

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

562A0435      **HOUSE JUDICIARY COMMITTEE ENGROSSED NO.**  
**SB99 - 2/20/97**

Introduced by: Senator Everist and Representative Hunt

1    FOR AN ACT ENTITLED, An Act to revise the grounds upon which a judge may waive  
2        consent of a parent to termination of parental rights for adoption.

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

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

5        25-6-4. No child may be adopted without the consent of the child's parents. However, if it  
6    is in the best interest of the child, the judge court may waive consent ~~if it is in the best interest~~  
7    ~~of the child~~ from a parent or putative father who:

8        (1)    Has been adjudged guilty of adultery or who has been convicted of any crime  
9            punishable by imprisonment in the penitentiary for a period that, in the opinion of the  
10          judge court, will deprive the child of the parent's companionship for a critical period  
11          of time;

12        (2)    Has abandoned ~~his or her child for a period of one year~~ the child for one year or more  
13          immediately prior to the filing of the petition;

14        (3)    Has substantially and continuously or repeatedly neglected the child and refused to  
15          give the child necessary parental care and protection;

- 1       (4) Being financially able, has willfully neglected to provide the child with the necessary  
2            subsistence, education, or other care necessary for the child's health, morals, or  
3            welfare or has neglected to pay for such subsistence, education, or other care if legal  
4            custody of the child is lodged with others and such payment ordered by the court;
- 5       ~~(3)~~(5) ~~Has been adjudged by a court of competent jurisdiction to be an habitual drunkard or~~  
6            ~~mentally incompetent~~ Is unfit by reason of habitual abuse of intoxicating liquor or  
7            narcotic drugs;
- 8       ~~(4)~~(6) Has been judicially deprived of the custody of the child, if the adjudication is final on  
9            appeal to the court of last resort or the time for an appeal has expired; or
- 10       ~~(5)~~(7) Does not appear personally or by counsel at the hearing to terminate parental rights  
11            after notice pursuant to §§ 25-5A-11 and 25-5A-12 which was received at least thirty  
12            days prior to the hearing.

1 **BILL HISTORY**

2 1/17/97 First read in Senate and referred to Judiciary. S.J. 60

3 1/22/97 Scheduled for Committee hearing on this date.

4 1/22/97 Judiciary Do Pass, Passed, AYES 5, NAYS 2.

5 1/23/97 Deferred to another day. S.J. 150

6 1/27/97 Deferred to another day. S.J. 173

7 1/28/97 Motion to Amend. S.J. 196

8 1/28/97 Motion to Amend. S.J. 196

9 1/28/97 Senate Do Pass Amended, Passed, AYES 33, NAYS 1. S.J. 196

10 1/28/97 Senate Title Amended. S.J. 197

11 1/29/97 First read in House and referred to Judiciary. H.J. 207

12 2/15/97 Scheduled for Committee hearing on this date.

13 2/15/97 Deferred to another day. H.J. 510

14 2/19/97 Scheduled for Committee hearing on this date.

15 2/19/97 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 561