

Instructions for Objecting to Implementation of the South Dakota Parenting Time Guidelines

The term “Visitation” was changed to “Parenting Time” by the South Dakota Legislature. “Parenting Time” means the time a parent spends with a child regardless of the custodial designation regarding the child.

READ ALL INSTRUCTIONS AND REVIEW THESE FORMS BEFORE BEGINNING

IMPORTANT NOTICES

- The Court expects every person who appears in court without an attorney to know and follow the law. The Judge will not be able to give you any help in court.
- Court employees **cannot** help you fill out the forms or give you legal advice. If you have questions please **consult an attorney**.
- You must follow the instructions included in this packet.
- Type your answers or print neatly using dark ink.

REQUIREMENTS OF THE LAW: SDCL 25-4A-16.1. Subject to the jurisdictional and procedural provisions of chapter 26-5B, any parent subject to a court order of this state or subject to the jurisdiction of a court of this state pursuant to chapter 26-5B relating to visitation, custody, or child support may request the court to enter an order implementing the standard visitation guidelines. If the request is made in a child support proceeding, compliance with chapter 26-5B, including appropriate notice and an opportunity to be heard, if not previously provided, is required. The request shall be in writing and shall include a copy of the existing order establishing custody or visitation and provide a current address of the responding party. Upon filing of the written request, the moving party shall serve a copy of the standard guidelines, together with a copy of the request and provide notice that absent an objection, the guideline visitation shall be imposed. The notice shall provide instructions as to the manner in which objections may be made. The service of such notice shall be deemed complete when an affidavit of the service of such notice and of the particular mode thereof, duly signed and verified by the person or officer making the service, shall have been filed with the court and such record or affidavit shall be presumptive evidence of the completed service of the notice herein required. If a party objects to the imposition of the standard guidelines within ten days of service, the court shall conduct an expedited hearing as soon as practical. Based upon the evidence presented at the hearing, the court may order the parties to abide by the standard visitation guidelines or may order any other relief as it deems appropriate.

INSTRUCTIONS FOR OBJECTION

- These instructions are **only** for individuals who have received a “Notice of Petition for Order Implementing Parenting Time Guidelines.”
1. Carefully read the South Dakota Parenting Time Guidelines. You should have received a copy of the guidelines with the Petition from the other party. If not, you may obtain a copy of the guidelines on the UJS website at <http://ujs.sd.gov/>. While reading, make notes on specific sections to which you agree or disagree.

2. If you **agree** with all of the South Dakota Parenting Time Guidelines, **no further action** is needed. The Court will enter an Order implementing the guidelines legally binding you and will mail you a copy.
3. If you **disagree** with all or part of the South Dakota Parenting Time Guidelines, you must complete and file the “Objection to Order Implementing Parenting Time Guidelines” (Form UJS-372) with the Clerk of Court within ten (10) days of receiving the Notice of Petition. There is a \$25 filing fee to file your objection. You may obtain a copy of the Objection form on the UJS website (<http://usj.sd.gov>). You **must** strictly adhere to the following instructions:
 - a. Fill out the top part of the form (called the Caption) with the information found at the top of your current support, visitation or custody Order. Be sure to copy the information **exactly** as it is on your current support, custody or visitation order.
 - b. Write down the section numbers you **Agree** with in paragraph one on the Objection form.
 - c. Write down the section numbers you **Disagree** with in paragraph two of the Objection form.
 - d. Write down the section numbers you ***partially* Agree or Disagree** in paragraph three of the Objection form.
 - e. If you wish to further explain your answers, you may do so using the attached sheet marked for that purpose.
 - f. Sign the Objection form **in the presence** of a Notary Public or Clerk of Court and have the Notary Public/Clerk of Court complete their portion. By signing your name you are swearing to the Court that you are telling the truth. If you are not telling the truth, or if you are misleading the court, or filing this document for an improper purpose, the Court can impose penalties.
 - g. Make one copy for your records and one for the Petitioner. You **must** mail the opposing party a copy of your Objection form (Form UJS-372).
 - h. File your original Objection form with the Clerk of Court with the filing fee. **Again, this must** be done within **ten (10)** days of receiving the “Notice of Petition For Implementing Parenting Time Guidelines.”
4. **ALWAYS** make photocopies for your personal files.
5. **Failure to file** any of these documents with the Clerk of Court’s may result in the dismissal of your case.

6. Once the Objection is filed with the Court, the Clerk of Court will send all parties a copy of the Notice of Hearing. You must go to court on the date set for the hearing. Be sure to be on time. Bring copies of your documents with you to the hearing. **Do not** bring child(ren) to the hearing. Take any proof you have or witnesses who can verify your claim and who will explain why the standard guidelines should not be implemented in part or whole to the hearing with you. The hearing is very formal. You should be polite to everyone in the courtroom and address the judge as “your Honor.” Remember to talk to the Judge, not the opposing party. Do not argue with the other party. The Judge may issue an Order at the end of the hearing or may send a copy of the Order to you in the mail.