

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

495W0646

## HOUSE JUDICIARY ENGROSSED NO. **HB 1221** 02/20/2015

Introduced by: Representatives Ring, Feickert, Gibson, Hawks, Johns, Killer, Kirschman, McCleerey, and Soli and Senators Buhl O'Donnell, Bradford, Parsley, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to authorize unilateral consent in certain divorce  
2 proceedings.

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

4 Section 1. That § 25-4-17.2 be amended to read as follows:

5 25-4-17.2. If from the evidence at the hearing, the court finds that there are irreconcilable  
6 differences, which have caused the irremediable breakdown of the marriage, it shall order the  
7 dissolution of the marriage or a legal separation. If it appears that there is a reasonable  
8 possibility of reconciliation, the court shall continue the proceeding for a period not to exceed  
9 thirty days. During the period of the continuance, the court may enter any order for the support  
10 and maintenance of the parties, the custody, support, maintenance, and education of the minor  
11 children of the marriage, attorney fees, and for the preservation of the property of the parties.  
12 At any time after the termination of the thirty-day period, either party may move for the  
13 dissolution of the marriage or a legal separation, and the court may enter its judgment decreeing  
14 the dissolution or separation.



1       ~~The court may not render a judgment decreeing the legal separation or divorce of the parties~~  
2       ~~on the grounds of irreconcilable differences without the consent of both parties unless one party~~  
3       ~~has not made a general appearance.~~