

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0286

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB 1025** -  
01/24/2001

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

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain mental health provisions  
2 pertaining to the state interagency coordinating network council and the local interagency  
3 teams.

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

5 Section 1. That § 27A-15-52 be repealed.

6 ~~—27A-15-52. The South Dakota department of human services, department of social services,~~  
7 ~~department of education and cultural affairs, department of health, department of corrections,~~  
8 ~~and unified judicial system shall jointly establish an interagency plan for a comprehensive system~~  
9 ~~of placements, programs and services for minors with emotional disturbances and their families.~~  
10 ~~—The plan shall include provision for an ongoing interagency program to identify the least~~  
11 ~~restrictive existing placements, programs and services for minors with emotional disturbances~~  
12 ~~and their families, as well as to establish needed placements, programs and services through an~~  
13 ~~interagency sharing of professional expertise and financial and other resources.~~

14 Section 2. That § 27A-15-53 be repealed.

1 ~~27A-15-53. The interagency plan shall provide for the appointment of a State Interagency~~  
2 ~~Coordinating Network Council consisting of a qualified representative from each of the state~~  
3 ~~agencies involved in developing the plan as provided in § 27A-15-52. In addition, the committee~~  
4 ~~shall include two parents of minors with an emotional disturbance.~~

5 Section 3. That § 27A-15-54 be amended to read as follows:

6 27A-15-54. ~~The state interagency coordinating network council shall be responsible for the~~  
7 ~~implementation of the interagency program provided in § 27A-15-52. In addition, the council~~  
8 ~~shall appoint~~ Each mental health center may designate one or more local interagency teams in  
9 each of the state's mental health service areas. ~~The state interagency coordinating network~~  
10 ~~council shall assist local interagency teams~~ The local interagency teams may assist in identifying  
11 appropriate placements, programs, and services for minors with emotional disturbances and their  
12 families. Any local interagency team shall include a parent of a child with an emotional  
13 disturbance who resides within the service area.

14 Section 4. That § 27A-15-55 be repealed.

15 ~~27A-15-55. The South Dakota department of human services may promulgate rules pursuant~~  
16 ~~to chapter 1-26 governing the local interagency teams and the state interagency coordinating~~  
17 ~~network council.~~

18 Section 5. That § 27A-15-56 be repealed.

19 ~~27A-15-56. Each local interagency team shall be served by a qualified mental health~~  
20 ~~professional, in accordance with subdivision 27A-15-1 (2), with expertise in the treatment and~~  
21 ~~care of minors, and a staff member of the mental health center in the service area for which the~~  
22 ~~panel is appointed. The staff member of the mental health center, if qualified, may serve as the~~  
23 ~~panel's mental health professional except as otherwise provided in subdivision 27A-15-1 (2).~~  
24 ~~Each local interagency team shall also include a special education administrator from one of the~~

1 local school districts in the service area; a representative of court services from a circuit in which  
2 the service area is located; a representative from the Department of Social Services, child  
3 protection services, assigned within the service area; and a parent of a child with an emotional  
4 disturbance who resides within the service area.

5 Section 6. That § 27A-15-57 be repealed.

6 ~~—27A-15-57. Each local interagency team shall assist in identifying appropriate placements,~~  
7 ~~programs and services for minors with emotional disturbances and their families within its service~~  
8 ~~area. Each team shall also assist the state interagency coordinating network council in identifying~~  
9 ~~needed placements, programs and services which are not currently available within its service~~  
10 ~~area. In addition, each local interagency team shall perform the functions, duties and~~  
11 ~~responsibilities as provided and required in this chapter.~~

12 Section 7. That § 27A-15-58 be repealed.

13 ~~—27A-15-58. The information received and collected by each local interagency team pursuant~~  
14 ~~to the provisions of this chapter shall be filed and maintained by each such panel.~~

15 Section 8. That § 27A-15-59 be amended to read as follows:

16 27A-15-59. Any person serving as a member of a local interagency team as provided for in  
17 ~~§ 27A-15-56~~ § 27A-15-54 whose action in the identification of placements, programs, and  
18 services for minors with emotional disturbances and their families pursuant to the provisions of  
19 this chapter is made in good faith and in the best interest of the child, is immune from any civil  
20 liability that might otherwise be incurred or imposed. ~~Immunity also extends in the same manner~~  
21 ~~to members of the State Interagency Coordinating Network Council.~~