

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

682P0247

HOUSE BILL NO. 1130

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the implementation
2 by the court of the standard visitation guidelines.

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

4 Section 1. That § 25-4A-16.1 be amended to read as follows:

5 25-4A-16.1. ~~Any~~ Subject to the jurisdictional and procedural provisions of chapter 26-5B,
6 any parent subject to a court order of this state or subject to the jurisdiction of a court of this
7 state pursuant to chapter 26-5B relating to visitation; or custody, ~~or child support~~ may request
8 the court to enter an order implementing the standard visitation guidelines. The request shall be
9 in writing and shall include a copy of the existing order establishing custody or visitation and
10 provide a current address of the responding party, but no particular formality is required by the
11 moving party. Upon receipt of the written request, the court shall serve a copy of the standard
12 guidelines upon both parties by first class mail, together with a copy of the request and
13 providing notice that absent an objection, the guideline visitation shall be imposed. The notice
14 shall provide instructions as to the manner in which objections may be made. If either party
15 objects to the imposition of the standard guidelines within ten days of service, the court shall



1 conduct an expedited hearing as soon as practical. Based upon the evidence presented at the
2 hearing, the court may order the parties to abide by the standard visitation guidelines or may
3 order any other relief as it deems appropriate.