

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

391H0028

HOUSE BILL NO. 1220

Introduced by: Representatives Murschel, Bartling, Brown (Jarvis), Davis, Derby, Hennies (Thomas), Jensen, Juhnke, Kooistra, Madsen, and Slaughter and Senators Everist and Daugaard

1 FOR AN ACT ENTITLED, An Act to allow certain third parties to intervene in a custody
2 dispute of a child.

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

4 Section 1. In disputes regarding custody of a child, the court may allow an interested third
5 party to intervene upon motion. Before allowing intervention, the court may appoint counsel for
6 the child. The court may award full or partial custody, care, education, and visitation rights of
7 the child to any interested third party upon such conditions and limitations as the court deems
8 equitable.

9 Section 2. In making any order pursuant to section 1 of this Act, the court shall be guided
10 by the best interests of the child, giving consideration to the wishes of the child if the child is of
11 sufficient age and capable of forming an intelligent preference.

12 Section 3. In disputes regarding custody of a child between a parent and an interested third
13 party, the presumption in favor of the parent may be rebutted by showing that it would be
14 detrimental to the child to award custody to the parent.



1 Section 4. For the purposes of this Act, an interested third party is a person who has been
2 one of the primary caretakers of the child and with whom the child has closely bonded.