

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

736P0297

HOUSE BILL NO. 1102

Introduced by: Representatives 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 provide for a statewide visitation enforcement program
2 and to provide for its funding by making an appropriation therefor.

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

4 Section 1. That chapter 25-4A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 There is hereby created a statewide visitation enforcement program to assist parents in
7 resolving visitation issues and disputes among parents and custodians of minor children. The
8 visitation enforcement program shall be administered and supervised by the Unified Judicial
9 System which shall prescribe the respective powers, duties, and responsibilities of the visitation
10 enforcement officers, and the method of compensation.

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

13 Any parent or custodian may file with the clerk of courts a standard petition requesting
14 enforcement of their visitation rights. Upon filing of a standard petition, the matter shall be



1 referred to a visitation enforcement officer. Each visitation enforcement officer shall be a
2 member in good standing of the State Bar Association who has been appointed by the Unified
3 Judicial System to accept referrals in this capacity. The visitation enforcement officer shall
4 attempt to resolve the visitation issue or dispute between the parties without court litigation. If
5 the visitation enforcement officer is able to resolve the visitation dispute, the visitation
6 enforcement officer shall file with the Unified Judicial System a written report which specified
7 the nature of the dispute and the action taken to resolve the dispute. If the visitation enforcement
8 officer is unable to resolve the dispute, the visitation enforcement officer shall file with the
9 Unified Judicial System a written report specifying the nature of the dispute, the action taken
10 to resolve the dispute, and may recommend that the matter be set for an immediate hearing
11 before the circuit court.

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

14 The visitation enforcement officer may also assist parents in establishing standard visitation
15 rights as provided for in § 25-4A-10.

16 Section 4. There is hereby appropriated from the general fund the sum of two hundred ten
17 thousand dollars (\$210,000), or so much thereof as may be necessary, to the Unified Judicial
18 System to be used in establishing and funding the visitation enforcement program.

19 Section 5. The Chief Justice shall approve vouchers and the state auditor shall draw warrants
20 to pay expenditures authorized by this Act.

21 Section 6. Any amounts appropriated in this Act not lawfully expended or obligated by June
22 30, 2012, shall revert in accordance with § 4-8-21.

23 Section 7. This Act is effective on July 1, 2009.