

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

580R0463

HOUSE BILL NO. 1272

Introduced by: Representatives Hunt, Bolin, Brunner, Fargen, Feickert, Frerichs, Greenfield, Hoffman, Jensen, Kirkeby, Kirschman, Olson (Betty), Russell, Schlekeway, Solum, Steele, and Verchio and Senators Howie, Abdallah, Bartling, Fryslie, Kloucek, Maher, and Peterson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding paternity and
2 termination of parental rights.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A registry of paternity is hereby established in the Department of Health, which shall
7 administer the registry. The registry shall be referred to as the paternity registry. The registry
8 shall contain the names of any putative father who asserts his parental rights and expresses his
9 intent to accept parental responsibilities for a child.

10 Section 2. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 A putative father who desires to be notified of a proceeding for adoption, entry of a child
13 into state custody, or termination of parental rights regarding a child shall register in the
14 paternity registry before the birth of the child or within thirty days after the birth and file a



1 paternity action during pregnancy or within thirty days after the birth. A registrant shall be
2 informed that this registration may be used to establish an obligation to support the child.

3 Section 3. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The department shall prepare a form for registration in the paternity registry. The form shall
6 require the signature of the registrant. The form shall state that:

- 7 (1) A timely registration asserting paternity entitles the registrant to notice of a
8 proceeding for adoption of a child, entry of a child into state custody, or termination
9 of the registrant's parental rights;
- 10 (2) A timely registration does not commence a proceeding to establish paternity;
- 11 (3) The information disclosed on the form may be used as evidence in an adjudication
12 to establish paternity of the registrant;
- 13 (4) Services to assist in establishing paternity are available to the registrant through the
14 Department of Social Services;
- 15 (5) The registrant should also register in another state if conception or birth of the child
16 occurred in the other state;
- 17 (6) Procedures exist to rescind the registration of a claim of paternity; and
- 18 (7) The form is signed under penalty of perjury.

19 Section 4. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 The form shall also contain the following information:

- 22 (1) The name of the putative father, including any other names by which he may be
23 known;
- 24 (2) The date of birth of the putative father;

- 1 (3) The race and ethnicity of the putative father;
- 2 (4) The social security number of the putative father;
- 3 (5) The state of issue and driver license number of the putative father;
- 4 (6) The home address of the putative father;
- 5 (7) The telephone number of the putative father;
- 6 (8) The name and address of the employer of the putative father;
- 7 (9) The name of the birth mother, including any other names by which she may be
- 8 known;
- 9 (10) The last known home address of the birth mother;
- 10 (11) The social security number of the birth mother, if known;
- 11 (12) The race or ethnicity of the birth mother;
- 12 (13) The state of issue and driver license number of the birth mother, if known;
- 13 (14) The city and state where conception might have taken place;
- 14 (15) The birth date of the child or the approximate delivery date; and
- 15 (16) The name and gender of the child, if known.

16 The required information may be submitted electronically or by certified mail.

17 Section 5. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 A putative father who registers in the paternity registry shall notify the department of any
20 changes of his home address. If a putative father fails to update his home address, notice sent
21 to his last known home address is rebuttable evidence of efforts to locate the putative father and
22 provide notice. A putative father may register before the child is born even though the putative
23 father has no actual knowledge that a pregnancy has occurred or that a pregnancy has continued
24 through gestation.

1 Section 6. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The clerk of courts shall collect, pursuant to subsection 16-2-29(3)(b), a separate fee of fifty
4 dollars for each adoption case commenced in accordance with chapter 25-6. The clerk of courts
5 shall monthly transmit the amount collected to the state treasurer. The state treasurer shall
6 deposit the amount collected in the health special services fund created in § 34-1-22.

7 Section 7. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 The department is not required to locate the mother of a child who is the subject of a
10 registration, but the department shall send a copy of the notice of registration to the mother if
11 an address is provided.

12 Section 8. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Information contained in the registry is confidential and may be released on request only to:

- 15 (1) A court or a person designated by the court in any proceeding for adoption, entry of
16 a child into state custody, or for termination of parental rights, regarding a child who
17 is the subject of the registration;
- 18 (2) The mother of the child who is the subject of the registration;
- 19 (3) An agency authorized by other law to receive the information;
- 20 (4) A licensed child-placement agency;
- 21 (5) A support-enforcement agency;
- 22 (6) A party or the party's attorney of record in any proceeding for adoption, entry of a
23 child into state custody, or for termination of parental rights, regarding a child who
24 is the subject of the registration; and

1 (7) The registry of paternity in another state.

2 Section 9. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any person who knowingly submits false information to the paternity registry is guilty of
5 a Class 1 misdemeanor.

6 Section 10. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 A registrant may rescind his registration at any time by sending to the registry a rescission
9 signed, or otherwise authenticated by him, and witnessed or notarized.

10 Section 11. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The department shall furnish a certificate to any person who makes a request pursuant to
13 section 8 of this Act. A certificate can be requested either electronically or through certified
14 mail. The certificate shall provide registration information to identify the registrant or state that
15 no registration has been found. Within two business days from the receipt of the request, the
16 department shall mail the certificate to the requestor by the United States Postal Service. Upon
17 request and with the payment of any additional costs, the department shall have the certificate
18 delivered to the requestor by overnight mail, in person, by messenger, or by facsimile or other
19 electronic communication. The department's certificate is sufficient to prove the registry was
20 searched.

21 Section 12. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 A certificate of search of the paternity registry is admissible in a proceeding for entry of a
24 child into state custody, termination of parental rights, adoption, and, if relevant, in other legal

1 proceedings as rebuttable evidence of efforts to provide notice to a putative father of a pending
2 or planned adoption, or of the termination of his parental rights, or of entry of a child into
3 custody.

4 Section 13. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The department shall provide information to the public about the paternity registry and its
7 services, including:

- 8 (1) The procedures for voluntary acknowledgment of paternity;
- 9 (2) The consequences of acknowledgment and of failure to acknowledge paternity
10 pursuant to § 25-6-1.2;
- 11 (3) A description of the paternity registry, including to whom and under what
12 circumstances it applies;
- 13 (4) The time limits and responsibilities for filing;
- 14 (5) Paternal rights and associated responsibilities; and
- 15 (6) A detachable form meeting the requirements of sections 3 and 4 of this Act addressed
16 to the paternity registry.

17 Section 14. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 The mother-child relationship is established between a woman and a child by:

- 20 (1) The woman's having given birth to the child;
- 21 (2) An adjudication of the woman's maternity; or
- 22 (3) Adoption of the child by the woman pursuant to chapter 25-6.

23 Section 15. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 The father-child relationship is established between a man and a child by:

- 2 (1) Acknowledgment of paternity such that the father's name is reflected on the birth
3 certificate by consent pursuant to § 34-25-13.2 or by affidavit pursuant to § 25-8-50
4 or 25-8-60;
- 5 (2) Presumption of the man's paternity of the child pursuant to § 25-8-57;
- 6 (3) An adjudication of the man's paternity pursuant to chapter 25-8; or
- 7 (4) Adoption of the child by the man pursuant to chapter 25-6.

8 Section 16. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any man who has engaged in sexual intercourse with a woman is deemed to be on legal
11 notice that a child may be conceived and the man is entitled to all legal rights and obligations
12 resulting therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely
13 register pursuant to section 2 of this Act.

14 Section 17. That § 25-5A-1 be amended to read as follows:

15 25-5A-1. Terms in this chapter mean:

- 16 (1) "Acknowledged father," a man who has acknowledged the child as his own by
17 causing his name to be affixed to the birth certificate as provided by § 34-25-13.2,
18 25-8-50, or 25-8-60;
- 19 (2) "Authorized agency," the Department of Social Services of South Dakota or any
20 agency licensed by the department to place children for adoption;
- 21 (3) "Business day," a day on which state offices are open for regular business;
- 22 ~~(2)~~(4) "Child," any unemancipated minor;
- 23 ~~(3)~~—"Parents," ~~the mother and father, if living, of a child;~~
- 24 (5) "Home address," the most recent place of residence;

1 (6) "Overnight mail," any courier or carrier that guarantees delivery by the next business
2 morning;

3 (7) "Parent," a person who has established a parent-child relationship defined pursuant
4 to sections 14 or 15 of this Act;

5 (8) "Pending voluntary termination of parental rights proceeding," any proceeding
6 pursuant to § 25-5A-2 in which a petition has been filed with a court of competent
7 jurisdiction by a parent who desires to relinquish parental rights for any of the
8 purposes allowable pursuant to § 25-5A-2;

9 (9) "Planned voluntary termination of parental rights proceeding," any situation in which
10 the birth mother has formally contacted a licensed attorney or a licensed adoption
11 agency to petition a court of competent jurisdiction to relinquish parental rights for
12 any of the purposes allowable pursuant to § 25-5A-2;

13 ~~(4)~~(10) ~~"Putative father," any person who claims to be, or is named as, the biological~~
14 ~~father or a possible biological father of a child, and whose paternity of the~~
15 ~~child has not been judicially determined~~ a man who has had sexual intercourse
16 with a woman to whom he is not married and is therefore presumed to know
17 that such woman may be pregnant or become pregnant as a result of such
18 actions;

19 (11) "Paternity registry," the paternity registry established pursuant to section 1 of this
20 Act;

21 (12) "Search," a request pursuant to section 11 of this Act.

22 Section 18. That § 25-5A-9 be amended to read as follows:

23 25-5A-9. If a petition for the voluntary termination of parental rights is filed, the court shall
24 set a date for a hearing thereon, and shall cause notice of the time, place, and purpose of the

1 hearing to be served ~~upon the parent or parents. No such notice is necessary if a waiver executed~~
2 ~~by the parent or parents has been filed with the petition~~ only upon the nonpetitioning parent of
3 the child and any man who is a putative father registered during pregnancy or within thirty days
4 after the birth of the child with the paternity registry and who has filed a paternity action
5 pursuant to chapter 25-8 during the pregnancy or within thirty days after the birth of the child.
6 No such notice is necessary to any nonpetitioning parent or any putative father who has waived
7 notice in a writing executed by such person and filed with the court. The court may require
8 notice to be served upon any other person or organization and shall require notice to be served
9 upon the Department of Social Services if the petition indicated that temporary assistance for
10 needy families benefits were ever received on behalf of the minor child in accordance with
11 subdivision 25-5A-6(9). Any failure to provide notice to the Department of Social Services
12 pursuant to this section does not invalidate the proceedings. Notice shall be made only as
13 provided in this section. No notice is required to a putative father who fails to register within
14 thirty days of the birth and who fails to bring a paternity action within thirty days of the birth,
15 nor is notice required for a putative father with respect to whom a child has been relinquished
16 to an emergency medical services provider or a licensed child placement agency pursuant to
17 § 25-5A-27.

18 The court shall declare unnecessary the consent of persons not defined as a parent pursuant
19 to section 14 or 15 of this Act and those to whom notice is not required by § 25-5A-9, unless
20 a putative father was reasonably led to believe through the birth mother's fraud that the
21 pregnancy was terminated or the mother miscarried when in fact the baby was born, or that the
22 child died when in fact the child is alive. Upon the discovery of the fraud, the putative father
23 shall register with the paternity registry and file a paternity action within ten days after the
24 discovery of the fraud.

1 Section 19. That § 25-5A-11 be amended to read as follows:

2 25-5A-11. A notice required pursuant to § 25-5A-9, may be served by any person authorized
3 by the laws of this state to serve a summons in a civil action. Such notice shall be personally
4 served ~~upon every person required to be served if such person resides within the state and may~~
5 ~~be served upon such person, if without the state, by like personal service~~ or served by certified
6 United States mail with restricted delivery to an address obtained through a search pursuant to
7 section 11 of this Act upon a person who is a putative father who registered during pregnancy
8 or within thirty days after the birth of the child with the paternity registry and who filed a
9 paternity action pursuant to chapter 25-8 during the pregnancy or within thirty days after the
10 birth of the child and to whom notice is required to be given pursuant to § 25-5A-9 or by
11 publication as provided in § 25-5A-12. Such service, ~~whether personally or by publication,~~ shall
12 be made at least five days prior to the time for hearing.

13 Section 20. That § 25-5A-12 be amended to read as follows:

14 25-5A-12. If the court finds that personal service or service by certified mail with restricted
15 delivery as provided in § 25-5A-11 cannot be accomplished, the court shall publish notice of
16 the time, place, and purpose of the hearing as provided in § 26-7A-48. The form and wording
17 of notice shall be prescribed by the court.

18 Section 21. That chapter 25-5A be amended by adding thereto a NEW SECTION to read
19 as follows:

20 If a putative father fails to register pursuant to section 2 of this Act and to file a paternity
21 action pursuant to chapter 25-8 either during pregnancy or within thirty days after birth of the
22 child, the petitioner in a proceeding for voluntary termination of parental rights shall file with
23 the court a search certificate from the Department of Health. This certificate shall be filed with
24 the court at the time of filing a petition for voluntary termination of parental rights.

1 Section 22. That chapter 25-5A be amended by adding thereto a NEW SECTION to
2 read as follows:

3 A putative father who fails to register pursuant to section 2 of this Act and fails to file a
4 paternity action pursuant to chapter 25-8 either during pregnancy or within thirty days after birth
5 of the child waives the following rights:

- 6 (1) To notice and intervention in a pending or planned termination of parental rights
7 proceeding;
- 8 (2) To consent or withhold consent and the right to intervene in any pending or planned
9 adoption of the child;
- 10 (3) To notice in the termination of rights of a child;
- 11 (4) To notice in the entry of a child into state custody; and
- 12 (5) To notice and to intervene in a paternity action.

13 Section 23. That chapter 25-5A be amended by adding thereto a NEW SECTION to read
14 as follows:

15 If the putative father fails to register a notice of claim of paternity with the paternity registry
16 provided and fails to file a paternity action during pregnancy or within thirty days after the birth
17 of the child, the putative father is deemed to have waived his consent to the termination of
18 parental rights to the child unless the court finds that the putative father has developed a
19 substantial relationship with the child, taken responsibility for the child and the child's future,
20 and demonstrated a full commitment to the responsibilities of parenthood by financial support
21 of the child with a fair and reasonable sum in accordance with the putative father's ability, if not
22 prevented from doing so by the person or authorized agency having lawful custody of the child,
23 and either:

- 24 (1) Visited the child at least monthly if physically and financially able to do so, and if not

1 prevented from doing so by the person or authorized agency having lawful custody
2 of the child; or

3 (2) Regularly communicated with the child or with the person or agency having the care
4 or custody of the child, if physically and financially unable to visit the child, and if
5 not prevented from doing so by the person or authorized agency having lawful
6 custody of the child.

7 The subjective intent of a putative father, whether expressed or otherwise unsupported by
8 evidence of acts specified in this section does not preclude a determination that the father failed
9 to meet the requirements of this section.

10 A putative father who openly lived with the child for a period of six months within the
11 one-year period after the birth of the child and immediately preceding placement of the child
12 with adoptive parents, and openly held himself out to be the father of the child during that
13 period, shall be deemed to have developed a substantial relationship with the child and to have
14 otherwise met the requirements of this section.

15 With regard to a child who is less than six months of age at the time the child is placed for
16 adoption, a putative father must manifest a full commitment to his parental responsibilities by
17 performing all of the acts described in this section prior to the time the birth mother consents
18 to the voluntary termination of her parental rights for purposes of adoption. In addition, the
19 putative father shall initiate proceedings to establish paternity and file with that court a sworn
20 affidavit stating that he is fully able and willing to have full custody of the child, setting forth
21 his plans for care of the child, and agreeing to a court order of child support and the payment
22 of expenses incurred in connection with the birth mother's pregnancy and the child's birth.

23 Section 24. That § 25-5A-18 be amended to read as follows:

24 25-5A-18. Upon proof of the notice required by § 25-5A-9 and ~~personal~~ service as required

1 by §§ 25-5A-11 and 25-5A-12 to all parents and putative fathers of a child, if, after the court
2 determines that the parents have consented or have waived consent pursuant to § 25-6-4, the
3 court finds that the termination of parental rights and the transfer of parental rights to be in the
4 best interests of the child, and finds that the petitioner or petitioners are fully aware of the
5 purpose of the proceedings and the consequences of their act, the court shall make an order
6 terminating all parental rights and obligations in the parent or parents and putative fathers in
7 which they have existed and releasing the child from all legal obligations to the parents persons,
8 even though the proceeding for termination is brought by only one parent. The court shall also
9 order that the parental rights are transferred to some other person or persons, or authorized
10 agency as may, in the opinion of the court, be best qualified to receive them. The order may
11 contain the power by the person or persons or authorized agency to consent to the adoption of
12 the child, as provided for in § 25-6-12, without further notice to the child's parent or parents or
13 any other person having parental rights over the child. The court may specifically terminate the
14 parental rights of all parents and putative fathers regardless of whether they are personally
15 present in court except as required in § 25-5A-14.

16 Section 25. That § 25-6-1 be repealed.

17 ~~—25-6-1. The father of an illegitimate child by publicly acknowledging it as his own, receiving~~
18 ~~it as such into his family, with the consent of his wife if he is married and otherwise treating it~~
19 ~~as if it were a legitimate child, thereby adopts it as such, and such child is thereupon deemed for~~
20 ~~all purposes legitimate from the time of its birth. The other provisions of law relating to~~
21 ~~adoption shall not apply in such cases.~~

22 Section 26. That § 25-6-1.1 be repealed.

23 ~~—25-6-1.1. Notwithstanding any other provision of law or court rule the father of an~~
24 ~~illegitimate child shall, as a requirement of due process, have no rights to the service of process~~

1 ~~in adoption, dependency, delinquency, or termination of parental rights proceedings unless he~~
 2 ~~is known and identified by the mother or unless he, prior to the entry of a final order, in any of~~
 3 ~~the three proceedings, shall have acknowledged the child as his own by affirmatively asserting~~
 4 ~~paternity, within sixty days after the birth of the child:~~

5 ~~— (1) — As outlined in § 25-6-1; or~~

6 ~~— (2) — By causing his name to be affixed to the birth certificate as provided by § 34-25-13.2;~~

7 ~~or~~

8 ~~— (3) — Otherwise by commencing a judicial proceeding claiming a parental right.~~

9 Section 27. That § 25-6-4 be amended to read as follows:

10 25-6-4. No child may be adopted without the consent of the child's parents as defined in
 11 sections 14 and 15 of this Act and any putative father as defined in § 25-5A-1 who registers in
 12 the registry and who files a paternity action pursuant to chapter 25-8. However, if it is in the best
 13 interest of the child, the court may waive consent from a parent or putative father who:

14 (1) Has been convicted of any crime punishable by imprisonment in the penitentiary for
 15 a period that, in the opinion of the court, will deprive the child of the parent's
 16 companionship for a critical period of time;

17 (2) Has, by clear and convincing evidence, abandoned the child for six months or more
 18 immediately prior to the filing of the petition;

19 (2A) Being financially able, has neglected to provide financial and emotional support to
 20 the mother for a period of six months prior to the birth of the child or has failed to
 21 provide financial assistance in paying medical expenses of the mother and child
 22 associated with the child's birth;

23 (3) Has substantially and continuously or repeatedly neglected the child and refused to
 24 give the child necessary parental care and protection;

- 1 (4) Being financially able, has willfully neglected to provide the child with the necessary
- 2 subsistence, education, or other care necessary for the child's health, morals, or
- 3 welfare or has neglected to pay for such subsistence, education, or other care if legal
- 4 custody of the child is lodged with others and such payment ordered by the court;
- 5 (5) Is unfit by reason of habitual abuse of intoxicating liquor or narcotic drugs;
- 6 (6) Has been judicially deprived of the custody of the child, if the adjudication is final
- 7 on appeal to the court of last resort or the time for an appeal has expired;
- 8 (6A) Has caused the child to be conceived as a result of rape or incest; or
- 9 (7) ~~Does not appear personally or by counsel at the hearing to terminate parental rights~~
- 10 ~~after notice pursuant to §§ 25-5A-11 and 25-5A-12 which was received at least thirty~~
- 11 ~~days prior to the hearing~~ Has been served with notice of a petition by a person or a
- 12 husband and wife to adopt under § 25-6-10 a child with whom he has a father-child
- 13 relationship and failing to answer or otherwise respond to the petition within thirty
- 14 days after the date of service of the notice.

15 Section 28. That § 25-8-57 be amended to read as follows:

16 25-8-57. Any child born in wedlock, or born within ten months after dissolution of the
17 marriage, is presumed legitimate to that marriage even if the marriage is subsequently declared
18 to be null and void, or subsequently dissolved by divorce. This rebuttable presumption of
19 ~~legitimacy~~ paternity can only be disputed by the husband or wife, or a descendant of one or both
20 of them.

21 Section 29. That § 15-7-2 be amended to read as follows:

22 15-7-2. Any person is subject to the jurisdiction of the courts of this state as to any cause of
23 action arising from the doing personally, through any employee, through an agent or through a
24 subsidiary, of any of the following acts:

- 1 (1) The transaction of any business within the state;
- 2 (2) The commission of any act which results in accrual within this state of a tort action;
- 3 (3) The ownership, use, or possession of any property, or of any interest therein, situated
4 within this state;
- 5 (4) Contracting to insure any person, property, or risk located within this state at the time
6 of contracting;
- 7 (5) Entering into a contract for services to be rendered or for materials to be furnished
8 in this state by such person;
- 9 (6) Acting as director, manager, trustee, or other officer of any corporation organized
10 under the laws of, or having its principal place of business within this state, or as
11 personal representative of any estate within this state;
- 12 (7) Failure to support a minor child residing in South Dakota;
- 13 (8) Having sexual intercourse in this state, which act creates a cause of action for the
14 determination of paternity of a child who may have been conceived by that act of
15 intercourse;
- 16 (9) With respect to any action for divorce, separate maintenance, or spousal support the
17 maintenance in this state of a matrimonial domicile at the time the claim arose or the
18 commission in this state of an act giving rise to the claim, subject to the provisions
19 of § 25-4-30;
- 20 (10) Entering into negotiations with any person within the state with the apparent
21 objective of contracting for services to be rendered or materials to be furnished in this
22 state;
- 23 (11) Commencing or participating in negotiations, mediation, arbitration, or litigation
24 involving subject matter located in whole or in part within the state;

- 1 (12) Doing any act for the purpose of influencing legislation, administrative rule-making
- 2 or judicial or administrative decision-making by any local, state, or federal official
- 3 whose official function is being performed within the state, providing that an
- 4 appearance to contest personal jurisdiction shall not be within this subsection;
- 5 (13) The commission of any act which results in the accrual of an action in this state for
- 6 a violation of the antitrust laws of the United States or chapter 37-1;
- 7 (14) The commission of any act, the basis of which is not inconsistent with the
- 8 Constitution of this state or with the Constitution of the United States;
- 9 (15) Asserting parentage in the paternity registry maintained by the Department of Health
- 10 pursuant to section 2 of this Act.

11 Section 30. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Due regard shall be afforded to the Indian Child Welfare Act (25 U.S.C. §§ 1901-1963), as
14 amended to January 1, 2010, if that Act is applicable.

15 Section 31. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Due regard shall be afforded to the Servicemembers' Civil Relief Act (50 U.S.C. App. 501
18 et seq.), as amended to January 1, 2010, if that Act is applicable.

19 Section 32. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 The Department of Health shall promulgate rules, pursuant to chapter 1-26, in the following
22 areas:

- 23 (1) Requirements for the method of registration;
- 24 (2) Operation of the registry; and

- 1 (3) Distribution of the certificates of the paternity registry.