

Hello and welcome to the South Dakota Unified Judicial System Training Series for abuse and neglect cases. This five-video series is designed to help attorneys that represent both parents and children to understand the process, statutes, factors, and situations that affect the delicate nature of abuse and neglect cases. While it's easy to get caught up in the processes of representing an adult or child, please remember you're dealing with human beings who have experienced trauma, and the decisions made will have a lasting effect on them.

After each video, you'll be asked to answer a few questions that will review the information covered. Before advancing to the next video, you must answer the questions correctly to qualify your understanding of the content. As you may have noticed when accessing this video, the web component of this video training series will provide you with a number of different resources to help you prepare for abuse and neglect cases.

If you have any questions about this series or have an issue accessing any of the videos, please contact the South Dakota State Court Administrator's Office at 605-773-3474. Or ujs.helpdesk@ujs.state.sd.us

The definition of abuse and neglect cases in South Dakota is set by South Dakota Codified Law 26-8A-2. This statute states that the existence of any one of several conditions constitutes abuse or neglect.

Let's define an abused or neglected child. In this chapter and chapter 26-7A, the term abused or neglected child means a child whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse; who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian; whose environment is injurious to the child's welfare; whose parent, guardian or custodian fails or refuses to provide proper or necessary substance supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being; who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian; who is threatened with substantial harm; who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture; who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care; who is subject to prenatal exposure to abusive use of alcohol, marijuana, or any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapters 22-42 and 34-20B; or whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.

Please refer to the resources page on the UJS website for additional information.