

**PETITION
ABUSE OR NEGLECT**

STATE OF SOUTH DAKOTA:
SS:

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

IN THE INTEREST OF,

(DOB: _____)

(DOB: _____)

Child(ren), and concerning

(DOB: _____)

(DOB: _____)

Respondent Parents

File No: _____

**PETITION
ABUSE OR NEGLECT**

The Petition of (ENTER TEXT) respectfully represents:

- 1) That she is a resident of the State of South Dakota.
- 2) That (NAME) is a child under eighteen years of age, being of the age of (ENTER TEXT) years old and who was residing in (COUNTY NAME) County at the commencement of these proceedings.
- 3) That the names and addresses of the parents guardian or custodian of said child are:

Name	Date of Birth	Address	Relationship
(PERSON ONE NAME)	(PERSON ONE DATE OF BIRTH)	(PERSON ONE ADDRESS)	(PERSON ONE RELATIONSHIP)
(PERSON TWO NAME)	(PERSON TWO DATE OF BIRTH)	(PERSON TWO ADDRESS)	(PERSON TWO RELATIONSHIP)

- 4) That said child is in the legal and physical custody of the Department of Social Services.
- 5) That this action is brought by the State on behalf of the South Dakota Department of Social Services.
- 6) The minor child (IS / IS NOT) an Indian Child as defined by the Indian Child Welfare Act (ICWA) and thus ICWA would (APPLY / NOT APPLY) to these proceedings. (TRIBE)

7) That said child is alleged to be ABUSED OR NEGLECTED pursuant to the following:

- A) The parent guardian or custodian has abandoned the minor child or subjected the child to mistreatment or abuse. (26-8A-2(1))
- B) The child lacks proper parental care through the actions or omissions of the child's parents, guardian or custodian. (26-8A-2(2))
- C) The child's environment is injurious to the child's welfare (26-8A-2(3));
- D) The child's parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance or wellbeing (26-8A-2(4));
- E) The child 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 (26-8A-2(5));
- F) The child is threatened with substantial harm (26-8A-2(6));
- G) The child has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidence 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 (26-8A-2(7));
- H) The child is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, or custodian, or any other person responsible for the child's care (26-8A-2(8));
- I) The child was subject to prenatal exposure to abusive use of alcohol, marijuana, or any controlled drug or substance not lawfully prescribed by a practitioner (26-8A-2(9));
- J) The child's parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamine or any other unlawfully manufactured controlled drug or substance (26-8A-2(10)).

8) That the facts which bring said child within the Court's jurisdiction are as follows:

- A) FACTS MUST SUPPORT THE SUBSECTION OF THE STATUTE BEING CITED FOR EACH PARENT.
- B) FACTS CAN INCLUDE PRIOR CPS INVOLVEMENT, PRIOR REMOVAL AND/OR PRIOR TERMINATIONS.
- C) FACTS SHOULD BE SPECIFIC AND CAN INCLUDE MEDICAL DOCUMENTATION AND FACTS IN POLICE REPORTS.
- D) FACTS SHOULD IDENTIFY PATERNITY FOR EACH CHILD AND ALLEGATIONS AS TO EACH FATHER IF PATERNITY IS NOT ESTABLISHED JOHN DOE MUST BE INCLUDED.

IF ASFA APPLIES THE FOLLOWING PARAGRAPH IS INCLUDED (NOT IN ICWA CASES):

- 9) The Adoptions and Safe Families Act applies to this case, as the Respondent mother has had parental rights to another child involuntarily terminated by a prior legal proceeding (26-8A-21.1(6)) and has exposed the child to or demonstrated an inability to protect the child from substantial harm or the risk of substantial harm, and the child or another child has been removed from the parent's custody because the removed child was adjudicated abused and neglected by a court on at least one previous occasion (26-8A-21.1 (8)); the facts of which are contained in Court file A00-000.

That it is for the interest of said child and this State that the child be declared to be ABUSED OR NEGLECTED child and that the appropriate action be taken pursuant to SDCL 26-7A-55 and Chapter 26-8A.

THEREFORE, petitioner prays that the Court fix a day for hearing on this Petition, that Summons issue to the Respondents requiring them to appear before the Court to answer to the allegations of the Petition, and if the allegations of the Petition are sustained, to make an Order of Adjudication setting forth that the above-named child is ABUSED OR NEGLECTED.

Petitioner

STATE OF SOUTH DAKOTA:

SS:

COUNTY OF _____

(ENTER TEXT), being duly sworn says:

That (ENTER TEXT) is the Petitioner herein and that the contents of the Petition are true to her best knowledge, information and belief.

Petitioner

Subscribed and sworn to before me this (DAY) day of (MONTH), (YEAR).

Notary Public, South Dakota

(SEAL)

My commission expires: (DATE)