



2021 South Dakota Legislature
Senate Bill 31
ENROLLED

AN ACT

ENTITLED An Act to provide for the release of adult abuse case information to certain parties to assist in the provision of adult protective services.

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

Section 1. That a NEW SECTION be added:

1-36A-29.1. Records confidential--Exceptions.

All investigative case records and files relating to reports of abuse, neglect, or exploitation of adults and elderly are confidential, and no disclosure of any such records, files, or other information may be made except as authorized in this chapter. The Department of Human Services may release records, files, or other information to the following parties upon receipt of a request showing that it is necessary for the parties to have the information in the performance of official functions relating to abuse, neglect, or exploitation:

- (1) The attorney general, state's attorneys, law enforcement agencies, protective services workers, and courts investigating reports of known or suspected abuse, neglect, or exploitation;
- (2) The attorney, legal guardian, conservator, an agent under an advanced health care directive, or a health care decision maker pursuant to § 34-12C-3, of the adult who is the subject of the information;
- (3) Public officials or their authorized representatives who require the information in connection with the discharge of official duties;
- (4) Institutions and agencies that have legal responsibility or authorization to care for, treat, or supervise a person who is the subject of the information or report;
- (5) A family member of the person who is the subject of the information or report;
- (6) A state, regional, or national registry of adult and elderly abuse, neglect, or exploitation cases and courts of record of other states; or

- (7) A health care professional providing diagnosis or treatment for a person who is suspected or found to be abused, neglected, or exploited.

A party receiving information pursuant to this section shall hold the information confidential except to the extent a court orders the release of the information for the determination of an issue before the court.

An Act to provide for the release of adult abuse case information to certain parties to assist in the provision of adult protective services.

I certify that the attached Act originated in
the:
Senate as Bill No. 31

Received at this Executive Office
this ____ day of _____,
2021 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 31
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State