

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)

SDCL 25-4A-16.1

)

RULE 08-08

- - - - -
A hearing was held on August 28, 2008, at Pierre, South Dakota, relating to the amendment of SDCL 25-4A-16.1, and the Court having considered the proposed amendment and oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 25-4A-16.1 be and it is hereby amended to read in its entirety as follows:

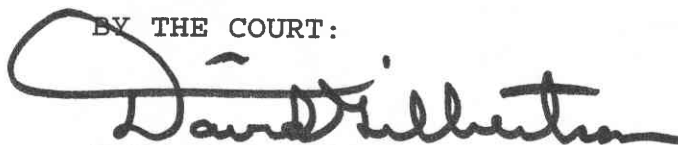
SDCL 25-4A-16.1. Request for implementation of standard guidelines--Objection--Hearing--Order. Subject to the jurisdictional and procedural provisions of chapter 26-5B, any parent subject to a court order of this state or subject to the jurisdiction of a court of this state pursuant to chapter 26-5B relating to visitation, custody, or child support may request the court to enter an order implementing the standard visitation guidelines. If the request is made in a child support proceeding, compliance with chapter 26-5B, including appropriate notice and an opportunity to be heard, if not previously provided, is required. The request shall be in writing and shall include a copy of the existing order establishing custody or visitation and provide a current address of the responding party. Upon filing of the written request, the moving party shall serve a copy of the standard guidelines, together with a copy of the request and provide notice that absent an objection, the guideline visitation shall be imposed. The notice shall provide instructions as to the manner in which objections may be made. The service of such notice shall be deemed complete when an affidavit of the service of such notice and of the particular mode thereof, duly signed and verified by the person or officer making the service, shall have been filed with the court and such record or affidavit shall be presumptive evidence of the completed service of the notice herein required. If a party objects to the imposition of the standard guidelines within ten days of service, the court shall conduct an expedited hearing as soon as practical. Based upon the evidence presented at the hearing, the court may order the parties to abide by the standard visitation guidelines or may order any other relief as it deems appropriate.

Rule 08-08

IT IS FURTHER ORDERED that the rule shall become effective November 1, 2008.

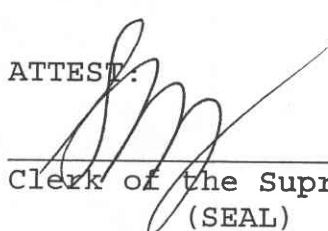
DATED at Pierre, South Dakota, this 17th day of September, 2008.

BY THE COURT:

A handwritten signature in dark ink, appearing to read "David Gilbertson", written over a horizontal line.

David Gilbertson, Chief Justice

ATTEST:

A handwritten signature in dark ink, appearing to be a stylized "M", written over a horizontal line.

Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP 17 2008

A handwritten signature in dark ink, appearing to read "Shirley A. Johnson", written over the word "Clerk".

Clerk