

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

562A0435

SENATE ENGROSSED NO. **SB99** - 1/29/97

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~~ Has, for a period of six
13 months, abandoned, or willfully neglected to provide, the child with the necessary
14 subsistence, education, or other care necessary for the child's health, morals, or
15 welfare, or has willfully neglected to pay for such subsistence, education, or other
16 care if legal custody of the child is lodged with others and such payment ordered by

- 1 the court;
- 2 (3) ~~Has been adjudged by a court of competent jurisdiction to be an habitual drunkard or~~
3 ~~mentally incompetent~~ Is unfit by reason of habitual abuse of intoxicating liquor or
4 narcotic drugs, or by reason of behavior that, in the opinion of the court, would be
5 seriously detrimental to the health, morals, or welfare of the child;
- 6 (4) Has been judicially deprived of the custody of the child, if the adjudication is final on
7 appeal to the court of last resort or the time for an appeal has expired; or
- 8 (5) Does not appear personally or by counsel at the hearing to terminate parental rights
9 after notice pursuant to §§ 25-5A-11 and 25-5A-12 which was received at least thirty
10 days prior to the hearing.

1 **BILL HISTORY**

2 January 17 - First read in Senate and referred to Judiciary. S.J. 60

3 January 22 - Scheduled for hearing.

4 January 22 - Passed, AYES 5, NAYS 2.

5 January 27 - Second reading Senate. S.J. 173

6 January 28 - Second reading Senate. S.J. 196

7 January 28 - Passed as amended, AYES 33, NAYS 1. S.J. 196

8 January 28 - Amended title. S.J. 197