

2022 South Dakota Legislature

House Bill 1311**AMENDMENT 1311A FOR THE INTRODUCED BILL**

1 **An Act to clarify the means of voluntarily terminating a relationship between a birth**
2 **mother and a child.**

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

4 **Section 1. That chapter 25-5A be amended with a NEW SECTION:**

5 No contract that purports to require a birth mother to terminate her relationship
6 with the child she carries in utero is enforceable whether or not the birth mother is
7 genetically related to the child. The provisions of this chapter and chapter 25-6 are the
8 only means by which the relationship between a birth mother and a child may be
9 voluntarily terminated by a post-birth order of the court. Under no circumstance may the
10 relationship be terminated by a pre-birth order of the court.

11 **Section 2. That chapter 25-6 be amended with a NEW SECTION:**

12 No contract that purports to require a birth mother to terminate her relationship
13 with the child she carries in utero is enforceable whether or not the birth mother is
14 genetically related to the child. The provisions of this chapter and chapter 25-5A are the
15 only means by which the relationship between a birth mother and a child may be
16 voluntarily terminated by a post-birth order of the court. Under no circumstance may the
17 relationship be terminated by a pre-birth order of the court.