



2023 South Dakota Legislature

Senate Bill 75

Introduced by: **Senator Wheeler**

1 **An Act to revise provisions related to parental support for expenses related to**
 2 **pregnancy and childbirth.**

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

4 **Section 1. That § 25-8-3 be AMENDED:**

5 **25-8-3.** The father and mother of a child born out of wedlock are jointly and
 6 severally liable to pay the reasonable expenses ~~of the mother's pregnancy and~~
 7 confinement related to the mother's:

8 (1) Pregnancy or prenatal care for the child;

9 (2) Labor and delivery of the child; and

10 (3) Postpartum recovery and any medical complications arising from pregnancy with
 11 the child.

12 **Section 2. That § 25-8-7 be AMENDED:**

13 **25-8-7.** An action to determine paternity or proceedings to compel support by ~~the~~
 14 a father, including a proceeding to compel payment of reasonable expenses pursuant to
 15 § 25-8-3, are civil actions governed by the Rules of Civil Procedure. They are not exclusive
 16 of other proceedings that may be available on principles of law or equity.

17 Upon determining paternity of a child, the court shall give judgment declaring the
 18 paternity of the father to the child. The court may award a money judgment to the
 19 appropriate party for the recovery of any of the following reasonable expenses ~~of the~~
 20 mother's pregnancy and confinement, for:

21 (1) Those provided in § 25-8-3;

22 (2) For the education, support, or funeral expenses for the child; ~~or for~~

23 (3) For any other expenses with respect to the child as the court deems reasonable.

24 The court shall enter an order for the support and custody of the child. The court
 25 may require the person ordered to pay support to give reasonable security for providing

1 the support. The court may modify or vacate any order issued pursuant to this section at
2 any time.

3 **Section 3. That § 25-8-12 be AMENDED:**

4 **25-8-12.** The proceeding to determine paternity or compel support by a father,
5 including a proceeding to compel payment of reasonable expenses pursuant to § 25-8-3,
6 may be instituted during the pregnancy of the mother or after the birth of the child. Except
7 with the consent of the person alleged to be the father, the trial may not be had until after
8 the birth of the child.

9 **Section 4. That § 25-8-62 be AMENDED:**

10 **25-8-62.** In any action to establish paternity, or a proceeding to compel support,
11 including a proceeding to compel payment of reasonable expenses pursuant to § 25-8-3,
12 medical bills related to childbirth, pregnancy, or confinement expenses, a mother's
13 pregnancy and prenatal care, labor and delivery, postpartum recovery, and medical
14 complications arising from pregnancy, and genetic testing bills shall be, are admissible as
15 evidence without foundation testimony, and shall constitute prima facie evidence of the
16 amounts incurred.

17 **Section 5. That § 25-7-6.25 be AMENDED:**

18 **25-7-6.25.** The department shall create and distribute a standardized form to
19 allow a parent, guardian, or other custodian to request reimbursement of any medical or
20 health care costs from the responsible parent.

21 A parent, guardian, or custodian ~~shall also be entitled to~~ may use the small claims
22 procedure of chapter 15-39 as a means to collect unreimbursed medical or health care
23 costs from the responsible parent.

24 If paternity has been determined pursuant to chapter 25-8, a mother may use the
25 small claims procedure of chapter 15-39 as a means to collect reasonable expenses as
26 provided in § 25-8-3.