

Committee: House Judiciary

Monday, February 07, 2022 3:00 PM

Roll Call

Present: Rep. Aylward, Rep. Barthel, Rep. Cwach, Rep. Odenbach, Rep. Sue Peterson,
Rep. Pischke, Rep. Pourier, Rep. Reimer, Rep. Soye, Rep. St. John,
Rep. Stevens, and Rep. Hansen
Present (Remote): Rep. Rehfeldt

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Hansen

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 07TH

Moved by: Barthel
Second by: Stevens
Action: Prevailed by voice vote

HB 1200 : establish criteria for temporary custody and visitation orders.

Presented by: Representative Tom Pischke, District 25
Proponents: Matt Doyle, Self, Brookings
Spencer Wrightsman, Self, Sioux Falls
Shirlee Meier, self, Sioux Falls
Opponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Carrie Sanderson, Center for the Prevention of Child Maltreatment, Sioux Falls
Carrie Sanderson, Board of Regents
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

MOTION: AMEND HB 1200

1200A

On page 1, line 6, of the Introduced bill, delete "In making an order for temporary custody, the order for custody shall reflect " and insert "The court shall, unless not supported by a preponderance of the evidence, award temporary joint physical custody and prescribe parenting time based on "

On page 1, line 6, of the Introduced bill, remove the overstrikes from "In making an order for temporary custody, the order for custody shall reflect the degree of each parent's demonstrated participation in the child's life."

On page 1, line 9, of the Introduced bill, after "
The " delete "court shall issue a temporary custody and visitation order "

On page 1, line 10, of the Introduced bill, after "considering " delete "requiring joint physical custody, unless sufficient evidence is presented to show that such is not in"

On page 1, line 11, of the Introduced bill, after "in " insert "order must reflect "

On page 1, line 11, of the Introduced bill, after "child" insert the comma

On page 1, line 11, of the Introduced bill, remove the overstrikes from " consistent with the provisions of § 25-4-45"

Moved by: Pourier
Second by: Aylward
Action: Prevailed by voice vote

MOTION: DEFER HB 1200 TO THE 41ST LEGISLATIVE DAY

Moved by: Pourier
Second by: Stevens
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1200 AS AMENDED

Moved by: Pischke
Second by: Aylward
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Aylward, Odenbach, Sue Peterson, Pischke, Reimer, Soye, St. John, and Hansen

Voting No: Barthel, Cwach, Pourier, Rehfeldt, and Stevens

HB 1201 : address determinations regarding physical custody of a minor.

Presented by: Representative Tom Pischke, District 25
Opponents: Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls
Carrie Sanderson, Center for the Prevention of Child Maltreatment, Sioux Falls
Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls

MOTION: DEFER HB 1201 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Pourier
Action: Prevailed by Majority Members Elect (7-6-0-0)

Voting Yes: Barthel, Cwach, Sue Peterson, Pourier, Rehfeldt, Reimer, and Stevens

Voting No: Aylward, Odenbach, Pischke, Soye, St. John, and Hansen

HB 1202 : provide for custody entitlement of a child born out of wedlock.

Presented by: Representative Tom Pischke, District 25
Proponents: Matt Doyle, Self, Brookings
Shirlee Meier, self, Sioux Falls
Opponents: Dianna Miller, South Dakota Network Against Family Violence, Sioux Falls
Steve Siegel, South Dakota Trial Lawyers Association, Sioux Falls

MOTION: DEFER HB 1202 TO THE 41ST LEGISLATIVE DAY

Moved by: Odenbach
Second by: Barthel
Action: Prevailed by Majority Members Elect (11-2-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pourier, Rehfeldt, Reimer, Soye, Stevens, and Hansen

Voting No: Pischke and St. John

HB 1268 : revise provisions related to name changes when obtaining a marriage license.

Presented by: Representative Becky Drury, District 32

Proponents: Hannah Haksgaard, Self, Vermillion

Kinsley Groote, Self, Rapid City

MOTION: DO PASS HB 1268

Moved by: Stevens

Second by: Barthel

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Aylward, Barthel, Cwach, Odenbach, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Soye, St. John, Stevens, and Hansen

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1268 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: Pischke

Second by: Barthel

Action: Prevailed by voice vote

Gail Tennant, Committee Secretary

/s/ JON HANSEN
Jon Hansen, Chair