

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

463S0563

SENATE JUDICIARY ENGROSSED NO. **SB 114-** 2/15/2011

Introduced by: Senators Kraus, Adelstein, and Rampelberg and Representatives Verchio,
Hunt, Kopp, Liss, Lust, Russell, Sly, and Stricherz

1 FOR AN ACT ENTITLED, An Act to provide that parties to a divorce or separate maintenance
2 action be restrained from making changes to insurance coverage.

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

4 Section 1. That § 25-4-33.1 be amended to read as follows:

5 25-4-33.1. Upon the filing of a summons and complaint for divorce or separate maintenance
6 by the plaintiff, and upon personal service of the summons and complaint on the defendant, a
7 temporary restraining order shall be in effect against both parties until the final decree is entered,
8 the complaint dismissed, or until further order of the court:

9 (1) Restraining both parties from transferring, encumbering, concealing, or in any way
10 dissipating or disposing of any marital assets, without the written consent of the other
11 party or an order of the court, except as may be necessary in the usual course of
12 business or for the necessities of life, and requiring each party to notify the other
13 party of any proposed extraordinary expenditures and to account to the court for all
14 extraordinary expenditures made after the temporary restraining order is in effect;



- 1 (2) Restraining both parties from molesting or disturbing the peace of the other party;
2 and
- 3 (3) Restraining both parties from removing any minor child of the parties from the state
4 without the written consent of the other party or an order of the court; and
- 5 (4) Restraining both parties from making any changes to any insurance coverage for the
6 parties or any child of the parties without the written consent of the other party or an
7 order of the court unless the change under the applicable insurance coverage
8 increases the benefits, adds additional property, persons, or perils to be covered, or
9 is required by the insurer.

10 The provisions of the temporary restraining order shall be printed upon the summons and
11 shall become an order of the court upon fulfillment of the requirements of service. However,
12 nothing in this ~~paragraph~~ section precludes either party from applying to the court for any
13 further relief or for the modification or revocation of any order.