



2022 South Dakota Legislature

House Bill 1200

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Pischke**

1 **An Act to establish criteria for temporary custody and visitation orders.**

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

3 **Section 1. That § 25-4A-13 be AMENDED:**

4 **25-4A-13.** If either party objects to the initial custody arrangement in § 25-4A-
5 11 or the standard guidelines, the court shall order a hearing, which ~~shall~~must be held
6 ~~not~~no later than thirty days after the date of the objection.

7 ~~In making an order for temporary custody, the order for custody shall reflect~~The
8 court shall, unless not supported by a preponderance of the evidence, award temporary
9 joint physical custody and prescribe parenting time based on the degree of each parent's
10 demonstrated participation in the child's life.

11 ~~The court shall issue a temporary custody and visitation order after~~
12 ~~considering~~order must reflect the best interests~~interest~~ of the child, consistent with the
13 provisions of § 25-4-45.

14 If the order for temporary custody results in less than a substantially equal
15 parenting time, the court shall construct a parenting time schedule that maximizes the
16 time each parent has with the child, consistent with each parent's demonstrated
17 participation in the child's life, and is consistent with ensuring the child's welfare.

18 Each temporary custody order ~~shall~~must include specific findings of fact and
19 conclusions of law, except if the court confirms the agreement of the parties.