



## 2022 South Dakota Legislature

# House Bill 1200

Introduced by: **Representative Pischke**

1 **An Act to establish criteria for temporary custody and visitation orders.**

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

3 **Section 1. That § 25-4A-13 be AMENDED:**

4 **25-4A-13.** If either party objects to the initial custody arrangement in § 25-4A-  
 5 11 or the standard guidelines, the court shall order a hearing, which shall ~~must~~ be held  
 6 not ~~no~~ later than thirty days after the date of the objection. ~~In making an order for~~  
 7 ~~temporary custody, the order for custody shall reflect the degree of each parent's~~  
 8 ~~demonstrated participation in the child's life.~~

9 The court shall issue a temporary custody and visitation order ~~after considering~~  
 10 requiring joint physical custody, unless sufficient evidence is presented to show that such  
 11 is not in the best interests ~~interest~~ of the child ~~consistent with the provisions of § 25-4-~~  
 12 45.

13 If the order for temporary custody results in less than a substantially equal  
 14 parenting time, the court shall construct a parenting time schedule that maximizes the  
 15 time each parent has with the child, consistent with each parent's demonstrated  
 16 participation in the child's life, and is consistent with ensuring the child's welfare.

17 Each temporary custody order ~~shall ~~must~~~~ include specific findings of fact and  
 18 conclusions of law, except if the court confirms the agreement of the parties.