

## INSTRUCTIONS AND FORM FOR JUDGMENT AND DECREE OF DIVORCE (STIPULATION AND AGREEMENT WITH 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@uj.s.state.sd.us](mailto:ujssrlhelp@uj.s.state.sd.us). Remember that legal matters are better addressed by professionals who specialize in this field.

### **IMPORTANT NOTICES**

- ☐ Use this form only if you and the Defendant have signed a Stipulation and Settlement Agreement (With Minor Children) and you want the Court to incorporate that Agreement into your Judgment and Decree of Divorce.
- ☐ Even if you and the other party have signed the Stipulation and Settlement Agreement, the Judge assigned to your case may still require you to appear in court.

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

- ☐ Complete the caption by filling in the name of the county you are filing in, the judicial circuit number, list your name for the Plaintiff and the other party for the Defendant.
- ☐ In the first paragraph enter the day the Defendant was served with the Summons and Complaint, and the date and location of the marriage.
- ☐ Provide the Clerk of Court with the proposed Judgment and Decree of Divorce (UJS-326B). The Clerk of Court will give to the Judge to grant or deny.
- ☐ If the Judge signs the proposed Judgment and Decree of Divorce (UJS-326B), a Notice of Entry will need to be completed and filed with the Clerk of Court.
  - ☐ The Notice of Entry form can be obtained from the Clerk of Court. Depending on the county, this may be completed by the Clerk of Court, or they may provide it to you to complete and file.
- ☐ Certified copies of the Judgment and Decree of Divorce (UJS-326B) along with a copy of the Notice of Entry will need to be provided to both parties and an Affidavit of Mailing will need to be completed. Depending on the county, this may be completed by the Clerk, or they may provide to you to complete and file. You will need to check with the Clerk of Court on this.
  - ☐ The Affidavit of Mailing form can be obtained from the Clerk of Court.
- ☐ If a hearing is required, you will need to bring the Judgment and Decree of Divorce (UJS-326B) with you and if the Judge signs at the conclusion of the hearing, certified copies of the signed Judgment and Decree of Divorce (UJS-326B) along with a copy of the Notice of Entry will need to be provided to both parties and an Affidavit of Mailing will need to be completed. Depending on the county, this may be completed by the Clerk, or these forms may be provided to you to complete and file. You will need to check with the Clerk of Court on this.
  - ☐ The Affidavit of Mailing form can be obtained from the Clerk of Court.

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

\_\_\_\_\_ JUDICIAL CIRCUIT

<div>_____</div> <div>Plaintiff</div> <div>v.</div> <div>_____</div> <div>Defendant</div>	<div>Case No.: _____</div> <div><b>JUDGMENT AND DECREE OF DIVORCE (STIPULATION AND AGREEMENT WITH MINOR CHILDREN)</b></div>
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The above-entitled matter came before this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. It satisfactory appearing to the Court from the records and file herein that the Defendant was duly served with the Summons and Complaint (With Minor Children) on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the parties thereafter entered into a Stipulation and Agreement (With Minor Children) on file and dated \_\_\_\_\_, herein. The parties were married on the \_\_\_\_ day in the month of \_\_\_\_\_ and in the year of \_\_\_\_\_ and in the City and State of \_\_\_\_\_. After due consideration of the same and on the matters of record herein the Court finds and concludes that is has jurisdiction over the parties and the subject matter herein, that the parties have met their obligations for court-approved parenting courses under SDCL § 25-4A-32, and that the parties having expressly waived entering of Findings of Fact and Conclusions of Law. Now therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The parties are both granted a Judgment and Decree of Divorce on the grounds of irreconcilable differences and the parties hereto are restored to the status of single persons.
2. That the Stipulation and Agreement (With Minor Children) on file between the parties is hereby approved and by this reference made a part hereof merged and incorporated herein.

3. The parties are the parents of the following minor child(ren):

\_\_\_\_\_, DOB \_\_\_\_\_  
\_\_\_\_\_, DOB \_\_\_\_\_  
\_\_\_\_\_, DOB \_\_\_\_\_

4. Custody and parenting time with the minor child(ren) shall be as set forth in the Stipulation and Agreement (With Minor Children) on file herein, which is incorporated herein by reference.

5. \_\_\_\_\_ shall pay child support to \_\_\_\_\_ for the minor child(ren) in the amount of \$\_\_\_\_\_ per month, commencing the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_, pursuant to the calculations and child support provisions set forth in the Stipulation and Agreement (With Minor Children), which are incorporated herein by reference as well as the child support calculation, which is filed here in and incorporated by reference.

6. Pursuant to SDCL § 25-5-18.1, the support obligation shall continue until each child attains the age of eighteen, or until each child attains the age of nineteen if the child is a fulltime student in a secondary school.

7. The obligor's current or subsequent payor of income shall be immediately directed to withhold amount for current support or arrearages as specified herein and as provided in SDCL § 25-7A-23 and shall transmit said amount as provided in SDCL § 24-7A-34.

8. Until otherwise notified by the Division of Child Support all payments shall be made payable to "Division of Child Support" and mailed to:

**Division of Child Support  
700 Governor's Drive, Suite 84  
Pierre, SD 57501-2291**

9. Plaintiff ☐ / Defendant ☐ (**check one**), currently known as

\_\_\_\_\_ born as \_\_\_\_\_ shall be restored to their former name of \_\_\_\_\_; therefore, they shall be known hereafter as \_\_\_\_\_.

10. That SDCL § 25-4A-5 is attached as required by SDCL § 25-4A-5.1 and shall become an Order of this Court.
11. All the other terms and conditions specifically set forth in the Stipulation and Agreement (With Minor Children) as hereby approved and incorporated herein by reference as though fully set forth in extenso.

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

\_\_\_\_\_  
Circuit Court Judge

Attest:

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
Deputy Clerk  
(Seal)