INSTRUCTIONS AND FORM FOR JUDGMENT AND DECREE OF DIVORCE (STIPULATION AND AGREEMENT WITHOUT MINOR CHILDREN)

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@ujs.state.sd.us.

IMPORTANT NOTICES

1. Use this form only if you and the Defendant have signed a Stipulation and Settlement Agreement (without Minor Children) and you want the Court to incorporate that Agreement into your Judgment and Decree of Divorce.
2. Even if you and the other party have signed the Stipulation and Settlement Agreement, the Judge assigned to your case may still require you to appear in court.

To complete this form, you will need to:

1. Complete the caption by filling in the name of the county you are filing in, the judicial circuit number, list your name for the Plaintiff and the other party for the Defendant.
2. In the first paragraph enter the day the Defendant was served with the Summons and Complaint, and the date and location of the marriage.
3. Provide the Clerk of Court the proposed Judgment and Decree of Divorce (UJS-326A). The Clerk of Court will give to the Judge to grant or deny.
4. If the Judge signs the proposed Judgment and Decree of Divorce (UJS-326A), a Notice of Entry will need to be completed and filed with the Clerk of Court.
    a) The Notice of Entry form can be obtained from the Clerk of Court. Depending on the county, this may be completed by the Clerk of Court, or they may provide to you to complete and file.
5. Certified copies of the Judgment and Decree of Divorce (UJS-326A) along with a copy of the Notice of Entry will need to be provided to both parties and a Statement of Mailing will need to be completed. Depending on the county, this may be completed by the Clerk of Court, or they may provide to you to complete and file. You will need to check with the Clerk of Court on this.
    a) The Statement of Mailing form can be obtained by the Clerk of Court.
6. If a hearing is required, you will need to bring the Judgment and Decree of Divorce (UJS-326B) with you and if the Judge signs at the conclusion of the hearing, certified copies of the signed Judgment and Decree of Divorce (UJS-326A) along with a copy of the Notice of Entry will need to be provided to both parties and a Statement of Mailing will need to be completed. Depending on the county, this may be completed by the Clerk, or these forms may be provided to you to complete and file. You will need to check with the Clerk of Court on this.
    a) The Statement of Mailing form can be obtained from the Clerk of Court.

STATE OF SOUTH DAKOTA IN CIRCUIT COURT

COUNTY OF _____ _____ JUDICIAL CIRCUIT

_____ Plaintiff v. _____ Defendant	Case No.: _____ **JUDGMENT AND DECREE OF DIVORCE (STIPULATION AND AGREEMENT WITHOUT MINOR CHILDREN)**

The above-entitled matter came before this Court on the_____ day of _____ 20 ____. It satisfactory appearing to the Court from the records and file herein that the Defendant was duly served with the Summons and Complaint (without Minor Children) on the_____ day in the month of _____, and in the year of 20_____, and the parties thereafter entered into a Stipulation and Agreement (without Minor Children) on file and dated _____, herein. The parties were married on the_____ day in the month of _____, in the year of_____ ,and in the City and State of _____. After due consideration of the same and on the matters of record herein the Court finds and concludes that is has jurisdiction over the parties and the subject matter herein, and that the parties having expressly waived entering of Findings of Fact and Conclusions of Law. Now therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The parties are both granted a Judgment and Decree of Divorce on the grounds of irreconcilable differences and the parties hereto are restored to the status of single persons.
2. Plaintiff ☐ / Defendant ☐ **(*check one*)**, currently known as _____ shall be restored to their former or maiden name known hereafter as_____;

3. All the terms and conditions specifically set forth in the Stipulation and Agreement (without Minor Children) are approved and incorporated herein as though fully set forth verbatim.

Dated this _____ day of _____, 20_____.

_____
Circuit Court Judge

Attest:

_____
Clerk of Court

_____
Deputy Clerk
(Seal)