

## STATEMENT OF THE ISSUES

### I.

WHETHER THE SUMMARY PROCEDURES FOR TERMINATING PARENTAL RIGHTS UNDER THE "NO REASONABLE EFFORTS" PROVISIONS OF SDCL 26-8A-21.1 AND 26-8A-21.2 VIOLATE THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE VI, SECTION 2 OF THE SOUTH DAKOTA CONSTITUTION:

- A. BY TAKING THE CONSTITUTIONALLY PROTECTED LIBERTY INTEREST OF BEING A PARENT WITHOUT DUE PROCESS OF LAW?
- B. BECAUSE THE STATUTORY SCHEME IS VOID FOR VAGUENESS?

Court Below: Held the procedure to be constitutional.

### II.

WHETHER ALLOWING FOSTER PARENTS AND DEPARTMENT OF SOCIAL SERVICE EMPLOYEES TO BE PRESENT VIOLATES THE STATUTE REQUIRING JUVENILE HEARINGS TO BE CLOSED?

Court Below: Held they could be present.