



2020 South Dakota Legislature

Senate Bill 173

Introduced by: **Senator Phil Jensen**

1 **An Act to to establish limitations applicable to initial family assessments.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **26-8A-9.1. Initial family assessments--Written notice--Limitations.**

5 Before an employee of the Department of Social Services, Division of Child
 6 Protection Services, begins an initial family assessment for the purpose of investigating a
 7 report of child abuse or neglect, the employee shall deliver to the child's parent a written
 8 notice indicating that:

- 9 (1) The employee does not have a warrant to remove a child from the home and place
 10 the child in protective custody;
 11 (2) The employee does not have the right to remove a child from the home and place
 12 the child in protective custody unless the employee first obtains a warrant;
 13 (3) The parent may withhold permission for the employee to enter the home until such
 14 time as the employee obtains a warrant; and
 15 (4) If a law enforcement officer is accompanying the employee, the purpose is to
 16 ensure the safety and well-being of the employee and not, implicitly or explicitly,
 17 to threaten or intimidate the parent.