

## **INSTRUCTIONS AND FORM FOR ANSWER (CUSTODY ACTION)**

These forms are related to specific South Dakota Codified Law (SDCL) concerning child custody matters. You can find these 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@ajs.state.sd.us](mailto:ujssrlhelp@ajs.state.sd.us).

### **IMPORTANT NOTICES**

The Answer is a written response to the Summons and Complaint (Custody Action) submitted by the Defendant. As the Defendant, if you decide to file an Answer, you must submit it to the Clerk of Court and serve it on the Plaintiff within thirty days of receiving the Summons and Complaint. If you choose not to file within thirty days of being served, Default Order could be entered against you in favor of the Plaintiff.

### **To complete this form, you will need to:**

1. Complete the caption of the Answer by:
  - a. Listing the name of the county your case is filed in;
  - b. List the Judicial Circuit number. You may find your judicial circuit number on the UJS website under [Court Finder](#);
  - c. List the Plaintiff's name.
  - d. Enter your name as the Defendant; and
  - e. Enter your case number. If you are not aware of the case number, please contact the Clerk of Court.
2. Complete the remainder of form with by answering each numbered paragraph on the lines provided throughout the form and sign and date.
3. Complete the Statement of Mailing with the date the Answer will be mailed to the Plaintiff, the address it will be mailed to, where you will mail it from and sign and date.
4. File the original copy with the Clerk of Court along with the required \$25 filing fee.
5. If you cannot afford the \$25 filing fee, please complete UJS-022 Motion, Affidavit, and Order to Waive Filing Fee and submit with the above forms in lieu of the \$25.
6. Mail a copy to the Plaintiff.

<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;"><b>ANSWER (CUSTODY ACTION) AND STATEMENT OF MAILING</b></p>
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The above-named Defendant's Answer to the Complaint as follows:

1. I  Admit or  Deny that I am the father of the child(ren). (If you deny you are the biological father, you may skip the remainder of the questions and sign and date the form.)

2. I **AGREE** with the following paragraphs of the Complaint (Custody Action) (list the corresponding paragraph numbers from the Complaint).

\_\_\_\_\_  
\_\_\_\_\_

3. I **DISAGREE** with the following paragraphs of the Complaint (Custody Action) (list the corresponding paragraph numbers from the Complaint).

\_\_\_\_\_  
\_\_\_\_\_

4. I **PARTIALLY AGREE** or **PARTIALLY DISAGREE** with the following paragraphs of the Complaint (Custody Action) (list the corresponding paragraph numbers from the Complaint).

\_\_\_\_\_  
\_\_\_\_\_

5. I **DO NOT HAVE ENOUGH INFORMATION** to either agree or disagree with the following paragraphs of the Complaint (Custody Action) (list the corresponding paragraph numbers from the Complaint)

If you wish to explain any of your answers to the previous statements, please use the space below. If you do not wish to explain your answers further, leave the next four paragraphs blank.

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Defendant Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

**STATEMENT OF MAILING ANSWER**

I, \_\_\_\_\_ the above-named Defendant, state that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, mailed a true and correct copy of the Answer in an envelope addressed to the Plaintiff at:

\_\_\_\_\_  
Plaintiff's Name

\_\_\_\_\_  
Plaintiff's Street Address

\_\_\_\_\_  
Plaintiff's City, State & Zip

And depositing the envelope, with sufficient postage in the United States mail in

\_\_\_\_\_  
*(City and State you Mailed the form from)*

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_.  
(Date) (Month) (Year) (City or other location, and State)

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Defendant Name

\_\_\_\_\_  
Defendant Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number