

## **INSTRUCTIONS AND FORM FOR SUMMONS (WITHOUT MINOR CHILDREN)**

These forms are related to specific South Dakota Codified Laws (SDCL) concerning divorce 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](mailto:ujssrlhelp@ujs.state.sd.us).

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

- Complete the caption of the Summons.
  - County (insert county name).
  - Judicial Circuit (insert circuit number). You may find your judicial circuit number at the following web address.
    - [https://ujs.sd.gov/Circuit\\_Court/Default.aspx](https://ujs.sd.gov/Circuit_Court/Default.aspx)
- Plaintiff (insert your name).
- Defendant (insert spouse's name).
- Case Number will be provided to you by the Clerk of Court at the time of filing.
- Date and sign.
- File this form along with the Complaint (without Minor Children) (UJS-310), Case Filing Statement (UJS-232), and the required filing fee, with the Clerk of Court.
- It is very important that you read and follow the Temporary Restraining Order that becomes automatic when you file for divorce and the other party has been served. Both parties are required to obey it. Violation of any of these terms could subject you to penalties and delay your divorce. Please read it carefully.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_ JUDICIAL CIRCUIT

Plaintiff v. Defendant	Case No: _____  <b>SUMMONS (WITHOUT MINOR CHILDREN)</b>
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**TO THE ABOVE-NAMED DEFENDANT:**

YOU ARE HEREBY SUMMONED and required to answer the Complaint without Minor Children, a copy of which is hereby served upon you, and to serve the Plaintiff with a copy of your Answer or other proper response within thirty days from the date of the service of the Summons upon you, not counting 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 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 removing any minor child of the parties from the state without the written consent of the other party or an order of the court; and
- (4) 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\_\_\_\_\_.

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Plaintiff's Signature

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Plaintiff's Printed Name

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Address

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City/State/Zip

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Phone No.

Forms for representing yourself in a divorce action can be found on the UJS self-help website at: <https://ujslawhelp.sd.gov/onlineforms.aspx>