

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

862P0296

## HOUSE BILL NO. 1088

Introduced by: Representatives Vehle, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to temporary custody  
2 prior to divorce or separate maintenance.

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

4 Section 1. That § 25-4A-11 be amended to read as follows:

5 25-4A-11. Upon the filing of a summons and complaint for divorce or separate maintenance  
6 or any other custody action or proceeding, the plaintiff shall also file and serve upon the  
7 defendant a copy of the standard guidelines. The standard guidelines attached to the summons  
8 shall become an order of the court upon fulfillment of the requirements of service. Any minor  
9 child of the marriage shall remain in the custody of the parent who has been the primary  
10 caregiver for the minor child for the majority of time in the ~~thirty days~~ twelve months preceding  
11 the filing of the summons and complaint, unless the parties agree otherwise. The standard  
12 guidelines shall apply and continue in effect, unless the parties agree, or the court orders  
13 otherwise. Imposition of the standard guidelines creates no presumption as to who ~~shall~~ may be  
14 awarded custody at any hearing.

