

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

682P0247

HOUSE JUDICIARY ENGROSSED NO. **HB 1130** - 1/28/2008

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, custody, or child support may request the
8 court to enter an order implementing the standard visitation guidelines. If the request is made
9 in a child support proceeding, compliance with chapter 26-5B, including appropriate notice and
10 an opportunity to be heard, if not previously provided, is required. The request shall be in
11 writing and shall include a copy of the existing order establishing custody or visitation and
12 provide a current address of the responding party, but no particular formality is required by the
13 moving party. Upon receipt of the written request, the court shall serve a copy of the standard
14 guidelines upon both parties by first class mail, together with a copy of the request and
15 providing notice that absent an objection, the guideline visitation shall be imposed. The notice



1 shall provide instructions as to the manner in which objections may be made. If either party
2 objects to the imposition of the standard guidelines within ten days of service, the court shall
3 conduct an expedited hearing as soon as practical. Based upon the evidence presented at the
4 hearing, the court may order the parties to abide by the standard visitation guidelines or may
5 order any other relief as it deems appropriate.