



2025 South Dakota Legislature

House Bill 1195

ENROLLED

AN ACT

ENTITLED An Act to revise a provision related to the termination of parental rights of a child adjudicated abused or neglected.

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

Section 1. That § 26-8A-26.1 be AMENDED:

26-8A-26.1. In addition to the provisions of § 26-8A-26, the court may find that good cause exists for termination of parental rights of a parent who:

- (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-15, 22-16-20, 22-22-1, 22-22-24.3, 22-22A-2, 22-22A-3, 26-10-1, or subdivision 22-19-1(5), or committed conduct described in these sections, in violation of a law or ordinance of another jurisdiction having elements similar to an offense described in these sections;
- (2) Aided or abetted, attempted, conspired, or solicited to commit a crime defined in § 22-16-4, 22-16-7, 22-16-15, or 22-16-20, or defined in a law or ordinance of another jurisdiction having elements similar to an offense described in these sections;
- (3) Committed a crime defined in § 22-18-1.1, 22-22-7, or subdivision 22-23-2(2) against the child or another child of the parent, or committed conduct described in these sections, in violation of a law or ordinance of another jurisdiction having elements similar to the offense described in these sections;
- (4) Has been determined by a court by clear and convincing evidence to have subjected the child or another child to torture, sexual abuse, abandonment for at least six months, chronic physical, mental, or emotional injury, or chronic neglect, if the neglect was a serious threat to the safety of the child or another child;
- (5) Is incarcerated and is unavailable to care for the child during a significant period of the child's minority, considering the child's age and the child's need for care by an adult;

- (6) Has had parental rights to another child involuntarily terminated by a prior legal proceeding;
- (7) Has a documented history of abuse and neglect associated with chronic alcohol or drug abuse;
- (8) Has exposed the child to or demonstrated an inability to protect the child from substantial harm or the risk of substantial harm, and the child or another child has been removed from the parent's custody because the removed child was adjudicated abused and neglected by a court on at least one previous occasion;
- (9) Has exposed the child to or demonstrated an inability to protect the child from substantial harm or the risk of substantial harm, the child has been removed from the parent's custody on two separate occasions, and the Department of Social Services offered or provided family services on each of the two separate occasions the child was removed;
- (10) Has exposed the child to or demonstrated an inability to protect the child from substantial harm or risk of harm resulting from a crime, act, or omission as specified in subdivision (1), (2), or (3) of this section;
- (11) Is required to register as a sex offender pursuant to chapter 22-24B; or
- (12) Files a petition for voluntary termination of parental rights pursuant to § 25-5A-6. This subdivision only applies if:
 - (a) The court finds the voluntary termination of parental rights is in the best interest of the child; and
 - (b) Due regard is afforded to the Indian Child Welfare Act (25 U.S.C. §§ 1901-1963), if that Act is applicable.

An Act to revise a provision related to the termination of parental rights of a child adjudicated abused or neglected.

 I certify that the attached Act originated in
 the:
 House as Bill No. 1195

 Received at this Executive Office
 this _____ day of _____,
 2025 at _____ M.

 Chief Clerk

By _____
 for the Governor

 Speaker of the House

The attached Act is hereby
 approved this _____ day of
 _____, A.D., 2025

Attest:

 Chief Clerk

 Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

 President of the Senate

Attest:

Filed _____, 2025
 at _____ o'clock ___ M.

 Secretary of the Senate

 Secretary of State

House Bill No. 1195
 File No. _____
 Chapter No. _____

By _____
 Asst. Secretary of State