

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

286P0294

SENATE JUDICIARY ENGROSSED NO. **HB 1097** - 2/11/2008

Introduced by: Representatives Vehle, Deadrick, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to provide for the imposition of certain sanctions against
2 parties who willfully do not comply with custody or visitation decrees.

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

4 Section 1. That § 25-4A-5 be amended to read as follows:

5 25-4A-5. ~~Each violation of the custody or visitation provisions of a court decree may be~~
6 ~~punished by imprisonment in jail not to exceed three days, by fine not to exceed one thousand~~
7 ~~dollars, or both.~~ If the court finds that any party has willfully violated or willfully failed to
8 comply with any provisions of a custody or visitation decree, the court shall impose appropriate
9 sanctions to punish the offender or to compel the offender to comply with the terms of the
10 custody or visitation decree.

11 Sanctions which the court may, in its discretion, order include:

12 (1) To require the offender to provide the other party with make up time with the child
13 equal to the time missed with the child, due to the offender's noncompliance;

14 (2) To require the offender to pay, to the other party, court costs and reasonable



1 attorney's fees incurred as a result of the noncompliance;

2 (3) To require the offender to pay a civil penalty of not more than the sum of one
3 thousand dollars;

4 (4) To require the offender to participate satisfactorily in counseling or parent education
5 classes;

6 (5) To require the offender to post bond or other security with the court conditional upon
7 future compliance with the terms of the custody or visitation decree or any ancillary
8 court order;

9 (6) To impose a jail sentence on the offender of not more than three days.

10 The provisions of this section do not prohibit the court from imposing any other sanction
11 appropriate to the facts and circumstances of the case.