

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

805N0781

## SENATE BILL NO. 215

Introduced by: Senators Smidt (Orville), Apa, and Napoli and Representatives Miles, Glenski, and Tidemann

1 FOR AN ACT ENTITLED, An Act to eliminate certain filings with the Department of Social  
2 Services in adoption cases in which the children are not in the custody of the department.

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

4 Section 1. That § 25-6-9.1 be amended to read as follows:

5 25-6-9.1. No person may place a child in a home for adoption until a home study has been  
6 completed by a licensed child placement agency as defined in § 26-6-14, the Department of  
7 Social Services, or a certified social worker eligible to engage in private independent practice  
8 as defined in § 36-26-17 ~~and the report has been filed with the Department of Social Services.~~  
9 Any person who submitted home studies under this section or under § 26-4-15 prior to July 1,  
10 1990, may continue to submit home study reports without meeting the above requirements. A  
11 home study shall include a criminal record check completed by the Division of Criminal  
12 Investigation and a central registry screening completed by the Department of Social Services.  
13 Any person who violates the provisions of this section is guilty of a Class 1 misdemeanor.

14 Section 2. That § 25-6-11 be amended to read as follows:

15 25-6-11. Upon the filing of a petition for the adoption of a minor child the petitioner therein



1 shall notify the Department of Social Services, by mailing to the department a copy of the  
2 petition. The petitioner also shall notify the department of the date fixed for hearing the petition,  
3 or mail to the department a copy of the order fixing the date of the hearing. ~~The department,~~  
4 ~~except in the case of a stepparent adopting a stepchild, shall then approve or disapprove the~~  
5 ~~report of the child welfare agency, if any, showing whether the proposed adoption is in a~~  
6 ~~suitable home for the child, why the parent or parents wish to give up the child, and whether the~~  
7 ~~child is suitable for adoption.~~ The department shall make a recommendation as to the  
8 desirability of the adoption. The department may appear in any procedure the same as the party  
9 in interest, and may request a postponement of hearing on the petition in the event more time  
10 is needed for its investigation. This section only applies to a child in the custody of the  
11 department.