

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

862P0288

HOUSE JUDICIARY ENGROSSED NO. **HB 1093** - 1/17/2008

Introduced by: Representatives Vehle, Deadrick, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the custody, service,
2 and earnings of children.

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

4 Section 1. That § 25-5-7 be amended to read as follows:

5 25-5-7. The Subject to the court's right to award custody of the child to either parent,
6 considering the best interest of the child as to its temporal, mental, and moral welfare the father
7 and mother of ~~an unmarried~~ any minor child born in wedlock are equally entitled to the child's
8 custody, service, and earnings. ~~If either the father or mother is dead or refuses to take the~~
9 ~~custody or has abandoned the family, the other is entitled to the child's custody, service, and~~
10 ~~earnings.~~

11 Section 2. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Notwithstanding any initial entitlement to custody pursuant to § 25-5-10, there is no legal
14 presumption that such custody is in the best interest of the child, nor is a change of



1 circumstances required for a change of the initial custody as determined by § 25-5-10.