

## **Instructions for Objecting to the Implementation of 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 provides a parent with the opportunity to request the implementation of the South Dakota Parenting Guidelines into a child custody or visitation Court order. If you want to object, the objection must be made and filed with the Clerk of Court’s Office within **TEN (10) days** of when you receive the petition from the other party. If you object, the court shall conduct a hearing as soon as practical. Based upon the evidence presented at the hearing, the court may order the parties to abide by the standard guidelines or may order any other relief as it deems necessary.

### **INSTRUCTIONS FOR OBJECTION**

- These instructions are **only** for individuals who have received a “Notice of Petition For Order Implementing Parenting Time Guidelines.”
1. **REMEMBER:** You must object and file the Objection form with the Clerk of Court’s Office within **ten (10) days** of receiving the “Notice of Petition For Order Implementing Parenting Time Guidelines.” If you do not object within ten (10) days, the Court will Order the implementation of the Non-Custodial Parenting Time Guidelines and a copy of the Order will be mailed to you. In other words, you will be legally bound by the South Dakota Parenting Guidelines if you do not object within **ten (10) days**
  2. Carefully read the South Dakota Parenting Time Guidelines. You should have received a copy of the guidelines with the Petition from the other party. Also, you may obtain a copy of the guidelines on the UJS website ([www.sdjudicial.com](http://www.sdjudicial.com)). While reading, make notes on specific sections to which you agree or disagree.

3. **REMEMBER:** 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.
4. If you **disagree** with all or part of the guidelines, fill out the “Notice of Objection to the Implementation of Parenting Time Guidelines” form. You should have received a copy of Objection form with the service of the Petition. Also, you may obtain a copy of the Objection form on the UJS website (www.sdjudicial.com). 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 visitation or custody Order. Be sure to copy the information **exactly** as it is on your current custody or visitation order.
  - b. Record the section numbers you **Agree** with in paragraph one on the Objection form.
  - c. Record the section numbers you **Disagree** with in paragraph two of the Objection form.
  - d. Record the section numbers you **partially Agree or Disagree** in paragraph three of the Objection form.
  - e. If you wish to further explain your answers to parts a-e, you may do so using the attached sheet marked for that purpose.
  - f. Sign the Objection form **in the presence** of a Notary Public and have the Notary Public/Clerk of Courts 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 other party a copy of your Objection form and the notice statement in the Objection form.
  - h. File your original Objection form and Notice form with the Clerk of Court’s. Again, this **must** be done within **ten (10)** days of receiving the “Notice of Petition For Implementing Parenting Time Guidelines.”
5. **ALWAYS** make photocopies for your personal files.
6. **Failure to file** any of these documents with the Clerk of Court’s may result in the dismissal of your objection.

7. If a hearing is scheduled, you must go to court on the date set for the hearing. Be sure to be on time. Bring your copies of your documents with you to the hearing. Do not bring child(ren) to the hearing. Take to the hearing any proof you have or witnesses who can verify your claims and who will explain why the standard guidelines should not be implemented in part or whole. 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 other party. Do not argue with the other party or be unnecessarily disparaging of 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.