

INSTRUCTIONS AND FOR SUMMONS (CUSTODY ACTION)

These forms are related to specific South Dakota Codified Laws (SDCL) concerning child custody matters. You can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide legal advice or assist with form completion. For specific questions related to the forms, you can also contact the Legal Form Help Line at 1-855-784-0004 or email UJS staff at ujssrlhelp@ujs.state.sd.us.

To complete this form, you will need to:

1. Complete the caption of the Summons.
 - a. Enter the name of the County you are filing in.
 - b. List Judicial Circuit number of the county. You may find your judicial circuit number on the Unified Judicial website [court finder page](#).
 - c. List your name as the Plaintiff.
 - d. List the other parents name on the line for the Defendant.
 - e. You can leave the line for the case number blank, this will be provided to you when you file.
2. Date and sign.
3. It is very important that you read the initial custody order paragraph in the summons and the South Dakota Parenting Guidelines.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff</p> <p style="text-align: center;">v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;">SUMMONS (CUSTODY ACTION)</p>
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TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint, 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 TIMELY ANSWER, judgment by default may be taken against you for the relief demanded in the Complaint.

INITIAL CUSTODY ORDER

Pursuant to SDCL 25-4A-11 et seq., upon service of this Summons the attached South Dakota Parenting Guidelines (Form UJS-302) become an order of this court. Except as provided in SDCL § 33-6-10, any minor child(ren) born or adopted to the above-named parties shall remain in the custody of the parent who has been the primary caregiver for the minor child(ren) for the majority of time in the twelve months preceding the filing of the Summons and Complaint, unless the parties otherwise agree. The guidelines are subject to any provision established by a South Dakota state court in the following: a temporary or permanent domestic protection order, an order arising out of an abuse or neglect proceeding, a bond condition arising out of a criminal case, and an order in any other proceeding affecting child custody or support. SDCL 25-4A-14.

The attached guidelines apply and shall continue in effect unless the parties agree or the court otherwise orders. Imposition of these standard guidelines creates no presumption as to who may be awarded custody at any hearing. Per SDCL 25-4A-12, any agreement by the parties for parenting time other than the standard guidelines must be in writing, signed by both parties, and filed with the court. The agreed plan shall be approved by court order and replace the standard guidelines, or any plan previously filed.

Per SDCL 25-4A-13, if either party objects to the implementation of the South Dakota Parenting Guidelines (Form UJS-302) as the initial custody arrangement, the objecting party shall file an objection with the Clerk of Court. The court shall order a hearing which shall be held not later than 30 days after the date of the objection. The court shall then issue its temporary custody and parenting time order after considering the best interest of the child(ren) consistent with the provisions of SDCL 25-4-45.

Dated this ____ day of _____, 20____.

Plaintiff's Signature

Printed Name

Mailing Address

City, State, Zip

Telephone Number