

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

794X0446

HOUSE BILL NO. 1128

Introduced by: Representative Bolin and Senator Olson

1 FOR AN ACT ENTITLED, An Act to require the court to consider the preference of certain
2 children when awarding child custody in divorce actions.

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

4 Section 1. That § 25-4-45 be amended to read:

5 25-4-45. In an action for divorce, the court may, before or after judgment, give such
6 direction for the custody, care, and education of the children of the marriage as may seem
7 necessary or proper, and may at any time vacate or modify the same. In awarding the custody
8 of a child, the court shall be guided by consideration of what appears to be for the best interests
9 of the child in respect to the child's temporal and mental and moral welfare. If the child is of a
10 sufficient age to form an intelligent preference, the court ~~may~~ shall consider that preference in
11 determining the question. As between parents adversely claiming the custody, neither parent
12 may be given preference over the other in determining custody.

