

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

427X0068

HOUSE BILL NO. 1063

Introduced by: Representatives Stevens, Gosch, Johns, and Schoenbeck and Senators Rusch and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding required notice of relocation
2 of a minor child when a protection order is in place.

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

4 Section 1. That § 25-4A-17 be amended to read:

5 25-4A-17. If an existing custody order or other enforceable agreement does not expressly
6 govern the relocation of the principal residence of a child, a parent who intends to change his
7 or her principal residence shall, provide reasonable written notice by certified mail or admission
8 of service to the other legal parent of the child. Reasonable notice is notice that is given at least
9 forty-five days before relocation or a shorter period if reasonable under the specific facts giving
10 rise to the relocation. Proof of the notice shall be filed with the court of record unless notice is
11 waived by the court.

12 No notice need be provided pursuant to this section if:

- 13 (1) The relocation results in the child moving closer to the noncustodial parent; or
14 (2) The relocation is within the boundaries of the child's current school district; or
15 (3) There is an existing valid protection order in favor of the child or the custodial parent



1 against the noncustodial parent unless the noncustodial parent has a valid order for
2 parenting time established either in the protection order file or another custody
3 proceeding subsequent to the entry of the protection order; or

4 (4) Within the preceding twelve months, the nonrelocating parent has been convicted of
5 violation of a protection order, criminal assault, child abuse, or other domestic
6 violence and either the child or the custodial parent was the victim of the crime or
7 violation unless the noncustodial parent has a valid order for parenting time
8 established subsequent to the conviction.

9 Section 2. That § 25-4A-18 be amended to read:

10 25-4A-18. The notice required in § 25-4A-17 shall contain the following:

- 11 (1) The address and telephone number, if known, of the new residence;
12 (2) The purpose for relocating;
13 (3) Why the relocation is in the best interest of the child; and
14 (4) The relocating party's proposed visitation plan for the nonrelocating parent upon
15 relocation.

16 If a relocating parent is giving notice of relocation in compliance with subdivisions 25-4A-
17 17(3) or (4), the address requirement in subdivision (1) of this section is fulfilled if the notice
18 contains the city and state of the new residence.