

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

571A0720

## HOUSE BILL NO. 1195

Introduced by: Representatives Cutler, Haley, Madden, Napoli, Schaunaman, and Volesky and  
Senators Everist and Thompson

1 FOR AN ACT ENTITLED, An Act to provide a procedure for requesting visitation rights if not  
2 established by court order or decree.

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

4 Section 1. That chapter 25-4A be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If any person is legally entitled to visitation of a child and the visitation rights have not been  
7 previously established by court order or decree, the person may file a written request with the  
8 court to establish reasonable visitation rights. Upon receipt of a written request to establish  
9 visitation rights, the court may issue an order to show cause to the other party and shall schedule  
10 a hearing within thirty days. No particular formality is required of the moving party in making  
11 the written request for the establishment of visitation rights. At the hearing, the court shall  
12 determine if visitation is in the best interests of the child and enter an appropriate order. The  
13 court may also order mediation as provided by §§ 25-4-56 to 25-4-62, inclusive, if deemed  
14 appropriate under the circumstances.