

# NON-CRIMINAL CASE TYPE DEFINITIONS

## Civil Case Category

<b>Litigation</b>	Lawsuit to court to determine legal issue or resolve dispute
<b>Administrative Appeal</b>	Appeal to circuit court to review the final decision of an administrative proceeding on the ground that it was based on erroneous application of the law
<b>Claim and Delivery Action</b>	Lawsuit for the recovery of specific personal property
<b>Expungement</b>	The sealing of all records on file within any court, detention or correctional facility, law enforcement agency, criminal justice agency, or Department of Public Safety concerning a person's detection, apprehension, arrest, detention, trial or disposition of an offense within the criminal justice system ( <i>see</i> SDCL 23A-3-26)
<b>Federal Transcript</b>	Process for filing and docketing judgments and decrees of the District Court of the United States and authenticated copies and transcripts thereof in like manner as judgments and decrees in the circuit courts ( <i>see</i> SDCL 15-16-28)
<b>Forcible Entry and Detainer</b>	Action that a landlord or property owner can take to regain possession of real property if someone has wrongfully taken, or refused to surrender, possession (eviction)
<b>Foreclosure</b>	Procedure in which a lender attempts to recover the balance of a loan from a borrower who has stopped making payments by forcing the sale of the asset used as collateral for the loan
<b>Foreign Judgment</b>	Process for filing a judgment from another state or jurisdiction to allow for enforcement without the expense of further litigation
<b>Habeas Corpus</b>	A writ or court order that commands a government official who has restrained someone (prisoner) to produce the prisoner at a designated time and place so the court can determine the legality of custody
<b>Paternity</b>	Procedure to determine the identity of the father of a child
<b>Other Writ</b>	Procedure for petitioning the court to issue a formal written order to command a party to do something or to stop doing something

## **FAMILY CASE CATEGORY**

<b>Annulment</b>	Procedure to invalidate a marriage
<b>Divorce</b>	Procedure allowing a claimant to pursue a Judgment and Decree of Divorce from the court to terminate a marriage
<b>Reciprocal (Child Support)</b>	Procedure allowing a claimant to file for child support so the Circuit Court where the defendant resides can order and help enforce the appropriate support
<b>Separate Maintenance</b>	Procedure to establish spousal support if parties are no longer living together as husband & wife

## **PROBATE CASE CATEGORY**

<b>Administration of Small Estates</b>	Faster, easier alternative to formal probate when assets, liens, and encumbrances are of a lesser amount
<b>Conservatorship</b>	Guardian/protector appointed by a judge to protect and manage the financial affairs and/or a person's daily life due to the person having physical or mental limitations
<b>Determination of Inheritance Tax</b>	Proceeding in which the court may determine and decree that, under § 10-40-23.1, no inheritance tax is due by reason of the death of the joint tenant
<b>Formal Probate</b>	Proceeding conducted before the court to establish a will or determine intestacy

Guardian Ad Litem	Guardian appointed by a court to protect the interests of a minor or person involved in a suit who cannot adequately represent his/her own interests
Guardian/Conservatorship	Legal proceeding in which a person, called the "Guardian" or "Conservator," is appointed to exercise some or all of the legal rights of an incapacitated person
Guardianship	Proceeding in which the court appoints a guardian to care for a minor child or incapacitated person who cannot take care of themselves
Informal Probate	Informal proceeding for probate of a decedent's will with or without an application for informal appointment of a personal representative
Safekeeping of a Will	A will may be deposited by the testator or the testator's agent with any court for safekeeping. It must be sealed and will be kept confidential. During the testator's lifetime, a deposited will must be delivered only to the testator or to a person authorized to receive it.
Special Administration	Procedure in which the decedent's heirs or beneficiaries can petition the court for the appointment of a special administrator to preserve or defend the estate, pending the appointment of a personal representative (or executor)
Summary Administration	Procedure to speed up the closing of an estate when further court supervision of the administration of the estate is no longer necessary
Termination of Joint Tenancy	Procedure in which a co-tenant can convey (through gift or sale) his joint tenancy interest to another person with whom a Tenancy in Common is formed. Unlike Joint Tenancy, a co-tenant in a Tenancy in Common may pass their share of the property to their heirs instead of their co-tenants
Termination of Life Estate	<p>Procedure in which any person who claims that a life tenant is deceased may file in the circuit court, his duly verified petition setting forth:</p> <ol style="list-style-type: none"> <li>(1) A description of the real estate or personal property involved;</li> <li>(2) A complete identification of the instrument which is the basis of the proceeding, and a statement of the book and place of record thereof within this state;</li> </ol>

	<p>(3) The fact as to the date and place of death of the life tenant;</p> <p>(4) The last known post office address of the life tenant;</p> <p>(5) The names and post office addresses, so far as known to the petitioner, of the surviving heirs or heirs at law of the life tenant;</p> <p>(6) A statement of the names and addresses of the remaindermen entitled to such property on the expiration of the life estate.</p>
Will-Filing Only	When a will is filed with the circuit court for a reason other than “safekeeping”, for example, the filer needs a certified copy of the will from the court.