

## INSTRUCTIONS FOR AFFIDAVIT OF PLAINTIFF AND DEFENDANT AS TO JURISDICTION AND REASON FOR DIVORCE AND FORM

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@uj.s.state.sd.us](mailto:ujssrlhelp@uj.s.state.sd.us).

### **IMPORTANT NOTICE:**

- This Affidavit establishes jurisdiction and grounds for divorce in which the Court may grant a divorce without requiring their personal appearance. Although this Affidavit can be used to help waive a court hearing, **the Judge presiding over your case may still require one.**
- In South Dakota, both parties typically must agree to use irreconcilable differences as the reason for divorce. Additionally, the Plaintiff must be a resident of the State of South Dakota when the divorce is started. This Affidavit confirms those facts for the Court.
- This form shall be completed once the Stipulation and Settlement Agreement has been signed by both parties.

### **To complete this form, you will need to:**

- Complete the caption by filling in the name of the county you are filing in, the judicial circuit number, Plaintiff and Defendant's names.
  - The Clerk of Court will provide you a case number at the time of filing.
  - Your judicial circuit can be found here:
    - [https://uj.s.sd.gov/Circuit\\_Court/Default.aspx](https://uj.s.sd.gov/Circuit_Court/Default.aspx)
- Plaintiff and Defendant will need to sign and date in front of a notary or Clerk of Court.
- Once signed it will need to be filed with the Clerk of Court.
- If the Defendant refuses to sign this form, the Plaintiff should still file this Affidavit with only their notarized signature.

<p>_____</p> <p>Plaintiff</p> <p>v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;"><b>AFFIDAVIT OF PLAINTIFF &amp; DEFENDANT AS TO JURISDICTION AND GROUNDS FOR DIVORCE</b></p>
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The above-named Plaintiff and Defendant, being first duly sworn upon their oath, depose and state as follows:

1. That they are the Plaintiff and the Defendant in the above-entitled divorce action.
2. This Affidavit is made pursuant to the provisions of SDCL § 25-4-17.3 so that the divorce may be granted without requiring the personal appearance by either party in Court.
3. Pursuant to SDCL § 24-4-30, the Plaintiff, at the time of the commencement of this divorce action was a bona fide resident of \_\_\_\_\_ County in the State of South Dakota (or stationed in the State of South Dakota while a member of the armed services)
4. Plaintiff and Defendant agree by signing this Affidavit that there are irreconcilable differences between the parties which the parties cannot repair to save the marriage. Both parties' consent to the Court's entry of a Judgment and Decree of Divorce to both parties on the grounds of irreconcilable differences.
5. A written Stipulation and Settlement Agreement (with Minor Children) has been entered into between the Plaintiff and the Defendant setting forth the terms and conditions of the division of property and other matters. The Agreement is presented to the Court with this Affidavit.
6. Both parties authorize the immediate presentation of the Stipulation and Settlement Agreement (with Minor Children), this Affidavit of Jurisdiction and Ground for Divorce and the proposed Judgment and Decree of Divorce to the Court and

respectfully request the Court to consider the same without need for any noticed hearing or trial. The Parties further waive the entry of formal Findings of Fact and Conclusions of Law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Plaintiff Name

Sworn/affirmed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Plaintiff Address

\_\_\_\_\_  
Notary/Deputy Clerk/Clerk of Court

\_\_\_\_\_  
City, State, Zip Code

My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Phone Number

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Defendant Name

Sworn/affirmed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant Address

\_\_\_\_\_  
Notary/Deputy Clerk/Clerk of Court

\_\_\_\_\_  
City, State, Zip Code

My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Phone Number