



2024 South Dakota Legislature

House Bill 1123

Introduced by: **Representative** DeGroot

1 **An Act to allow for an action to establish paternity after age eighteen based on**
2 **genetic test results.**

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

4 **Section 1. That § 25-8-9 be AMENDED:**

5 **25-8-9.** ~~Proceedings~~ Except as provided by section 2 of this Act, a proceeding to
6 establish or disestablish paternity and enforce the obligation of the father may be brought
7 at any time before the eighteenth birthday of the child.

8 **Section 2. That a NEW SECTION be added to chapter 25-8:**

9 Notwithstanding § 25-8-9, an adult person for whom paternity has not been
10 established may bring a paternity action to establish paternity after the eighteenth
11 birthday of that person only upon evidence of a genetic test establishing a threshold
12 probability of paternity of a discrete individual of ninety-nine percent or more. No support
13 obligation or expenses under § 25-8-7 may be enforced against the father in an action
14 pursuant to this section.

15 **Section 3. That a NEW SECTION be added to chapter 34-25:**

16 Upon receipt of a court order establishing paternity pursuant to section 2 of this
17 Act, the department must enter the name of the father as determined by the court on the
18 certificate of birth of the child.