case records and files relating to reports of child abuse or neglect
6 are confidential, and no disclosure of any such records, files, or other information may be made
7 except as authorized in chapter 26-7A or this chapter. Any person who knowingly violates the
8 confidential nature of the records, files, or information is guilty of a Class 1 misdemeanor. The
9 Department of Social Services may release records, files, or other information to the following
10 parties upon the receipt by the department of a request showing that it is necessary for the parties
11 to have such information in the performance of official functions relating to child abuse or
12 neglect:

13 (1) The attorney general, the state's attorneys, law enforcement agencies, protective
14 services workers, and judges of the courts investigating reports of known or
15 suspected child abuse or neglect;

- 1 (2) The attorney or guardian ad litem of the child who is the subject of the information;
- 2 (3) Public officials or their authorized representatives who require the information in
- 3 connection with the discharge of official duties;
- 4 (4) Institutions and agencies that have legal responsibility or authorization to care for,
- 5 treat, or supervise a child who is the subject of the information or report;
- 6 (5) An adoptive parent of the child who is the subject of the information or report and a
- 7 licensed child welfare agency, a tribal agency which the Department of Social Services
- 8 has an agreement with to provide child welfare agency services which would
- 9 otherwise require licensure by the department or any private child welfare agency
- 10 whose licensure has been waived pursuant to § 26-6-9, for screening of applicants;
- 11 (6) A state, regional, or national registry of child abuse and neglect cases and courts of
- 12 record of other states;
- 13 (7) A validly appointed and registered child protection team under § 26-8A-17;
- 14 (8) A physician who ~~has before him~~ is caring for a child whom the physician reasonably
- 15 suspects may be abused or neglected; ~~and~~
- 16 (9) State hearing examiners and any person who is the subject of the report for purposes
- 17 directly related to review under § 26-8A-11; and
- 18 (10) A person eligible to submit an adoptive home study report under § 25-6-9.1 or
- 19 26-4-15. However, the information may only be released for the purpose of screening
- 20 applicants.

21 Information received by an authorized receiving party shall be held confidential by the

22 receiving party. However, the court may order the release of the information or any portion of

23 it necessary for determination of an issue before the court.