



Aberdeen Catholic School System

South Dakota Child Abuse and Neglect Statutes (Appendix I)

SOUTH DAKOTA CHILD ABUSE AND NEGLECT STATUTES (APPENDIX I)

26-10-10 Certain professionals to report child abuse and neglect cases - - Failure as misdemeanor- - Reports by other persons. Any physician, surgeon, pathologist, dentist, doctor of osteopathy, chiropractor, optometrist, mental health professional, hospital intern or resident, parole or probation officer, law enforcement officer, teacher, school counselor, school official, nurse, licensed or registered child welfare provider, chemical dependency counselor or coroner, having reasonable cause to suspect that a child under the age of eighteen year has been starved, neglected as defined in S 26-8-6, has had physical injury or injuries inflicted upon him by abuse or intentional neglect other than by accidental means, or has been subjected to circumstances or conditions which would reasonably result in abuse or neglect, by any person, including a parent or other person responsible for his care, shall report or cause reports to be made in accordance with SS 26-10-11, 26-10-11.1 and 26-10-12. Any person who intentionally fails to make a report as provided by law.

26-10-11.1 Child abuse reports by school personnel - - Failure as misdemeanor - - Written policy required as to reporting. When the presence of any person under S 26-10-10 is pursuant to the performance of services as a teacher, school nurse, school counselor, school official or administrator, such person shall, in satisfaction of the report required by S 26-10-10, notify the school principal or school superintendent or his designate who shall report or cause reports to be made in accordance with the provisions of S 26-10-12. Any such school principal or superintendent or their delegate, who knowingly and intentionally fails to make a report required of him is guilty of a Class I misdemeanor. Each school district shall have a written school district policy on reporting of child abuse and neglect.

26-10-12 Oral report of child abuse - - To whom made - - Notice of report between agencies. The report required by SS 26-10-10 and 26-10-11 or by other sections of this chapter shall be made orally and immediately by telephone or otherwise to the state's attorney of the county in which the child resides or is present, or to the department of social services, or the county sheriff, or to the city police. The state's attorney, the police department or the county sheriff, upon receiving a report, shall immediately notify the department of social services. The department of social services, upon receiving the report, shall immediately notify the states' attorney, the police department or the county sheriff. Anyone receiving a report of suspected child abuse shall keep the report confidential as provided in S 26-10-12.3

26-10-14 Immunity from liability. Anyone participating in good faith in the making of a report pursuant to SS 26-10-10 to 26-10-12, inclusive, or under any other provision of this chapter, shall have immunity from any liability, civil, or criminal, that might otherwise be

incurred, or imposed, and shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. Immunity shall also extend in like manner to persons requesting the taking of photographs and x-rays and to child protection teams established by the secretary of social services, public officials, or employees involved in the investigation and treatment of child abuse or neglect or who make a temporary placement of children pursuant to this chapter, or to any person who in good faith cooperates with a child protection teams or the department of social services in an investigation, placement, or treatment plan.