

STATEMENT OF LEGAL ISSUES

ISSUE A

**WHETHER THE TRIAL COURT ERRED IN ITS CHOICE OF THE APPROPRIATE
PARENTING TIME SCHEDULE, INCLUDING
REJECTING THE STANDARD PARENTING GUIDELINES
PROTECTION FOR NURSING CHILDREN**

The trial court chose the parenting plan of Kevin's expert over the parenting plan of Carmen's expert.

Fuerstenberg v. Fuerstenberg, 1999 S.D. 35, 591 N.W.2d 798
Jasper v. Jasper, 351 N.W.2d 114 (S.D. 1984)
Pietrizak v. Schroeder, 2009 S.D. 1, 759 N.W.2d 734
SDCL 25-4-45

ISSUE B

**WHETHER THE TRIAL COURT ERRED IN REDUCING THE
THERAPY LEVELS FOR AC-AS**

The trial court reduced AC-AS's therapy time to only the minimum provided by the state.

Pietrizak v. Schroeder, 2009 S.D. 1, 759 N.W.2d 734

ISSUE C

**WHETHER THE TRIAL COURT'S MANNER OF INVOLVING KEVIN IN THE
DECISION MAKING PROCESS ON CERTAIN ISSUES HAS THE EFFECT
OF CREATING UNRESOLVED CONTROVERSIES BETWEEN THE PARTIES**

The trial court granted Carmen decision making authority in selected areas but then allowed Kevin to participate equally in the selection of the professionals, the determination of their job duties, and determining the financial compensation for the professionals.

SDCL 25-5-7.1

ISSUE D

**WHETHER THE TRIAL COURT ERRED IN ITS DETERMINATION
OF AN APPROPRIATE CHILD SUPPORT AWARD**

The trial court failed to consider the actual needs and standard of living of the children when calculating child support.

Laird v. Laird, 2002 S.D. 99, 650 N.W.2d 296
Hill v. Hill, 2009 S.D. 18, 763 N.W.2d 818
McKittrick v. McKittrick, 2007 S.D. 44, 732 N.W.2d 404
SDCL 25-7-6.9
SDCL 25-7-6.10(3)

ISSUE E

WHETHER THE TRIAL COURT ERRED IN FAILING TO CONSIDER \$6,000 PAID BY CARMEN TO KEVIN WHEN DETERMINING THE PAYMENT DUE FROM KEVIN TO CARMEN

The trial court failed to consider the \$6,000 cash Carmen paid back to Kevin when determining the property settlement payment due to Carmen.

SDCL 25-4-44

ISSUE F

WHETHER THE TRIAL COURT ERRED IN REFUSING TO REQUIRE KEVIN TO PAY ANY PORTION OF THE FEES AND COSTS INCURRED BY CARMEN

The trial court denied Carmen's request for attorney's fees and costs.

Evans v. Evans, 1997 S.D. 16, 559 N.W.2d 240
Strickland v. Strickland, 470 N.W.2d 832 (S.D. 1991)