

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

471M0008

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1086 - 01/25/2006

Introduced by: Representatives Glenski, Garnos, Hanks, Heineman, Kraus, Lange, McCoy, Miles, Murschel, Nelson, Rausch, Rave, Schafer, Sigdestad, Street, Tidemann, Weems, and Wick and Senators Peterson (Jim), Gant, Greenfield, Kloucek, and Koetzle

1 FOR AN ACT ENTITLED, An Act to restrict the rights of certain sex offenders related to
2 adoption or visitation of children.

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 court may waive consent from a parent or putative father
7 who:

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

11 (2) Has, by clear and convincing evidence, abandoned the child for six months or more
12 immediately prior to the filing of the petition;

13 (3) Has substantially and continuously or repeatedly neglected the child and refused to
14 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 (5) Is unfit by reason of habitual abuse of intoxicating liquor or narcotic drugs;
- 6 (6) Has been judicially deprived of the custody of the child, if the adjudication is final
7 on appeal to the court of last resort or the time for an appeal has expired; ~~or~~
- 8 (6A) Has caused the child to be conceived as a result of rape or incest; or
- 9 (7) Does not appear personally or by counsel at the hearing to terminate parental rights
10 after notice pursuant to §§ 25-5A-11 and 25-5A-12 which was received at least thirty
11 days prior to the hearing.

12 Section 2. That chapter 25-4A be amended by adding thereto a NEW SECTION to read as
13 follows:

14 If it is in the best interest of the child, the court may prohibit, revoke, or restrict visitation
15 rights to a child for any person who has caused the child to be conceived as a result of rape or
16 incest.