

Instructions for Summons (Without Minor Children) & Form

- **Complete this form in black ink only!**
- This is a 2 page form. Complete the top portion of the Summons (Without Minor Children). (NOTE: The top portion of each form is called the “caption” and the information will be the same on every form you fill out.) **If you are using the Spanish version, the form must be completed in English. The Clerk will reject any forms completed in a language other than English.**
 - Fill in the name of the county in which you are filing for divorce. This must be the county in which either you or your spouse live.
 - Fill in the name of the Judicial Circuit (1-7) that the county in which you are filing for divorce is located. (ex. First, Second, Third, etc.) If you do not know, contact the Clerk of Courts in your county. This information can also be found on our website – www.ujs.sd.gov.
 - Fill in your full legal name where it says “Plaintiff” and your spouse’s full legal name where it says “Defendant.”
 - When you file your papers, the Clerk of Court will assign a case number which you will insert in the space following “DIV.” For example, if your case number is 011234, your form should show DIV.: 01-1234. This case number should appear on all papers that you file with the Clerk.
- You must read and fully understand the entire form. If you have questions, you can call the Legal Form Help Line at 1-855-784-0004.
- You must date and sign the Summons (Without Minor Children) at the bottom. You must also print your name and include your mailing address and telephone number in the spaces below the signature line.
- Make at least 2 photocopies of the signed Summons (Without Minor Children); one for you and one to be served on your spouse along with a copy of the Complaint. The original must be filed with the Clerk of Courts office.
- Refer to the Checklist for Self-Represented Divorces Without Minor Children (UJS-307A) to ensure you have all the documents collected for service.
- **It is very important that you read and follow the Temporary Restraining Order that becomes automatic when you file for divorce. Both parties are required to obey the Temporary Restraining Order. Violation of any of these terms could subject you to penalties and delay your divorce. Read it carefully.**

STATE OF SOUTH DAKOTA)
)
) :SS
)
COUNTY OF _____)

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

<p>_____, Plaintiff, vs. _____, Defendant</p>	<p>DIV _____</p> <p>SUMMONS (WITHOUT MINOR CHILDREN)</p>
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TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint (Without Minor Children) of the Plaintiff, a copy of which is herewith served upon you, and to serve the Plaintiff with a copy of your Answer or other proper response within thirty (30) days from the date of the service of the Summons upon you, exclusive of the day of service.

IF YOU FAIL TO DO SO, judgment by default may be taken against you for the relief demanded in the Complaint sixty (60) days from the date of the service of this Summons and Complaint (Without Minor Children), not counting the day of service.

NOTICE

South Dakota law provides that upon the filing and service of the Summons and Complaint (Without Minor Children) on the Defendant, a Temporary Restraining Order shall be in effect against both parties until the final decree is entered, the Complaint (Without Minor Children) is dismissed or until further order of the court. Either party may apply to the Court for further temporary orders or modification or revocation of this Order.

TEMPORARY RESTRAINING ORDER

PER SDCL 25-4-33.1, BY ORDER OF COURT, YOU AND YOUR SPOUSE ARE:

- (1) Restrained from transferring, encumbering, concealing or in any way dissipating or disposing of any marital assets, without the written consent of the other party or an order of the Court, except as may be necessary in the usual course of business or for the necessities of life. You are to notify the other party of any proposed extraordinary expenditures and to account to the Court for all extraordinary expenditures made after the Temporary Restraining Order is in effect;
- (2) Restrained from molesting or disturbing the peace of the other party;
- (3) Restrained from making any changes to any insurance coverage for the parties or any child of the parties without the written consent of the other party or an order of the court unless the change under the applicable insurance coverage increases the benefits, adds additional property, persons, or perils to be covered, or is required by the insurer.

IF EITHER SPOUSE VIOLATES ANY OF THESE PROVISIONS, THAT SPOUSE MAY BE FOUND TO BE IN CONTEMPT OF COURT AND MAY BE ORDERED TO PAY COSTS AND EXPENSES, INCLUDING BUT NOT LIMITED TO THE ATTORNEY FEES OF THE OTHER SPOUSE.

Dated this _____ day of _____, 20_____.

Plaintiff's Signature

Print Plaintiff's Name

Mailing Address

City, State, Zip

Telephone Number

- **The instructions & forms for self-represented litigants can be found at Clerk of Court's office or at <http://www.ujs.sd.gov>**