AN ACT

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

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

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

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

No notice need be provided pursuant to this section if:

(1) The relocation results in the child moving closer to the noncustodial parent; or

(2) The relocation is within the boundaries of the child's current school district; or

(3) There is an existing valid protection order in favor of the child or the custodial parent against the noncustodial parent unless the noncustodial parent has a valid order for parenting time established either in the protection order file or another custody proceeding subsequent to the entry of the protection order; or

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

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

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

(1) The address and telephone number, if known, of the new residence;

(2) The purpose for relocating;

(3) Why the relocation is in the best interest of the child; and

(4) The relocating party's proposed visitation plan for the nonrelocating parent upon relocation.

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

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I certify that the attached Act originated in the

HOUSE as Bill No. 1063

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Chief Clerk

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_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1063
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State