

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

SEP 02 2025

Shirley A. Johnson-Leged
Clerk

* * * *

LINNEA CAROL BULYCA,
Plaintiff and Appellee,

vs.

CASEY RAY BULYCA
Defendant and Appellant.

) ORDER DIRECTING ISSUANCE OF
) JUDGMENT OF REVERSAL
)

) #30975
)
)
)

The Court having, pursuant to SDCL 15-26A-87.1(C),
considered all of the briefs filed in the above-entitled matter,
together with the appeal record, and having concluded that the order
from which appeal is taken should be reversed:

The record shows that the circuit court failed to comply
with SDCL chapter 25-7 by denying the motion to modify a child
support order modifiable pursuant to SDCL 25-7-6.13 without
determining the support obligation based upon the parties' current
income. The circuit court was required by SDCL 25-7-6.2 to determine
the current support obligation of the modifiable order by calculating
the net income of the parties under SDCL 25-7-6.3, including the
profits and losses from any business under SDCL 25-7-6.6, and any
imputed income under SDCL 25-7-6.26 when a parent "fails to produce
sufficient proof of income." See also, *Kauth v. Bartlett*, 2008 S.D.
20, ¶ 13, 746 N.W.2d 747, 751 ("[T]he initial step is to determine
the current net income of the parties and scheduled support

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amount."); *Condrón v. Condrón*, 2024 S.D. 43, ¶ 12, 10 N.W.3d 213, 217 ("The child support is then allocated between . . . both parents in proportion to their relative [net monthly] incomes, with the payment being made by the non-custodial parent to the custodial parent.").

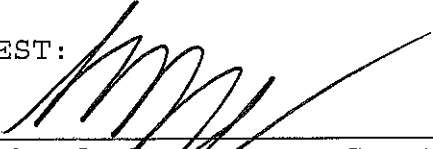
After considering the briefing and the record, the Court concludes that the circuit court abused its discretion in failing to determine the current income of the parties, consider the needs of the children, including daycare, and calculate child support as set forth within SDCL chapter 25-7. The case is reversed and remanded for the circuit court to determine the current income of the parties and the needs of the children based upon the existing record and to calculate child support pursuant to the schedule provided in SDCL 25-7-6.2. Now, therefore, it is

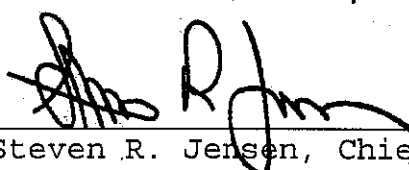
ORDERED that a judgment reversing the order of the trial court be entered.

DATED at Pierre, South Dakota, this 2nd day of September, 2025.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.