

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

862P0284

HOUSE BILL NO. 1089

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 the rights and duties
2 of joint legal custodians.

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

4 Section 1. That § 25-5-7.1 be amended to read as follows:

5 25-5-7.1. In any custody dispute between parents, the court may order joint legal custody
6 so that both parents retain full parental rights and responsibilities with respect to their child and
7 so that both parents must confer on, and equally participate in, major decisions affecting the
8 welfare of the child. In ordering joint legal custody, the court may consider the expressed desires
9 of the parents and may grant to one party the ultimate responsibility over specific aspects of the
10 child's welfare or may divide those aspects between the parties based on the best interest of the
11 child. If it appears to the court to be in the best interest of the child, the court may order, or the
12 parties may agree, how any such responsibility shall be divided. Such areas of responsibility
13 may include the child's primary physical residence, child care, education, extracurricular
14 activities, medical and dental care, religious instruction, the child's use of motor vehicles, and



1 any other responsibilities which the court finds unique to a particular family or in the best
2 interest of the child.

3 Section 2. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Each parent sharing joint legal custody of their child shall foster the other parent's
6 relationship with the child.