

## FURTHER RESEARCH

State law defines much of what a Referee does and their authority. The following statutes may be helpful background:

- SDCL 15-6-53
- SDCL 25-7-6.14
- SDCL 25-7A-6 to 25-7A-6.2, inclusive
- SDCL 25-7A-22
- SDCL 25-7A-57

## CONTACT DSS-DCS

The South Dakota Department of Social Services - Division of Child Support and its website can be a resource for information on establishing, modifying, and enforcing child support orders.

For more information, check out <https://dss.sd.gov/childsupport/default.aspx>.

## COMPLAINTS / CONCERNS

Child Support Referees are agents of the Court. Referees are also subject to rules of conduct applicable to all lawyers and judges. Taken together, this means the Referee's report to the Court should be accurate. It also means that the Referee should act professionally with the parties.

If you believe that there are issues with the Referee's report, you may object. If the Referee acted unprofessionally, you may file a complaint.

### OBJECTION TO REPORT

A party must file an objection with the Court within ten days from the date they are served the report. The other party may file additional objections within five days of receiving notice of the first party's objection(s).

An objection must (1) be in writing, (2) specify the portion of the report that is wrong, and (3) specify in law or fact why it is wrong.

If an objection is made, the Court will set a hearing date on the objection. The record of the hearing and the exhibits provided by the parties will govern the Court's decision.

### COMPLAINT ON REFEREE DEMEANOR

A party may call State Court Administration at (605) 773-3474 with their complaint. A staff member will review the complaint. All reviews and action taken are confidential. Such actions may include nonrenewal or termination of the Referee's contract.



South Dakota  
Unified Judicial  
System



# CHILD SUPPORT REFEREES



## WHO IS A REFEREE?

- A licensed South Dakota attorney experienced in child support cases;
- Appointed by the Court;
- To conduct an evidentiary hearing and submit a report and recommended order to a circuit judge who reviews the referee's report and, if acceptable, signs the order.

## A REFEREE'S GOAL...

To apply the statutes on calculating child support--including any abatements, allocation of expenses, & shared parenting cross-credit --based on evidence given to the Referee.

## A REFEREE CAN...

- Only hear child support establishment and modification (existing order) cases assisted by DSS.
- Make recommendations to the Court on child support (only the Court may order);
- Order a party to produce any relevant documents, including earning statements and federal income tax returns; and
- Recommend dismissing the case for a petitioner's failure to appear.

## THE HEARING

After a child support matter is assigned to a Referee by the Court, the Referee notifies the parties of the hearing date. The hearing is required by law. It allows the parties to present their case to the Referee and submit evidence for the Court's decision. It also allows the Referee to ask follow-up questions and explain the calculation.

The hearing is likely to be held telephonically. Failure to appear at the hearing or a failure to prepare could severely hurt your case.



Review the notice of hearing. Be sure to provide the financial info requested in the notice.



All docs requested must be given to the Referee at least 5 days before the hearing to be considered.



If either party needs an interpreter or a disability accommodation, please notify the Referee ASAP.



All hearings are recorded so that they can be transcribed. The transcription is needed in case either party objects to the report/order's substance. Cost of the transcript is borne by the objector.

## QUESTIONS?

(605) 773-3474  
UJS - State Court Administration  
500 E. Capitol Ave., Pierre, SD 57501  
<http://uj.s.sd.gov>

## DO'S & DON'TS



**DO** read the entire Notice of Hearing. Follow it fully!



**DON'T** ignore the deadline for filing docs & evidence. If late, they can be rejected.



**DO** ensure that the financial info you provide is accurate and complete.



**DON'T** be unrealistic. Law and clear financial info are usually not debatable. Instead, object if the calculation or a fact on which the calculation relies is wrong.

