

MONDAY, OCTOBER 5, 2009
11:00 A.M.

NO. 3

#25073

KELLY JO KREPS,
Plaintiff and Appellant,

vs.

JASON ALAN KREPS,
Defendant and Appellee.

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(FOR APPELLEE)

The Honorable Douglas Hoffman
Second Judicial Circuit
Lincoln County

(CIV 06-74)

20-20-10

STATEMENT OF THE ISSUE

I. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN REJECTING THE CUSTODY EVALUATION AND REMOVING THE CHILDREN FROM THE PRIMARY CAREGIVER.

The trial court rejected the recommendation of the custody evaluator that the children remain in the primary physical care of their mother and awarded custody of the children to the father.

- *Pietrzak v. Schroeder*, 2009 SD 1, 759 N.W.2d 734
- *Fuerstenberg v. Fuerstenberg*, 1999 SD 35, 591 N.W.2d 806
- *Weber v. Weber*, 529 N.W.2d 190 (S.D. 1995)
- *Price v. Price*, 2000 SD 64, 611 N.W.2d 425