

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

477Z0123

HOUSE JUDICIARY ENGROSSED NO. **SB 140** 2/23/2018

Introduced by: Senators Russell, Jensen (Phil), Nelson, and Stalzer and Representatives Pischke, Dennert, DiSanto, Karr, Marty, and Steinhauer

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding an objection to a custody or
2 visitation order.

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

4 Section 1. That § 25-4A-13 be amended to read:

5 25-4A-13. If either party objects to the initial custody arrangement in § 25-4A-11 or the
6 standard guidelines, the court shall order a hearing which shall be held not later than thirty days
7 after the date of the objection. In making an order for temporary custody, the order for custody
8 shall reflect the degree of each parent's demonstrated participation in the child's life. The court
9 shall issue its a temporary custody and visitation order after considering the best interests of the
10 child consistent with the provisions of § 25-4-45. If the order for temporary custody results in
11 less than a substantially equal parenting time, the court shall construct a parenting time schedule
12 that maximizes the time each parent has with the child consistent with each parent's
13 demonstrated participation in the child's life and is consistent with ensuring the child's welfare.
14 Each temporary custody order shall include specific findings of fact and conclusions of law.



1 except if the court confirms the agreement of the parties.