

## INSTRUCTIONS AND FORMS ON NOTICE AND ADMISSION OF SERVICE

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 NOTICES**

When filing for divorce, the Defendant will need to be served with copies of the Summons and Complaint and proof that the Defendant was served is required by the Court. The day the Defendant is served initiates the thirty days the Defendant can file an answer to the Summons and Complaint. **A divorce cannot be finalized until at least sixty days have elapsed from the date the Summons and Complaint are served.** (The day of service is **NOT** counted.)

### **\*\* When serving the Defendant, you have three options\*\***

- Option 1 – Mailing to the Defendant** *(the Defendant will need to sign the admission of service within twenty days of mailing and provide the signed forms back to you or file with the Clerk of Court themselves.)*
  - Complete the Notice and Admission of Service (UJS-317A) by filling in the caption with the name of the county you are filing in, the judicial circuit number, name of the Plaintiff and Defendant on the lines provided, case file number, sign, and date.
  - Complete only the caption of the Admission of Service (UJS-317B). The remainder of the form is for the Defendant to complete.
  - Mail copies of the Summons with Minor Children (UJS-311) and Complaint without Minor Children (UJS-312), Notice and Admission of Service (UJS-317A) and Admission of Service (UJS-317B), and a self-addressed stamped envelope to the Defendant.
  - Once you've mailed copies, complete the Affidavit of Mailing (UJS-317C) and file it with the Clerk of Court. Certified mail is not considered proper service.
  - Once you receive the signed Admission of Service (UJS-317B) from the Defendant, you **MUST** file it with the Clerk of Court. The Defendant may also file the Admission of Service with the Clerk of Court but should provide you with a copy.
  
- Option 2 – Hand Deliver to the Defendant** *(if you believe the Defendant will willfully accept the Summons and Complaint from you)*
  - Complete the Admission of Service of Summons and Complaint (UJS-317B) by filling in the caption with the name of the county you are filing in, the judicial circuit number, name of the Plaintiff and Defendant on the lines provided and case file number. Leave the remainder of the form blank for the Defendant to complete.
  - Attach a copy of the Summons with Minor Children (UJS-311), and Complaint with Minor Children (UJS-312) and provide to the Defendant.
  - The Defendant will need to sign the Admission of Service (UJS-317B) in front of a notary or Clerk of Court and provide the original back to you or file directly with Clerk of Court.
  
- Option 3 – Sheriff or Process Server** *(if the Defendant will NOT willfully sign the Admission of Service, you will want to follow these steps)*
  - You will provide copies of the Summons and Complaint to the Sheriff or Process Server.
  - You will need to provide the Defendant's physical address, phone number, place of employment and any other relevant information for location.
  - Typically having the Defendant served requires a fee to be paid prior to completing service.
  - Once the Defendant is served, the server will provide you with a Proof of Service that you **MUST** file with the Clerk of Court.
  - Contact information for process servers can be found here:
    - <https://uj.s.sd.gov/Resources/ProgramsServices.aspx>

<p>_____</p> <p>Plaintiff</p> <p style="text-align: center;">v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;"><b>NOTICE AND ADMISSION OF SERVICE OF SUMMONS AND COMPLAINT (WITH MINOR CHILDREN) SOUTH DAKOTA PARENTING GUIDELINES</b></p>
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TO THE ABOVE-NAMED DEFENDANT: The enclosed Summons and Complaint (with Minor Children) and South Dakota Parenting Guidelines are sent to you pursuant to SDCL § 15-6-4(i), as well as two copies of this Notice and Admission of Service of Summons and Complaint (with Minor Children), South Dakota Parenting Guidelines, and a return envelope, postage prepaid, addressed to the Plaintiff.

You must complete the Admission of Service portion of this form and return the original to the sender within twenty days. In completing the form, you must fill in the town and state where you received the papers and sign and date the document in front of a notary or Clerk of Court. Failure to sign and return the original Admission of Service within twenty days after the date of mailing without good cause could result in the Court ordering you to pay the costs of personal service SDCL § 15-6-4(i).

After you complete and return the Admission of Service, you must then respond to the Summons and Complaint within thirty days. If you fail to do so, a judgment may be entered against you by default as requested in the Complaint.

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

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

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

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

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

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

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff</p> <p>v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;"><b>ADMISSION OF SERVICE OF SUMMONS AND COMPLAINT (WITH MINOR CHILDREN)</b></p>
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I, \_\_\_\_\_ the above-named Defendant, admit to receiving a copy of the Summons and Complaint (with Minor Children), and the South Dakota Parenting Guidelines, in the above-captioned matter on the \_\_\_\_\_ day of the month of \_\_\_\_\_ and year of \_\_\_\_\_ and in the City of \_\_\_\_\_ in the County of \_\_\_\_\_ and in the State of \_\_\_\_\_. This admission merely acknowledges receipt of the papers on the date provided above; I do not admit or deny any of the statements contained in these documents.

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

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

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

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

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

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

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

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

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

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

<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 MAILING OF NOTICE AND ADMISSION OF SERVICE OF SUMMONS AND COMPLAINT (WITH MINOR CHILDREN)</b></p>
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I, \_\_\_\_\_, being sworn, state that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I sent two copies of the Notice and Admission of Service of Summons and Complaint (with Minor Children); two copies of the Summons (with Minor Children); two copies of the Complaint (with Minor Children); and the South Dakota Parenting Guidelines by placing true and correct copies in an envelope addressed to:

\_\_\_\_\_  
*(Name of Defendant)*

\_\_\_\_\_  
*(Street Address)*

\_\_\_\_\_  
*(City, State, Zip)*

And depositing the envelope, with sufficient postage, in the United States Mail in:

\_\_\_\_\_  
*(City and State you mailed from)*

**(SIGNATURE PAGE TO FOLLOW)**

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