

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

770B0722

## HOUSE BILL NO. 1307

Introduced by: Representative Jorgensen and Senator Daugaard

1 FOR AN ACT ENTITLED, An Act to make perpetrators of child abuse liable for Department  
2 of Social Services' payments that are directly related to child abuse and to create a lien.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Child abuse," any violation of § 26-10-1 or chapter 22-22 if the victim of such crime  
6 is a child;

7 (2) "Perpetrator of child abuse," any person convicted of any violation of § 26-10-1 or  
8 chapter 22-22 if the victim of such crime was a child or whose name has been enrolled  
9 in the central registry for abuse and neglect established in § 26-8A-12.

10 Section 2. Any payment of public moneys by or through the Department of Social Services  
11 for services directly related to the child abuse is a debt due to the department and owed by the  
12 perpetrator of the child abuse.

13 Section 3. If a perpetrator of child abuse owes, but does not pay for services directly related  
14 to child abuse, the department has a lien upon all the property, both real and personal, including  
15 joint tenancy and homestead interests belonging to the perpetrator, or to be thereafter acquired  
16 by the perpetrator, or in which the perpetrator has any interest, for all public moneys expended

1 by the department for services directly related to the child abuse. In order to preserve such lien,  
2 the department may give notice of the lien by filing with the register of deeds office a sworn  
3 statement or certificate showing the amount expended and unpaid for services directly related  
4 to the child abuse. The sworn statement or certificate may be filed in any county in which  
5 property of the perpetrator is located, and shall contain a description of the property, and shall  
6 attach to the property whether individually or jointly owned by the perpetrator. The priority of  
7 the lien shall be established by the date of the filing. The register of deeds office is not entitled  
8 to any fee for registering or filing any lien under this section.

9 Section 4. The lien for services directly related to the child abuse is a lien by operation of  
10 law, with the full force and effect and attributes of a lien of this state, including enforceability,  
11 and is entitled, as a lien, to full faith and credit in this state.