

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

565N0506

SENATE BILL NO. 91

Introduced by: Senators Albers, Abdallah, Gant, Gray, Greenfield, Hanson (Gary), Hoerth, Katus, Kloucek, Nesselhuf, Olson (Ed), Schmidt, and Smidt and Representatives Glenski, Boomgarden, Brunner, Davis, Hunt, Olson (Betty), Olson (Russell), and Street

1 FOR AN ACT ENTITLED, An Act to provide for an order of joint physical care over certain
2 children whose parents exercise joint legal custody.

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

4 Section 1. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If joint legal custody is awarded, pursuant to § 25-5-7.1, to both parents, the court may also
7 award joint physical care to both custodial parents upon the request of either parent. If the court
8 denies a request for joint physical care, the determination shall be accompanied by specific
9 findings of fact and conclusions of law, whether oral or written, that the awarding of joint
10 physical care is not in the best interest of the child.

