

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

382T0527

## HOUSE BILL NO. 1264

Introduced by: Representatives Sly, Abdallah, Cronin, Dryden, Fargen, Greenfield, Hansen (Jon), Hoffman, Hunhoff (Bernie), Kirkeby, Lust, Magstadt, Moser, Nelson (Stace), Rozum, Street, Turbiville, Verchio, and Wick and Senators Schlekeway, Begalka, Brown, Fryslie, Hunhoff (Jean), Kraus, Lederman, Putnam, Rampelberg, Rhoden, and Tidemann

1 FOR AN ACT ENTITLED, An Act to amend the mandatory reporting requirements regarding  
2 child abuse.

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

4 Section 1. That § 26-8A-3 be amended to read as follows:

5 26-8A-3. ~~Any physician, dentist, doctor of osteopathy, chiropractor, optometrist, mental~~  
6 ~~health professional or counselor, podiatrist, psychologist, religious healing practitioner, social~~  
7 ~~worker, hospital intern or resident, parole or court services officer, law enforcement officer,~~  
8 ~~teacher, school counselor, school official, nurse, licensed or registered child welfare provider,~~  
9 ~~employee or volunteer of a domestic abuse shelter, chemical dependency counselor, coroner,~~  
10 ~~or any safety-sensitive position as defined in subdivision 23-3-64(2); Any professional, or~~  
11 ~~person who has contact with a child through the performance of services as a support staff~~  
12 ~~member, working within or in conjunction with a hospital, health and wellness or medical clinic,~~  
13 ~~mental health provider, child protection agency, religious function or organization, parole or~~



1 court services, law enforcement, school or school related organization, registered day care,  
2 domestic abuse shelter, chemical dependency center, coroner's office, or any other business,  
3 agency, or organization that offers helping services to children, who have reasonable cause to  
4 suspect that a child under the age of eighteen has been abused or neglected as defined in § 26-  
5 8A-2 shall report that information in accordance with §§ ~~26-8A-6, 26-8A-7, and~~ 26-8A-8. Any  
6 person who intentionally fails to make the required report is guilty of a Class 1 misdemeanor.  
7 Any person who knows or has reason to suspect that a child has been abused or neglected as  
8 defined in § 26-8A-2 may report that information as provided in § 26-8A-8.

9 Section 2. That § 26-8A-8 be amended to read as follows:

10 26-8A-8. The reports required by §§ 26-8A-3, ~~26-8A-6, and 26-8A-7~~ and by other sections  
11 of this chapter shall be made orally and immediately by telephone or otherwise to the state's  
12 attorney of the county in which the child resides or is present, to the Department of Social  
13 Services or to law enforcement officers. The state's attorney or law enforcement officers, upon  
14 receiving a report, shall immediately notify the Department of Social Services. Any person  
15 receiving a report of suspected child abuse or child neglect shall keep the report confidential as  
16 provided in § 26-8A-13, except as otherwise provided in chapter 26-7A or this chapter.

17 The person receiving a report alleging child abuse or neglect shall ask whether or not the  
18 reporting party desires a response report. If requested by the reporting person, the Department  
19 of Social Services or the concerned law enforcement officer shall issue within thirty days, a  
20 written acknowledgment of receipt of the report and a response stating whether or not the report  
21 will be investigated.

22 Section 3. That § 26-8A-6 be repealed.

23 ~~26-8A-6. Any person who has contact with a child through the performance of services as~~  
24 ~~a member of a staff of a hospital or similar institution shall immediately notify the person in~~

1 ~~charge of the institution or his designee of suspected abuse or neglect. The person in charge~~  
2 ~~shall report the information in accordance with the provisions of § 26-8A-8. Any person~~  
3 ~~required by this section to report shall also promptly submit to the state's attorney complete~~  
4 ~~copies of all medical examination, treatment, and hospital records regarding the child. Any~~  
5 ~~person who knowingly and intentionally fails to make a required report and to submit copies of~~  
6 ~~records is guilty of a Class 1 misdemeanor. Each hospital or similar institution shall have a~~  
7 ~~written policy on reporting of child abuse and neglect and submission of copies of medical~~  
8 ~~examination, treatment, and hospital records to the state's attorney.~~

9 Section 4. That § 26-8A-7 be repealed.

10 ~~—26-8A-7. Any person who has contact with a child through the performance of services in~~  
11 ~~any public or private school, whether accredited or unaccredited, as a teacher, school nurse,~~  
12 ~~school counselor, school official or administrator, or any person providing services pursuant to~~  
13 ~~§ 13-27-3 shall notify the school principal or school superintendent or designee of suspected~~  
14 ~~abuse or neglect. The school principal or superintendent shall report the information in~~  
15 ~~accordance with the provisions of § 26-8A-8. Any person who knowingly and intentionally fails~~  
16 ~~to make a required report is guilty of a Class 1 misdemeanor. Each school district shall have a~~  
17 ~~written policy on reporting of child abuse and neglect.~~