

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

328W0101

SENATE BILL NO. 70

Introduced by: Senators Sohlt, Haggar (Jenna), and Solano and Representative Gibson at the request of the Jolene's Law Task Force

1 FOR AN ACT ENTITLED, An Act to require that a mandatory child abuse reporter be present
2 and available to answer questions when the initial report regarding abuse or neglect is made
3 to authorities.

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

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

6 26-8A-8. The reports required by §§ 26-8A-3, 26-8A-6, and 26-8A-7 and by other sections
7 of this chapter shall be made orally and immediately by telephone or otherwise to the state's
8 attorney of the county in which the child resides or is present, to the Department of Social
9 Services or to law enforcement officers. The mandatory reporter who witnessed the disclosure
10 or evidence of abuse or neglect must be present and available to answer questions when the
11 initial report is made pursuant to this section. The state's attorney or law enforcement officers,
12 upon receiving a report, shall immediately notify the Department of Social Services. Any person
13 receiving a report of suspected child abuse or child neglect shall keep the report confidential as
14 provided in § 26-8A-13, except as otherwise provided in chapter 26-7A or this chapter.

15 The person receiving a report alleging child abuse or neglect shall ask whether or not the



1 reporting party desires a response report. If requested by the reporting person, the Department
2 of Social Services or the concerned law enforcement officer shall issue within thirty days, a
3 written acknowledgment of receipt of the report and a response stating whether or not the report
4 will be investigated.