



## 2022 South Dakota Legislature

# House Bill 1311

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative** Soye

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.