

AN ACT

ENTITLED, An Act to specify certain circumstances that create a rebuttable presumption that awarding custody or granting visitation rights is not in the best interests of a child.

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

Section 1. In awarding custody involving a minor, the court shall consider a conviction of domestic abuse as defined in § 25-10-1(1) or a conviction of assault against a person as defined in § 25-10-1(2), except against any person related by consanguinity, but not living in the same household. The conviction creates a rebuttable presumption that awarding custody to the abusive parent is not in the best interests of the minor.

Section 2. In awarding custody or granting rights of visitation involving a minor, the court shall consider a conviction, excluding vehicular homicide, of a parent for the death of the other parent. A conviction for the death of the other parent creates a rebuttable presumption that awarding custody or granting visitation to the convicted parent is not in the best interests of the minor.

An Act to specify certain circumstances that create a rebuttable presumption that awarding custody or granting visitation rights is not in the best interests of a child.

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I certify that the attached Act originated in the

SENATE as Bill No. 209

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 209  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State