

-Representative John Hughes – District 13, Sioux Falls. Senator Wheeler:

I have attached In the Matter of the Termination of Parental Rights Over Baby Boy K., 546 N.W. 2d 86 (S.D. 1996), and Baby Girl P, decided by Presiding Judge Larry Long on January 31, 2013. Would it be appropriate to provide copies of these decisions to members of the Committee? That was done in the House Judiciary Committee.

HB 1174 only applies in cases of private adoption. Consequently, DSS has no concerns with the Bill in terms of child support enforcement where the mother chooses to parent.

HB 1174 clarifies the steps that a man not married to the mother can take to assert his “liberty interest” under the due process clause when the mother is making an adoption plan. This is a considerable improvement over the “publicly acknowledging it as his own” standard of existing law.

The phrase “illegitimate child” is removed and the existing language of the father “thereby adopts it as such” is expanded at the end of Section 1.

The mother’s pathway to adoption is clarified and made simpler. If the man fails to take the required steps before birth or within 15 days following birth by becoming an acknowledged father or taking the other steps specified in Section 2, his consent to the adoption is not required. I am available at any time convenient to you. Thank you. John Hughes, Sioux Falls