

INSTRUCTIONS & FORM FOR COMPLAINT (WITHOUT CHILDREN)

A Complaint is required to begin a divorce action. It tells your spouse (and the court) what you are asking for and why. This is merely the start of your divorce action. Please note that you are not divorced until a Judgment and Decree of Divorce has been signed by the judge and filed with the clerk of court.

- **Complete this form in black ink only!**
- This is a 3-page form. Complete the caption. **Note:** The “caption” is the top portion of each form. You will need to know the name of your county, judicial circuit (ask the clerk of court if you don’t know), name of Plaintiff, name of Defendant, and case file number (ask the clerk of court if you don’t know). The caption is the same on every form.
- Answer or complete the paragraphs within the Complaint.
- Paragraphs 1-6: Self-Explanatory.
- Paragraph 7: The primary reason for a divorce, in uncontested situations, is irreconcilable differences (no fault by either party). However, you may want to select an alternative reason in addition to irreconcilable differences. You are not, however, required to do so.

Please understand that seeking a divorce primarily on the grounds of something other than irreconcilable differences is likely to result in a contested divorce which is both costly and complex. In those circumstances, you are strongly encouraged to meet with and hire an attorney to fully protect your interests.

- Paragraph 9: Check “yes” if you have marital property and debts that need to be divided between you. Check “no” if you did not acquire any marital property or debt during your marriage.
- Paragraph 10: Check whether you are seeking alimony.

In the “Prayer for Relief” (section starting with “WHEREFORE):

Review the paragraphs in this section. This is the section where you are telling the court what you want. You do not need to do anything unless one of the parties is seeking to have their former name restored, which is in Paragraph 3.

- Paragraph 1: You do not need to write anything. This paragraph tells the court that you are asking for a divorce from your spouse.
- Paragraph 2: You do not need to write anything. This paragraph tells the court that you are asking the court to equitably divide your property and debts.

- Paragraph 3: Indicate if either party wishes to have their former name restored. Circle which party wants their former name restored. Enter the first, middle, and last name (former name) of that party. Insert the party's date of birth.
- Paragraph 4-5: You do not need to write anything. These paragraphs tell the court that you are requesting the additional relief requested in your Complaint as well as any other relief that is equitable and just.

You must sign and date the Complaint in the presence of a notary public or clerk of court. Make sure you bring photo identification to show them. A notary public can usually be found at the bank and sometimes at the courthouse.

Verification Section:

Although this section needs to be completed, do not fill out the verification until you are in the presence of a notary public or the clerk of court. Make sure to bring photo identification to show them. A notary public can usually be found at the bank, and sometimes the courthouse.

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your request. If you are not telling the truth, if you are misleading the court, or if you are serving of filing this document for an improper purpose, the court could find you in contempt or you could be charged with a crime for not telling the truth.

- Make at least two photocopies of the signed Complaint (Without Minor Children); one for you and one to be served on your spouse. The original copy must be filed with the clerk of court.

<p>_____ Plaintiff</p> <p>vs</p> <p>_____ Defendant</p>	<p>FILE NO: _____</p> <p style="text-align: center;">COMPLAINT (WITHOUT MINOR CHILDREN)</p>
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1. Plaintiff's full legal name is _____, and their date of birth is _____.
2. Plaintiff is a resident of _____ County, State of _____.
3. Defendant's full legal name is _____, and their date of birth is _____.
4. Defendant is a resident of _____ County, State of _____.
5. Plaintiff and Defendant were married on _____ (date), in _____ (city & state). If the parties are living apart, the date upon which they began to do is _____.
6. Is Plaintiff an active duty member of the armed forces? Yes _____ No _____
 Is Defendant an active duty member of the armed forces? Yes _____ No _____
7. Irreconcilable differences have arisen between the Plaintiff and Defendant which necessitates the dissolution of the marriage. Alternatively, further grounds for dissolution of marriage exist under SDCL 25-4-2 (if the parties don't agree to the grounds selected below, a hearing will be required, and you will need to provide proof to support the grounds claimed):

- (1) Adultery: _____
- (2) Extreme cruelty: _____
- (3) Willful desertion: _____
- (4) Willful neglect: _____
- (5) Habitual intemperance: _____
- (6) Conviction of felony: _____
- (7) Irreconcilable differences _____

8. No children have been born to or adopted by the parties. Neither spouse is currently pregnant.

9. The parties have accumulated property and/or debts during the marriage which must be equitably divided. Yes _____ No _____

10. Plaintiff seeks spousal support (alimony). Yes _____ No _____

WHEREFORE, Plaintiff prays for Judgment as follows:

- 1. For a Judgment and Decree of Divorce dissolving the marriage of the parties;
- 2. For an equitable division of the marital property and debts;
- 3. That the Plaintiff/Defendant's (circle one) last name be restored to:
 _____ . Date of Birth: _____;
- 4. For alimony, if requested above; and
- 5. For such other and further relief as may be equitable and just.

Dated this _____ day of _____, 20_____.

Plaintiff's Signature

Print Plaintiff's Name

Mailing Address

City/State/Zip

Phone No.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

VERIFICATION

Plaintiff, being first duly sworn, deposes and states that they verify the fact expressed within the Complaint (Without Minor Children) are true.

Dated this _____ day of _____, 20_____.

Sworn/affirmed before me this _____ day of _____, 20_____.

Signature (Sign in front of Notary Public or Clerk)

Notary Public/Clerk of Court
If Notary, my commission expires:

(SEAL)