

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

747Z0079

## HOUSE BILL NO. 1212

Introduced by: Representatives Pischke, Brunner, Dennert, DiSanto, and Marty and Senators Russell and Jensen (Phil)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the custody of a  
2 minor child.

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

4 Section 1. That § 25-4A-11 be amended to read:

5 25-4A-11. Upon the filing of a summons and complaint for divorce or separate maintenance  
6 or any other custody action or proceeding, the plaintiff shall also file and serve upon the  
7 defendant a copy of the standard guidelines. The standard guidelines attached to the summons  
8 shall become an order of the court upon fulfillment of the requirements of service. ~~Any minor~~  
9 ~~child of the marriage shall remain in the custody of the parent who has been the primary~~  
10 ~~caregiver for the minor child for the majority of time in the twelve months preceding the filing~~  
11 ~~of the summons and complaint~~ A shared parenting plan shall be established for any minor child  
12 of the marriage or relationship, unless the parties agree otherwise. ~~The standard guidelines shall~~  
13 ~~apply and continue in effect, unless the parties agree, or the court orders otherwise.~~ Imposition  
14 of the standard guidelines creates no presumption as to who may be awarded custody at any  
15 hearing. If there is a threat of domestic violence from either parent, the minor child shall remain



1 in the custody of the parent who has been the primary caregiver for the minor child for the  
2 majority of the time in the twelve months preceding the filing of the summons and complaint,  
3 unless the primary caregiver is the parent who has made the threat or if the parties agree  
4 otherwise.