



2025 South Dakota Legislature

House Bill 1174

Introduced by: **Representative Hughes**

1 **An Act to revise certain provisions related to the rights and obligations of a father**
 2 **of a child born to an unmarried mother.**

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

4 **Section 1. That § 25-6-1 be AMENDED:**

5 **25-6-1.** ~~The father of an illegitimate child by publicly acknowledging it as his own,~~
 6 ~~receiving it as such into his family, with the consent of his wife if he is married and~~
 7 ~~otherwise treating it as if it were a legitimate child, thereby adopts it as such, and such~~
 8 ~~child is thereupon deemed for all purposes legitimate from the time of its birth. The other~~
 9 ~~provisions of law relating to adoption shall not apply in such cases.~~ If the biological mother
 10 of a child is not married to the father of the child at the time of the conception or birth of
 11 the child, or at any time between conception and birth of the child, the father becomes an
 12 acknowledged father of the child and adopts the child only by:

- 13 (1) Openly holding out the child as the father's own by receiving the child into the
 14 father's household;
 15 (2) Voluntarily contributing to the financial support of the child; or
 16 (3) Voluntarily contributing to the daily supervision, protection, education, and care of
 17 the child.

18 Following a father's adoption of a child pursuant to this section, the child is deemed
 19 for all purposes to be the child of the father from the time of the child's birth. No other
 20 provision of law relating to adoption shall apply.

21 **Section 2. That § 25-6-1.1 be AMENDED:**

22 **25-6-1.1.** Notwithstanding any other provision of law or court-rule ruling, if the
 23 biological mother of a child is not married to the father at the time of conception or birth
 24 of the child, or at any time between conception and birth of the child, the father of an
 25 illegitimate the child shall, as a requirement of due process, have has no rights to the

1 service of process or notice in an adoption, ~~dependency, delinquency,~~ or termination of
2 parental rights ~~proceedings proceeding,~~ unless he the father is known and identified by
3 the mother to the court, or unless ~~he the father,~~ prior to the entry of a final order, ~~in any~~
4 ~~of the three proceedings, shall have acknowledged in the proceeding,~~ acknowledges the
5 child as ~~his the father's~~ own by affirmatively asserting paternity, within ~~sixty~~ fifteen days
6 after the birth of the child, by:

7 (1) ~~As outlined~~ Becoming an acknowledged father as provided in § 25-6-1; ~~or~~

8 (2) ~~By causing his~~ Causing the father's name to be affixed to the birth certificate as
9 provided by § 34-25-13.2; or

10 (3) ~~Otherwise by commencing a judicial proceeding claiming a parental~~
11 ~~right~~ Commencing an action for paternity pursuant to chapter 25-8.

12 A man who has sexual intercourse with a woman to whom the man is not married
13 is deemed to be on notice that a child may be conceived as a result and is entitled to
14 notice of an adoption proceeding or voluntary termination of parental rights proceeding
15 only as provided in this chapter. It is the duty of the father to affirmatively assert and
16 protect the father's rights and interest in the child.

17 The mother has the right to not identify the father or any other potential father of
18 the child to the court or to any other person in an adoption or voluntary termination of
19 parental rights proceeding. No inquiry may be made into the sexual history of the mother
20 in an adoption or voluntary termination of parental rights proceeding. The mother's failure
21 to inform the father of the mother's pregnancy is not a defense to the father's failure to
22 timely assert paternity as provided in this chapter.