

Instructions on Notice to Relocate Minor Child(ren) and Forms

These forms reference certain South Dakota Codified Laws (SDCL) on a notice to relocate minor child(ren) and all of which can be found here: <https://sdlegislature.gov/Statutes>. Should you have questions on the law, you are highly encouraged to speak with an attorney. Court staff cannot help you interpret the law.

Court employees cannot help you fill out forms or give you legal advice. If you have legal questions, please consult an attorney. You can also call the Legal Form Help Line at 855-784-0004, or email UJS staff at ujssrlhelp@uj.s.state.sd.us for specific questions on the forms.

Important Notices:

- These forms do not start a new civil case and should be filed in the case where child custody or support was previously established.
- The other parent must receive the Notice of Relocation a minimum of 45 days prior to the intended relocation. If you are unable to provide sufficient notice to the other party, you must provide to the Court an acceptable reason in the Notice to Relocate Minor Children.
- These forms are not a guarantee you will be able to relocate, as the other party may file an objection to the relocation and request a hearing. It would then be up to the court to determine what is in the best interest of the child in determining relocation. These forms are simply to give notice to the nonrelocating party. If you don't believe the other party will consent, it is highly recommended that you speak with an attorney.

Before you begin - There are exceptions as to when a Notice to Relocate Minor Child(ren) to the other parent is not required.

- You have a court order that addresses what happens if you move with the minor child(ren).
 - The relocation results in moving closer to the noncustodial parent.
 - The relocation is within the child(ren)'s school district.
 - There is an existing protection order in favor of the custodial parent or child and parenting time was not established in the protection order or another custody proceeding.
 - The nonrelocating party was convicted within the preceding twelve months of violating a protection order, criminal assault, child abuse or other domestic violence and either you or the child were the victim and visitation was not established subsequent to the conviction.
- ❖ If one or more of the situations above applies, you do not need to complete these forms. If you are unsure or have questions, it is recommended you speak with an attorney.

Instructions on Notice to Relocate Minor Child(ren) and Forms

Completing the Notice to Relocate (UJS-355)

- Fill in the caption. (*This is the top section of the form where you list the county name, judicial circuit number, Plaintiff and Defendant's name and file number. If unsure, you may refer to the case where child custody or support was previously established. It should be filled out identical to that file*)
- Complete paragraphs 1 through 11 by completing information on the lines provided.
- Sign and date the signature block in front of a notary or Clerk.
- Complete a Case Filing Statement (UJS-232).
- File the Notice to Relocate (UJS-355) and Case Filing Statement (UJS-232) with the Clerk of Courts in the county your case originated in.

Serve the Notice on the Nonrelocating Parent

- ❖ These forms provide two options in which you can provide the Notice to the nonrelocating parent.

Option 1 – Completing an Affidavit of Mailing (UJS-355) and mail the notice by certified mail

- Complete the caption of the Affidavit of Mailing (UJS-355)
 - *This will be the completed the same as the Notice to Relocate (UJS-355)*
- Fill in the information on the lines provided in the following order:
 - Your full legal name;
 - The date you mailed the Notice to Relocate (UJS-355);
 - The name of the other parent and their address; and
 - The city and state you mailed the Notice to Relocate (UJS-355) from.
- Sign and date in front of a notary or Clerk.
- Mail a copy of the Notice to Relocate (UJS-355) by certified mail to the nonrelocating parent.
 - *You should receive a return receipt (a/k/a “green card”) back from the US Postal service that was signed by the other parent.*
- File the Affidavit of Mailing (UJS-355) and “green card” with the Clerk of Courts.

Option 2 – Hand Delivering the Notice to Relocate (UJS-355) to the nonrelocating parent and having them complete an Admission of Service (UJS-355)

- Complete the caption.
- Provide the Notice to Relocate (UJS-355) and the Admission of Service (UJS-355) to the other parent for them to complete and sign in front of a notary or Clerk of Courts.
- They should provide the Admission of Service (UJS-355) back to you after they have completed and signed the form if they did not file it already with the Clerk of Court.
- File the signed copy of the Admission of Service (UJS-355) with the Clerk of Courts if the other party has not done so already.

If an Objection to the relocation is filed

- ❖ If the other parent chooses to file an objection to the relocation, they must do so within 30 days of receiving the Notice to Relocate and request a hearing. This may require additional filings and proceedings. The Unified Judicial System does not have instructions or forms available for self-represented individuals on how to file objections or what to do if objections are filed. You are highly recommended to speak with an attorney if an objection is filed.
- ❖ If no objections are filed or the other parent fails to request a hearing, the relocation is presumed to be consented. No further action is required.

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

)
:SS
)

IN CIRCUIT COURT

JUDICIAL CIRCUIT COURT

| | |
|---|---|
| <p>_____, Plaintiff</p> <p>v.</p> <p>_____, Defendant</p> | <p>FILE NO. _____</p> <p style="text-align: center;">NOTICE TO RELOCATE MINOR CHILD(REN)</p> |
|---|---|

1. Plaintiff's full legal name is _____.
2. Plaintiff is a resident of _____ County, State of _____.
3. Defendant's full legal name is _____.
4. Defendant is a resident of _____ County, State of _____.
5. Is Plaintiff an active-duty member of the Armed Forces? Yes No
Is Defendant an active-duty member of the armed forces? Yes No
6. I share physical custody (at least 50%) or maintain the primary residence of the following minor child(ren) born or adopted by the above-names parties: *(Enter the full legal name(s) of the minor child(ren))*

7. I am proposing to move the above-named minor child(ren) to:

(street address)

(City and State)
8. The proposed move will result in _____ miles between the minor child(ren) and the other parent.
9. I will be moving the above-name minor child(ren) on the following date: _____.

10. The following date:

Does provide the minimum 45 days notice to the other party.

Does not provide a minimum 45 days notice to the party and I am unable to do so because: _____

_____.

11. I would like to relocate the minor child(ren) because: _____

_____.

12. I believe this relocation is in the best interest of the minor child(ren) because: _____

_____.

13. If I am allowed to move with the minor child(ren), I propose that the other party have visitation with the minor child(ren):

Consistent with the South Dakota Parenting Time Guidelines for parents and children who reside less than 200 miles apart.

Consistent with the South Dakota Parenting Time Guidelines for parents and children who reside more than 200 miles apart.

Other: _____

_____.

Dated this _____ day of _____, 20_____.

Sworn/affirmed before me this _____ day of _____, 20_____.

Notary Public/Clerk of Court

If Notary, my commission expires:

(SEAL)

Signature

Name (Print): _____

Address: _____

City/State/Zip: _____

Phone Number: (____) _____

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF _____)

IN CIRCUIT COURT

JUDICIAL CIRCUIT

| | |
|---|--|
| <p>_____, Plaintiff</p> <p>v.</p> <p>_____, Defendant</p> | <p>FILE NO. _____</p> <p style="text-align: center;">AFFIDAVIT OF MAILING</p> |
|---|--|

I, _____, being sworn state that on _____
(Enter your full legal name) *(Date you mailed the notice)*

I mailed the Notice to Relocate Minor Child(ren) to the nonrelocating parent at the following address:

(Name of the other parent)

(Street Address)

(City, State, Zip Code)

By placing true and correct copies in a certified envelope and depositing with sufficient postage, in the United States Mail in _____.
(City and State where you mailed the forms from)

Dated this ____ day of _____, 20 ____.

Sworn/affirmed before me this _____ day of _____, 20 ____.

Notary Public/Clerk of Court

If Notary, my commission expires:

(SEAL)

Signature

Name (Print): _____

Address: _____

City/State/Zip: _____

Phone Number: (____) _____

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF _____)

IN CIRCUIT COURT
_____ JUDICIAL CIRCUIT

| | |
|---|--|
| <p>_____, Plaintiff</p> <p>v.</p> <p>_____, Defendant</p> | <p>FILE NO. _____</p> <p>ADMISSION OF SERVICE OF NOTICE TO RELOCATE</p> <p>(BY HAND DELIVERY)</p> |
|---|--|

I, _____, admit to receiving a copy of the Notice
(Name of party who received the Notice to Relocate)
to Relocate Minor Child(ren) in the above-captioned matter by hand delivery in: _____,
(City)
_____, _____,
(County) *(State)*

This Admission merely acknowledges receipt of the documents. I do not admit or deny any of the statements contained in the Notice to Relocate Minor Child(ren) nor am I consenting to the proposed relocation by signing this document.

Dated this ____ day of _____, 20____.

Sworn/affirmed before me this _____ day of _____, 20____.

Notary Public/Clerk of Court

If Notary, my commission expires:

(SEAL)

Signature of Receiving Party

Name (Print): _____

Address: _____

City/State/Zip: _____

Phone Number: (____) _____