



2023 South Dakota Legislature
Senate Bill 75
ENROLLED

AN ACT

ENTITLED An Act to revise provisions related to parental support for expenses related to pregnancy and childbirth.

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

Section 1. That § 25-8-3 be AMENDED:

25-8-3. The father and mother of a child born out of wedlock are jointly and severally liable to pay the reasonable expenses related to the mother's:

- (1) Pregnancy or prenatal care for the child;
- (2) Labor and delivery of the child; and
- (3) Postpartum recovery and any medical complications arising from pregnancy with the child.

Section 2. That § 25-8-7 be AMENDED:

25-8-7. An action to determine paternity or proceedings to compel support by a father, including a proceeding to compel payment of reasonable expenses pursuant to § 25-8-3, are civil actions governed by the Rules of Civil Procedure. They are not exclusive of other proceedings that may be available on principles of law or equity.

Upon determining paternity of a child, the court shall give judgment declaring the paternity of the father to the child. The court may award a money judgment to the appropriate party for the recovery of any of the following reasonable expenses:

- (1) Those provided in § 25-8-3;
- (2) For the education, support, or funeral expenses for the child; or
- (3) For any other expenses with respect to the child as the court deems reasonable.

The court shall enter an order for the support and custody of the child. The court may require the person ordered to pay support to give reasonable security for providing the support. The court may modify or vacate any order issued pursuant to this section at any time.

Section 3. That § 25-8-12 be AMENDED:

25-8-12. The proceeding to determine paternity or compel support by a father, including a proceeding to compel payment of reasonable expenses pursuant to § 25-8-3, may be instituted during the pregnancy of the mother or after the birth of the child. Except with the consent of the person alleged to be the father, the trial may not be had until after the birth of the child.

Section 4. That § 25-8-62 be AMENDED:

25-8-62. In any action to establish paternity, or a proceeding to compel support, including a proceeding to compel payment of reasonable expenses pursuant to § 25-8-3, medical bills related to a mother's pregnancy and prenatal care, labor and delivery, postpartum recovery, and medical complications arising from pregnancy, and genetic testing bills, are admissible as evidence without foundation testimony, and shall constitute prima facie evidence of the amounts incurred.

Section 5. That § 25-7-6.25 be AMENDED:

25-7-6.25. The department shall create and distribute a standardized form to allow a parent, guardian, or other custodian to request reimbursement of any medical or health care costs from the responsible parent.

A parent, guardian, or custodian may use the small claims procedure of chapter 15-39 as a means to collect unreimbursed medical or health care costs from the responsible parent.

If paternity has been determined pursuant to chapter 25-8, a mother may use the small claims procedure of chapter 15-39 as a means to collect reasonable expenses as provided in § 25-8-3.

An Act to revise provisions related to parental support for expenses related to pregnancy and childbirth.

I certify that the attached Act originated in
the:
Senate as Bill No. 75

Received at this Executive Office
this ____ day of _____,
2023 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2023

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 75
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State