

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

382A0140

SENATE BILL NO. 209

Introduced by: Senators Aker, Everist, Lawler, Morford-Burg, and Munson (David) and
Representatives Matthews, Barker, Cutler, and Jorgensen

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

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

5 Section 1. In awarding custody involving a minor, the court shall consider evidence of
6 domestic abuse as defined in § 25-10-1(1). If the court finds by clear and convincing evidence
7 that domestic abuse has occurred, this evidence creates a rebuttable presumption that awarding
8 custody to the abusive parent is not in the best interests of the minor.

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