

## INSTRUCTIONS AND FORMS FOR DIVORCE COMPLAINT WITHOUT 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 Complaint.
  - 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.
- Complete the remainder of the information on the lines provided throughout the form. Please note on number 9, irreconcilable differences is the most common reason cited for divorces. You are welcome to select an alternative option in addition to irreconcilable differences but are not required to do so.
- Date and sign the form.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

JUDICIAL CIRCUIT

|                                      |  |
|--------------------------------------|--|
| Plaintiff<br><br>v.<br><br>Defendant | Case No.: _____<br><br><b>COMPLAINT<br/>(WITHOUT MINOR CHILDREN)</b> |
|--------------------------------------|--|

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 the \_\_\_\_\_ day in the month of \_\_\_\_\_, in the year of \_\_\_\_\_, in the City of \_\_\_\_\_ and in the State of \_\_\_\_\_.
6. Are the parties currently living apart? **(check one)**

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what date did the parties begin to do so? \_\_\_\_\_ **(date)**

7. Is the Plaintiff an active-duty member of the armed forces? (**check one**)

Yes \_\_\_\_\_ No \_\_\_\_\_

8. Is the Defendant an active-duty member of the armed forces? (**check one**)

Yes \_\_\_\_\_ No \_\_\_\_\_

9. 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 do not agree to the grounds selected below, a hearing will be required, and you will need to provide proof to support the grounds claimed: (**check one or more**)

- (1) Adultery \_\_\_\_\_
- (2) Extreme Cruelty \_\_\_\_\_
- (3) Willful Desertion \_\_\_\_\_
- (4) Willful Neglect \_\_\_\_\_
- (5) Habitual Intemperance \_\_\_\_\_
- (6) Conviction of Felony \_\_\_\_\_
- (7) Irreconcilable Differences \_\_\_\_\_

10. The parties have accumulated property and debts during the marriage which must be equitably divided. (**check one**)

Yes \_\_\_\_\_ No \_\_\_\_\_

11. Plaintiff seeks spousal support (alimony). (**check one**)

Yes \_\_\_\_\_ No \_\_\_\_\_

**Wherefore**, Plaintiff prays for a 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's last name be restored to: *(Only if requesting)*

\_\_\_\_\_ whose date of birth is

\_\_\_\_\_;

4. For alimony to be ordered, if requested above; and
5. For such other and further relief as may be equitable and just.

*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 \_\_\_\_\_.* \_\_\_\_\_  
*(Year) (City or other location, and State)* \_\_\_\_\_  
*(Date) (Month)*

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Plaintiff Address

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

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