

Hello again and welcome to the third installment of the UJS video training series.

All children are subject to court proceedings involving allegations of child abuse and neglect. As the child's representative, you are given this responsibility through South Dakota Codified Law 26-8A-18, which states, notwithstanding the provisions of 26-7A-31 and 26-8A-9 the court shall appoint an attorney for any child alleged to be abused or neglected in any judicial proceeding.

The attorney for the child shall represent the child's best interests, and may not be the attorney for any other party involved in the judicial proceedings. The court may designate other persons, including a special advocate, who may or may not be an attorney licensed to practice law, to assist the attorney of the child in the performance of the attorney's duties.

Compensation and expense allowances for the child's attorney shall be determined and paid according to 26-7A-31. South Dakota law requires certain professionals to report child abuse or neglect under South Dakota Codified Law 26-8A-3, which states persons required to report child abuse or neglected child - intentional failure as misdemeanor. Any physician, dentist, doctor of osteopathy, chiropractor, optometrist, emergency medical technician, paramedic, mental health professional or counselor, podiatrist, psychologist, religious healing practitioner, social worker, hospital intern or resident, parole or court services officer, law enforcement officer, teacher, school counselor, school official, nurse, licensed or registered child welfare provider, employee or volunteer of a domestic abuse shelter, employee or volunteer of a child advocacy organization or child welfare service provider, chemical dependency counselor, coroner, or any safety sensitive position as defined in subdivision 3-6C-1, who have reasonable cause to suspect that the child under the age of 18 has been abused or neglected as defined in 26-8A-2 shall report that information in accordance with 26-8A-6, 26-8A-7, and 26-8A-8. Any person who intentionally fails to make the required report is guilty of a class one misdemeanor.

Any person who knows or has reason to suspect that a child has been abused or neglected, as defined in 26-8A-2 may report that information as provided in 26-8A-8. If you would like to research more about this particular subject, please refer to South Dakota Codified Law 26-8A-4, 26-8A-6, and 26-8A-7, for more information. This is also available under the web component to the series.

There are many different entities involved with abuse and neglect cases. Although it may be easy to be distracted by the many parties represented. Please remember to focus on the fact that you are actively representing the child or parent. The parties involved may include parents, children, mother's attorney - can be multiple, father's attorney - can be multiple, child's attorney, judge, law enforcement, state's attorney, court appointed special advocates, also known as CASA, and the Department of Social Services - Child Protection Services (DSS-CPS).

We've discussed previously to keep in mind the best interest of the child. There are some guidelines to follow that will help you make this determination. This is based on investigation of facts and opinions. What the child wants is a factor in the best interest standards.

Consider their expressed wishes. What do you think as the child's attorney is the best outcome for the child? Also, you need to employ creative problem-solving and collaboration. What the child wants is not always equal to what the child's best interests are in an abuse and neglect case. Consistent with the child's wishes, the child's attorney should assure that a child with special needs receives appropriate services to address their physical, mental, or developmental disabilities.

These services may include, but should not be limited to, 1) Special education and related services. 2) Supplemental Security Income (SSI) to help support needed services. 3) Therapeutic foster or group home care. 4) Residential, inpatient and outpatient psychiatric treatment, and 5) Medical services.

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