STATE OF SOUTH DAKOTA
FIFTH JUDICIAL CIRCUIT

PRESIDING JUDGE
Jack R. Von Wald
CIRCUIT JUDGES
Larry H. Lovrien
Jon S. Flemmer
Scott P. Myren
MAGISTRATE JUDGE
Tony L. Portra

JACK R. VON WALD
Presiding Circuit Court Judge

Sara Van De Walle
Official Court Reporter

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POLICY ON CHILD SUPPORT ENFORCEMENT ACTIONS

An order for support is defined as any order for the support and maintenance of a child which provides for monetary support, health care, arrearages or reimbursement, and which may include costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

According to SDCL 25-7-7.4:

> Any payment or installment of support under an order for support, as defined by §25-7A-1 (above), whether entered by a court or an administrative entity of this state or of any other state or jurisdiction, which is unpaid after the date it is due, is a judgment by operation of law, with the full force, effect and attributes of a judgment of this state, including enforceability, and is entitled, as a judgment, to full faith and credit in this state.

Therefore, it is redundant to allow a parent to bring a small claims action for support to obtain a judgment against the obligor. Per SDCL 25-7-7.5, the proper method is to complete a sworn statement or certificate showing the amount of unpaid support due under the order. The clerk of courts shall file and docket the statement or certificate with the order for support or transcript thereof, as evidence of the amount of the judgment for support, as provided in chapter 15-16. The judgment shall be effective from the date and time of docketing the statement or certificate in the office of the clerk of courts.

Dated this 20th day of June, 2006.

BY THE COURT:

Jack R. Von Wald

Jack R. Von Wald, Presiding Judge