

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

394T0369

HOUSE BILL NO. 1062

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to clarify the supporting documentation necessary for a
2 request to implement the standard visitation guidelines.

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

4 Section 1. That § 25-4A-16.1 be amended to read as follows:

5 25-4A-16.1. Subject to the jurisdictional and procedural provisions of chapter 26-5B, any
6 parent subject to a court order of this state or subject to the jurisdiction of a court of this state
7 pursuant to chapter 26-5B relating to visitation, custody, or child support may request the court
8 to enter an order implementing the standard visitation guidelines. If the request is made in a
9 child support proceeding, compliance with chapter 26-5B, including appropriate notice and an
10 opportunity to be heard, if not previously provided, is required. The request shall be in writing
11 and shall include a copy of the existing order establishing custody ~~or~~, visitation, or support and
12 provide a current address of the responding party. Upon filing of the written request, the moving
13 party shall serve a copy of the standard guidelines, together with a copy of the request and
14 provide notice that absent an objection, the guideline visitation shall be imposed. The notice
15 shall provide instructions as to the manner in which objections may be made. The service of



1 such notice shall be deemed complete when an affidavit of the service of such notice and of the
2 particular mode thereof, duly signed and verified by the person or officer making the service,
3 shall have been filed with the court and such record or affidavit shall be presumptive evidence
4 of the completed service of the notice herein required. If a party objects to the imposition of the
5 standard guidelines within ten days of service, the court shall conduct an expedited hearing as
6 soon as practical. Based upon the evidence presented at the hearing, the court may order the
7 parties to abide by the standard visitation guidelines or may order any other relief as it deems
8 appropriate.