

2024 South Dakota Legislature

House Bill 1123**AMENDMENT 1123A
FOR THE INTRODUCED BILL**

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 No person for whom paternity is established pursuant to this section is entitled to
16 inherit under chapter 29A-2 or receive benefits as a class beneficiary of a life insurance
17 policy, under title 58, entered into after July 1, 2024.

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

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

22 **Section 4. That a NEW SECTION be added to chapter 29A-2:**

1 No person for whom paternity is established pursuant to section 2 of this Act is
2 entitled to inherit under this chapter.

3 **Section 5. That a NEW SECTION be added to chapter 58-1:**

4 No person for whom paternity is established pursuant to section 2 of this Act may
5 receive benefits as a class beneficiary of a life insurance policy, under this title, entered
6 into after July 1, 2024.

