

## GENERAL DEFINITIONS

### **Alimony (also known as spousal support):**

SDCL 25-4-40. Action for separate maintenance without divorce--Alimony and support. An action for separate maintenance may be maintained without request for divorce, upon any grounds which would be grounds for divorce, and in such cases the court shall have power to award temporary alimony, suit money, and permanent support for a spouse and the children of the parties, or any of them, by the other spouse.

SDCL 25-4-41. Allowance for support when divorce granted. Where a divorce is granted, the court may compel one party to make such suitable allowance to the other party for support during the life of that other party or for a shorter period, as the court may deem just, having regard to the circumstances of the parties represented; and the court may from time to time modify its orders in these respects.

### **Grounds for divorce.:**

Grounds for divorce in South Dakota are set forth in SDCL 25-4-2 as follows:

- 1) adultery – the voluntary sexual intercourse of a married person with one of the opposite sex to whom he or she is not married. SDCL 25-4-3.
- 2) extreme cruelty – the infliction of grievous bodily injury or grievous mental suffering upon the other, by one party to the marriage. SDCL 25-4-4
- 3) willful desertion – the voluntary separation of one of the married parties from the other with intent to desert. SDCL 25-4-5. See also SDCL 25-4-8 to 25-4-14 for special conditions or circumstances applicable to willful desertion.
- 4) habitual intemperance – that degree of intemperance from the use of intoxicating drinks which disqualifies the person a great portion of the time from properly attending to business, or which would reasonably inflict a course of great mental anguish upon the innocent party.
- 5) conviction of felony
- 6) irreconcilable differences – those grounds which are determined by the court to be substantial reasons for not continuing the marriage and which make it appear that the marriage should be dissolved.

### **Minor children; parental duty to support child:**

SDCL 25-5-18.1. Parental duty to support child. The parents of any child are under a legal duty to support their child in accordance with the provisions of § 25-7-6.1, until the child attains the age of eighteen, or until the child attains the age of nineteen if the child is a full-time student in a secondary school. If it is determined by the court that the child support obligation survives the death of the parent, the amount due may be modified, revoked, or commuted to a lump sum payment by the court, taking into consideration all factors deemed relevant, including the financial resources of the child and the other parent and the needs of the decedent's family.