

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

367T0758

HOUSE JUDICIARY ENGROSSED NO. **HB 1266** 2/13/2012

Introduced by: Representatives Tulson, Gosch, Hubbel, Jensen, Magstadt, Moser, Rausch,
Venner, and Wick and Senators Rhoden, Begalka, and Novstrup (A)

1 FOR AN ACT ENTITLED, An Act to reduce the period of time necessary to cure and validate
2 certain adoption proceedings.

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

4 Section 1. That § 25-6-21 be amended to read as follows:

5 25-6-21. Except in any case involving fraud or any case controlled by the Indian Child
6 Welfare Act, (25 U.S.C. §§ 1901 to 1963, inclusive), as amended to January 1, 2012, any
7 proceeding for the adoption of a child commenced under chapter 25-6 shall be in all things
8 legalized, cured, and validated ~~two years~~ one year after the proceeding is finalized. If any person
9 has a claim or right arising from any adoption proceeding, that person ~~must~~ shall initiate any
10 action to enforce such right or claim within ~~two years~~ one year of the date when the proceeding
11 is finalized unless a two year statute of limitations is imposed by the Indian Child Welfare Act,
12 (25 U.S.C. §§ 1901 to 1963, inclusive), as amended to January 1, 2012.

