

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

628P0293

## HOUSE BILL NO. 1098

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 of alleged  
2 contemnors in visitation and custody matters.

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

4 Section 1. That § 25-4A-3 be amended to read as follows:

5 25-4A-3. At the hearing, the court shall affirmatively inquire into the matters of visitation  
6 and custody and enter any orders the court deems appropriate. The alleged contemnor has the  
7 right to remain silent and the right to counsel. However, the right to counsel does not apply if  
8 the court determines, and declares in advance, that the alleged contemnor will not be subject to  
9 imprisonment, jail confinement, or other loss of liberty.

