

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

673Z0242

## HOUSE BILL NO. 1112

Introduced by: Representatives Johns, Diedrich, Lust, and Stevens and Senator Rusch

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding contested paternity.

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

3 Section 1. That § 25-8-59 be amended to read:

4 25-8-59. Any action contesting a rebuttable presumption of paternity as established by  
5 §§ 25-8-50 to 25-8-58, inclusive, shall be commenced in circuit court either sixty days after the  
6 creation of the presumption of paternity or the date of any administrative or judicial proceedings  
7 relating to the child including proceedings to establish a support obligation in accordance with  
8 § 25-8-52, whichever occurs earlier, except in ~~cases~~ a case where there are allegations of fraud,  
9 duress, or material mistake of fact. In ~~cases~~ a case involving allegations of fraud, duress, or  
10 material mistake of fact, any action contesting a rebuttable presumption of paternity shall be  
11 commenced within three years after the creation of any presumption. The burden of proof shall  
12 be upon the moving party and the payment of child support, or any other legal responsibilities  
13 of the parties, may not be suspended during the pendency of the proceedings, except upon a  
14 showing of good cause by the moving party. This section does not apply to any proceeding  
15 under § 25-8-64.

