

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@ajs.state.sd.us.

To Complete this form you will need to:

1. Complete the caption of the Complaint.
 - a. County (insert county name).
 - b. Judicial Circuit (insert circuit number). You may find your judicial circuit number at the [South Dakota Unified Judicial System website](#).
 - c. Plaintiff (insert your name).
 - d. Defendant (insert spouse's name).
 - e. Case Number will be provided to you by the Clerk of Court at the time of filing.
2. Complete the remainder of the information on the lines provided throughout the form. Please note on number 9, irreconcilable differences is the most
3. 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.
4. Date and sign the form.

COUNTY OF _____

_____ JUDICIAL CIRCUIT

_____ Plaintiff v. _____ Defendant	Case No.: _____ <p style="text-align: center;">COMPLAINT (WITH MINOR CHILDREN)</p>
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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.

(Signature Page to Follow)

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)

Plaintiff Signature

Plaintiff Name

Plaintiff Address

City, State, Zip Code

Phone Number