

## 2024 South Dakota Legislature House Bill 1254

Introduced by: **Representative** Randolph

1	An Act to remove	irreconcilable	differences as a	a cause for divorce.
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- 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 3 Section 1. That § 25-4-2 be AMENDED:
  - **25-4-2.** Divorces A divorce may be granted for any of the following causes:
- 5 (1) Adultery;

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- 6 (2) Extreme cruelty;
- 7 (3) Willful desertion;
- 8 (4) Willful neglect;
- 9 (5) Habitual intemperance; or
- 10 (6) Conviction of felony;
- 11 (7) Irreconcilable differences a crime resulting in incarceration.

## 12 Section 2. That § 25-4-17.1 be REPEALED:

Irreconcilable differences are those grounds which are determined by the court to
 be substantial reasons for not continuing the marriage and which make it appear that the
 marriage should be dissolved.

## 16 Section 3. That § 25-4-17.2 be REPEALED:

17 If from the evidence at the hearing, the court finds that there are irreconcilable 18 differences, which have caused the irremediable breakdown of the marriage, it shall order 19 the dissolution of the marriage or a legal separation. If it appears that there is a reasonable 20 possibility of reconciliation, the court shall continue the proceeding for a period not to 21 exceed thirty days. During the period of the continuance, the court may enter any order 22 for the support and maintenance of the parties, the custody, support, maintenance, and 23 education of the minor children of the marriage, attorney fees, and for the preservation 24 of the property of the parties. At any time after the termination of the thirty day period,

- either party may move for the dissolution of the marriage or a legal separation, and the
  court may enter its judgment decreeing the dissolution or separation.
  The court may not render a judgment decreeing the legal separation or divorce of
  the parties on the grounds of irreconcilable differences without the consent of both parties
- 5 unless one party has not made a general appearance.

## 6 Section 4. That § 25-4-17.3 be REPEALED:

- In any action for divorce or separate maintenance in which the parties have
  consented to the use of irreconcilable differences, the court may grant the divorce based
  on the affidavits of the parties establishing the requisite jurisdiction and grounds for the
- 10 divorce or separate maintenance action without requiring their personal appearance.