

## INSTRUCTIONS FOR UNCONTESTED CUSTODY, VISITATION AND SUPPORT ACTION

ALL FORMS IN THIS PACKET MAY **ONLY** BE USED BY PARENTS WHEN BOTH PARENTS AGREE ON THE FATHER, THE MOTHER WAS NOT MARRIED AT THE TIME OF THE CHILD(REN)'S BIRTH(S), THERE IS NO PATERNITY AFFIDAVIT DESCRIBING ANOTHER PERSON AS THE FATHER, AND THERE IS AN AGREEMENT ON CUSTODY AND VISITATION. THESE FORMS ARE **NOT** DESIGNED TO ASSIST PARENTS WHO DO NOT AGREE ON THESE MATTERS. IF YOU DO NOT AGREE, YOU ARE STRONGLY ADVISED TO OBTAIN AN ATTORNEY TO PROTECT YOUR RIGHTS.

### Who Can Use These Forms?

1. Does the Father acknowledge that he is the biological father of the child(ren)?  
☐ Yes. Please answer the next question.  
☐ No. You may not use this form.
2. Was/were the child(ren) born while the Mother was married or within ten months after divorce?  
☐ Yes. You may not use this form.  
☐ No, there is no paternity affidavit. Please answer the next question.
3. Has a paternity affidavit been filed with the child(ren)'s birth certificate?  
☐ Yes, there is a paternity affidavit. You may not use this form.  
☐ No, there is no paternity affidavit. You may use this form. Please answer the next question.
4. Do the parents agree who will have legal custody?  
☐ Yes. Please answer the next question.  
☐ No. You may not use this form.
5. Do the parents agree who will have physical custody?  
☐ Yes. Please answer the next question.  
☐ No. You may not use this form.
6. Do the parents agree on how to share parenting time with the minor child(ren)? (For example, splitting holidays, sharing summer visitation, etc.).  
☐ Yes. Please answer the next question.  
☐ No. You may not use this form.
7. Is there an existing valid protection order protecting the child and/or custodial parent from the non-custodial parent AND is visitation addressed in the protection order or in another file initiated after the protection order was entered?  
☐ Yes. You do not need to complete this form.  
☐ No. Please answer the next question.
8. Within the previous 12 months, was the other parent convicted of a violation of a protection order, criminal assault, child abuse or other domestic violence AND, if so, was visitation NOT addressed after conviction AND were you or the child the victim?  
☐ Yes. You do not need to complete this form.  
☐ No. Please complete the form.

## How Do I Complete These Forms?

- **Complete all forms in black or blue ink only!**
- **Make sure the caption (the top portion of each document) is filled out correctly. The caption should be the same for each document.**

### The caption should include:

- County where the action is being started;
- The judicial circuit in which that county is located within (“First,” “Second,” . . . “Seventh”). There are 7 judicial circuits in South Dakota. To locate the circuit, please refer to [www.ujssd.gov](http://www.ujssd.gov) under the “Court Finder” tab;
- Full legal name of Plaintiff;
- Full legal name of Defendant; and
- Case filing number – this will be provided to you by the Clerk of Courts when you set up your case.

**The caption needs to be the same on all of the forms provided to the Clerk of Courts in this action.**

### STARTING THE CASE:

\_\_\_\_\_ Complete the Case Filing Statement (Form UJS-232) available in this packet. This document is self-explanatory and must be provided to the Clerk of Courts.

\_\_\_\_\_ Complete the Summons (Paternity Action) (Form UJS-181). Attach a copy of the South Dakota Parenting Guidelines (Form UJS-302) to this Summons. The Guidelines can be found at [www.ujslawhelp.sd.gov](http://www.ujslawhelp.sd.gov).

Make sure you date and sign the form and complete all information requested after your signature.

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***It is very important that you read and follow the Initial Custody Order contained within the Summons that becomes automatic when you file your documents. This is a court order and both parties are required to abide by it, unless you have both agreed to another arrangement. Violation of any of these terms could subject you to penalties and delay your action. Read it carefully.***

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\_\_\_\_\_ Complete the Complaint (Paternity Action) Form (UJS-182). Complete this form in its entirety. If a provision does not apply to you, please indicate it is not applicable by writing “N/A.”

**You must sign and date the Complaint in the presence of a notary public or Clerk of Court. Make sure to bring photo identification to show the notary public or Clerk of Court. A notary public can usually be found at the bank or courthouse.**

**\*\* Your signature is required in 2 places! \*\***

**WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be charged with a crime for not telling the truth.**

\_\_\_\_\_ Make at least two photocopies of all documents, one for you and one to serve on the other parent.

\_\_\_\_\_ Take the original completed Case Filing Statement, Summons, SD Parenting Guidelines, and Complaint to the Clerk of Court and tell the Clerk you want to start a Paternity Action.

\_\_\_\_\_ Pay the \$72.00 filing fee; **OR**

\_\_\_\_\_ If you cannot afford the filing fee, you must complete the Motion & Order to Waive Fee & Service of Process Fee (Form UJS-022) AND the Financial Affidavit (Form UJS-023), found at <https://ujslawhelp.sd.gov/WaiverofFees.aspx>. Present the Motion, Financial Affidavit, AND a **blank** Order Waiving Filing Fee And Service of Process Fee (Form UJS-028) to the Clerk of Court. The Clerk will present them to the judge and will be notify you if the fees have been waived or if you must pay them. If the Motion is granted, you will not be charged the filing fee and/or the Sheriff will not charge you for service of process. If your Motion is denied by the judge, you must pay the filing fee and service of process fee in order to proceed with the case. If the filing fee isn't paid within 30 days, your case will be dismissed.

\_\_\_\_\_ Arrange for service on the defendant. The different ways to serve the defendant are set forth in the "Instructions for Service of Summons (Paternity Action), South Dakota Parenting Guidelines & Complaint" (Form UJS-184).

\_\_\_\_\_ Copies of the following documents **MUST** be served on the defendant:

\_\_\_\_\_ Summons (Paternity Action);  
\_\_\_\_\_ South Dakota Parenting Guidelines; and  
\_\_\_\_\_ Complaint (Paternity Action).

\_\_\_\_\_ Upon receipt of the proof of service (either the date the Admission of Service is signed by the Defendant or the date the Summons and Complaint are delivered to the Defendant by the Sheriff or process server), make a copy of proof of service for you and file the original proof of service with the Clerk of Court. Service of the Summons and Complaint starts the lawsuit and starts the 30 days in which the Answer must be filed.

\_\_\_\_\_ An Answer may be filed by the defendant within 30 days after service of the Summons

(Paternity Action), South Dakota Parenting Guidelines and Complaint (Paternity Action). If an Answer is filed, the matter is no longer uncontested, and the remaining forms in this packet are no longer appropriate. At that point, you are strongly encouraged to meet with and hire an attorney to protect your rights and interests.

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Within sixty days of the date of service of the Summons and Complaint, you must complete a Court-approved parenting course per SDCL 25-4A-32. This requirement is met if you and the Defendant have completed a Court-approved course within the last five years. The Judge can also waive the requirement, but only for good cause shown. You must file an Affidavit on Court-Approved Parenting Course (UJS-364) with the Clerk to either provide proof of meeting the requirement or to seek waiver of the requirement. If you seek a waiver, file the Affidavit well in advance of the deadline.

### **PUTTING YOUR AGREEMENT IN WRITING:**

Complete UJS Form-185 which is called the “Stipulation, Custody, Parenting Time & Support Agreement.” Read this document carefully and follow the instructions contained within this document.

The South Dakota Parenting Guidelines provides the *minimum* guidelines if you need some assistance in completing this section.

If you don’t have a child support order, **make sure you provide the child support calculation for the Judge’s consideration. Child support must be calculated before an Order will be signed.** A child support obligation calculator or shared parenting child support obligation worksheet can be found on the Department of Social Services website: <https://dss.sd.gov/childsupport/obligationsdetermined.aspx>.

**Any modification of an existing child support order requires that you obtain a Petition for Modification of Child Support Obligation from the Department of Social Services and follow the associated process.** For more information, please review this webpage: <https://dss.sd.gov/childsupport/modifysupportorder.aspx>.

Once the form is complete, make at least two photocopies of the signed Stipulation; one for you and one to be served on the other parent. The original copy must be filed with the Clerk of Courts.

### **WRAPPING IT UP...**

When you file the Stipulation, Custody, Parenting Time & Support Agreement (Paternity Action), provide the Order (Paternity Action) (Form UJS-186) to the Clerk for the Judge’s consideration. The caption should be filled out.

Depending on your specific area, a hearing may or may not be required before the Judge will sign the Order.

Once the Order (Form UJS-186) is signed by the Judge, you will need to get a minimum of 2 certified copies of it. Send one certified copy to the Defendant along with the Notice of Entry of Order (Form UJS-187) and send one copy to Department of Health, Vital Records:

SOUTH DAKOTA DEPARTMENT OF HEALTH  
VITAL RECORDS OFFICE  
221 W CAPITOL AVE  
PIERRE SD 57501

Additionally, if the Order establishes child support, you will need to fill out and file with the Clerk of Court a **UJS/DSS Form 089, Child Support Order Filing Data Form**.

### **WHAT IF WE NEED HELP?**

If you and the other parent cannot agree upon certain provisions, you are strongly urged to contact an attorney of your choosing. Alternatively, parents have used mediators to help them reach an agreement. A list of mediators can be found on the UJS website at <https://uj.s.sd.gov>.

**CASE FILING STATEMENT – Information Only; Not Retained in Case Records**

Provide the Case File No. for the record you are filing into or the Case Type if initiating a new action: \_\_\_\_\_

\*A list of case types and party roles can be found here: <https://ujs.sd.gov/Attorneys/FormsDocumentation.aspx>

**Social Security Numbers (not Driver's License Numbers) must be provided for divorce, child support, & paternity cases, 42 USC 666(a)(13)(B).** All filers are **required** to provide the SSN **or** DL# for each of **their** participants regardless of the case type.  
Business entities must provide the EIN number in lieu of SSN or DL#.

**INFORMATION FOR PLAINTIFF/PETITIONER/APPLICANT:**

_____ Last/Business Name	_____ First Name	_____ Middle	_____ Suffix	
_____ Physical Address <input type="checkbox"/> Check if Same as Mailing	_____ City	_____ State	_____ Zip	
_____ Mailing Address	_____ City	_____ State	_____ Zip	
_____ Home	_____ Work	_____ Cell		
_____ Social Security No.	_____ Date of Birth	_____ Driver's License No.	_____ State	_____ Employer ID (Business)
<b>Attorney:</b>				
_____ Last Name	_____ First Name	_____ State Bar ID No.		
_____ Mailing Address	_____ City	_____ State	_____ Zip	
_____ Phone				

**INFORMATION FOR DEFENDANT/RESPONDENT/MINOR/DECEDENT/PERSON IN NEED OF PROTECTION:**

_____ Last/Business Name	_____ First Name	_____ Middle	_____ Suffix	
_____ Physical Address <input type="checkbox"/> Check if Same as Mailing	_____ City	_____ State	_____ Zip	
_____ Mailing Address	_____ City	_____ State	_____ Zip	
_____ Home	_____ Work	_____ Cell		
_____ Social Security No.	_____ Date of Birth	_____ Date of Death	_____ Driver's License No.	_____ State
		_____ Employer ID (Business)		
<b>Attorney:</b>				
_____ Last Name	_____ First Name	_____ State Bar ID No.		
_____ Mailing Address	_____ City	_____ State	_____ Zip	
_____ Phone				

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

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

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

<div>_____ Plaintiff</div> <div>vs</div> <div>_____ Defendant</div>	<div>FILE NO: _____</div> <div><b>SUMMONS</b> (PATERNITY ACTION)</div>
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**TO THE ABOVE-NAMED DEFENDANT:**

YOU ARE HEREBY SUMMONED and required to answer the Complaint, a copy of which is herewith served upon you, and to serve the Plaintiff with a copy of your Answer or other proper response within thirty (30) days from the date of the service of the Summons upon you, exclusive of the day of service. IF YOU FAIL TO TIMELY ANSWER, judgment by default may be taken against you for the relief demanded in the Complaint.

**INITIAL CUSTODY ORDER**

Pursuant to SDCL 25-4A-11 et seq., upon service of this Summons the attached South Dakota Parenting Guidelines (Form UJS-302) become an order of this court. Except as provided in SDCL § 33-6-10, any minor child(ren) born or adopted to the above-named parties shall remain in the custody of the parent who has been the primary caregiver for the minor child(ren) for the majority of time in the twelve months preceding the filing of the Summons and Complaint, unless the parties otherwise agree. The guidelines are subject to any provision established by a South Dakota state court in the following: a temporary or permanent domestic protection order, an order arising out of an abuse or neglect proceeding, a bond condition arising out of a criminal case, and an order in any other proceeding affecting child custody or support. SDCL 25-4A-14.

The attached guidelines apply and shall continue in effect unless the parties agree or the court otherwise orders. Imposition of these standard guidelines creates no presumption as to who may be awarded custody at any hearing. Per SDCL 25-4A-12, any agreement by the parties for visitation other than the standard guidelines must be in writing, signed by both parties, and filed with the court. The agreed plan shall be approved by court order and replace the standard guidelines or any plan previously

filed.

Per SDCL 25-4A-13, if either party objects to the implementation of the South Dakota Parenting Guidelines (Form UJS-302) as the initial custody arrangement, the objecting party shall file an objection with the Clerk of Court. The court shall order a hearing which shall be held not later than 30 days after the date of the objection. The court shall then issue its temporary custody and visitation order after considering the best interest of the child(ren) consistent with the provisions of SDCL 25-4-45.

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

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Mailing Address

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

\_\_\_\_\_  
Telephone Number

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

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

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

<div>_____ Plaintiff</div> <div>vs</div> <div>_____ Defendant</div>	<div>FILE NO: _____</div> <div><b>COMPLAINT</b> (PATERNITY ACTION)</div>
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1. Father's full legal name is \_\_\_\_\_ and his date of birth is \_\_\_\_\_.

2. Father is a resident of \_\_\_\_\_ County, State of \_\_\_\_\_.

3. Mother's full legal name is \_\_\_\_\_ and her date of birth is \_\_\_\_\_.

4. Mother is a resident of \_\_\_\_\_ County, State of \_\_\_\_\_.

5. Mother's full maiden name on the child(ren)'s birth certificate(s) is \_\_\_\_\_.

6. Is Father an active duty member of the armed forces? Yes \_\_\_\_\_ No \_\_\_\_\_

7. Is Mother an active duty member of the armed forces? Yes \_\_\_\_\_ No \_\_\_\_\_

8. Father and Mother were never married, but have \_\_\_\_\_ child(ren) born or adopted to them:

Name of Child on Birth Cert.:      Date of Birth:      City, County, and State of Birth:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Father is the biological father of the above-named child(ren) as he has (*place an "X" next to all the statement(s) that apply*):

\_\_\_\_\_ Father has signed an Affidavit of Paternity agreeing he is the biological father of the above named child(ren) and the Affidavit complies with SDCL 25-8-50; (**attach a copy of the affidavit to this Complaint**)

\_\_\_\_\_ Submitted to a DNA test performed by a testing laboratory and with certified documentation that complies with SDCL 25-8-7.1 to 25-8-7.3, inclusive, verifying that he is the child(ren)'s biological father (**attach a copy of the documentation to this Complaint**);

\_\_\_\_\_ Father is listed as the natural father on the child(ren)'s birth certificate; and/or

\_\_\_\_\_ Father does not contest that he is the biological father of the above-named child(ren).

10. During the past five years the child(ren) have lived with the following persons at the times and places indicated below:

Name of Person Living With:

County/State:

Dates:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. There have / have not (*circle one*) been prior court proceedings regarding the parentage, custody, or support of the child(ren). If so, that action took place in \_\_\_\_\_ County, State of \_\_\_\_\_ in the year \_\_\_\_\_. **Attach all orders in those proceedings.**

12. Other than the parties, no one has ever had legal custody of any of these child(ren) except \_\_\_\_\_ (*if not applicable, write "none"*). **Attach all orders regarding custody of minor child(ren).**

13. In regards to custody, the Plaintiff alleges it would be in the best interests of the child(ren) as follows: (*Check one of the following*)

☐ Both parties are fit and proper persons to share the joint legal custody of the child(ren), with Plaintiff / Defendant (*circle one*) having primary physical custody, subject to reasonable visitation rights with Plaintiff / Defendant (*circle one*); or

☐ Plaintiff / Defendant (*circle one*) is the fit and proper person to have sole legal and physical custody of the minor child(ren), subject to visitation with the Plaintiff / Defendant (*circle one*) as follows: \_\_\_\_\_

\_\_\_\_\_; or

☐ Both parties are fit and proper persons to share the joint legal and physical custody of the minor child(ren), with the parents sharing the duties and responsibilities of parenting the child(ren), the child(ren) residing no less than 180 nights per calendar year in each parent's home and the parents dividing the expenses of the child(ren) in proportion to their incomes; or

☐ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

14. In regard to child support matters, including but not limited to daycare and health insurance, the Plaintiff requests the following:

- ☐ Child support has never been established and needs to be established in this action.
- ☐ Child support matters have been established and we do not wish to modify. ***Attach the current order regarding support of the minor child(ren).***

**WHEREFORE**, Plaintiff prays for Judgment as follows:

1. That Father be determined to be the legal father of the minor child(ren);
2. That legal and physical custody of the minor child(ren) as well as the parenting plan / visitation be established as requested herein;
3. That child support be established as requested herein; and
4. For such other and further relief as may be equitable and just.

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

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Mailing Address

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

\_\_\_\_\_  
Telephone Number

## VERIFICATION

STATE OF SOUTH DAKOTA )  
 : SS  
COUNTY OF \_\_\_\_\_ )

Plaintiff, \_\_\_\_\_, being first duly sworn, deposes and states that he/she verifies the facts expressed within this Complaint are true.

Dated \_\_\_\_\_, 20\_\_.

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Plaintiff's Signature

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Print Name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public/Clerk of Courts

If Notary, my commission expires: \_\_\_\_\_

(SEAL)

## *Instructions for Service of Summons (Paternity Action), South Dakota Parenting Guidelines and Complaint (Paternity Action)*

### **WHICH DOCUMENTS NEED TO BE SERVED?**

In order to start the action, the Defendant must be served with copies the following documents (the originals are filed with the Clerk of Court Office):

- Summons (Paternity Action);
- South Dakota Parenting Guidelines; and
- Complaint (Paternity Action).

### **HOW DO I SERVE SOMEONE?**

The most common ways to serve the Defendant are:

A. When the parties are agreeable to the terms, the Defendant will often agree to accept service, avoiding the need to have a Sheriff or private process server serve him/her. This means that as the Plaintiff, you may:

- Hand-deliver the above-itemized documents and the NOTICE AND ADMISSION OF SERVICE OF SUMMONS & COMPLANT (UJS-183) and attached ADMISSION OF SERVICE OF SUMMONS & COMPLAINT (UJS-183A) to the Defendant. **Do not include the attached Affidavit of Mailing on page 4); or**
- Mail the above-itemized documents and 2 copes the NOTICE AND ADMISSION OF SERVICE OF SUMMONS & COMPLANT and attached AFFIDAVIT OF MAILING (UJS-183B) to the Defendant. You must include a return envelope, postage prepaid, addressed to you, the Plaintiff. **Do not include the attached Admission of Service of Summons & Complaint (page 3).**

The Defendant neither admits nor denies the contents of the documents; he/she merely admits that they received the documents on the specified date;

OR

B. The Plaintiff can request that the Sheriff's Office or private process server serve the Defendant. Under this scenario, the Plaintiff delivers one full copy of the Summons, South Dakota Parenting Guidelines and Complaint to the Sheriff's Office along with the Defendant's current physical address, telephone number, place of employment and any other relevant information. Typically, the cost of service (the service fee and mileage reimbursement) is pre-paid. After service, the Sheriff

or process server has his own form that he/she uses to prove service and that form is usually mailed to you. Make sure you make a copy of this form for yourself and file the original with the Clerk of Court's office.

**It is the act of “service” that actually starts the legal action. Therefore, it is very important that you file the proof of service!**

**IF YOU HAND-DELIVER OR MAIL THE DOCUMENTS TO THE DEFENDANT, HAVE THE DEFENDANT:**

- Complete the Admission of Service of Summons (Paternity Action), South Dakota Parenting Guidelines and Complaint (Paternity Action) (Form UJS-183A):
- Complete the form in black or blue ink only!
- Complete the “caption.” This information will be the same as on the Summons (with Minor Children) and Complaint with Minor Children.
- The Defendant must fill in their full legal name in the body of the text.
- The Defendant must fill in the town, county and state of the place where he/she received the documents.
- The Defendant must fill in the date with the month, day and year he/she received the documents.
- The Defendant must complete the signature block with his/her signature, printed name, mailing address and telephone number.
- The Defendant should make a copy of the completed Admission for his/her own records and return the original document to the Plaintiff.

**Note:** You should also make a copy for your own records and then file the original Admission of Service (UJS-183A) or Affidavit of Mailing (UJS-183B) with the Clerk of Court.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

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

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

<div>_____ Plaintiff</div> <div>vs</div> <div>_____ Defendant</div>	<div>FILE NO: _____</div> <div><b>NOTICE AND ADMISSION OF SERVICE OF SUMMONS &amp; COMPLAINT (PATERNITY ACTION)</b></div>
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**TO THE ABOVE-NAMED DEFENDANT:**

The enclosed Summons (Paternity Action), South Dakota Parenting Guidelines, and Complaint (Paternity Action) are sent to you pursuant to SDCL 15-6-4(i), as well as two (2) copies of this Notice and Admission of Service of Summons (Paternity Action) and Complaint (Paternity Action), 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 20 days. In completing the form, you must fill in the town and state where you received the papers and sign and date the document. Failure to sign and return the original Admission of Service within 20 days after the date of mailing without good cause will result in the Court ordering the person so served to pay the costs of personal service. SDCL 15-6-4(i).

After you complete and return this form, you must then answer (respond to) the Complaint within 30 more days. If you fail to answer in time, judgment may be entered against you by default as requested in the Complaint.

I hereby certify that this Notice and Admission of service was mailed, postage prepaid, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, to the above-named Defendant, \_\_\_\_\_, at the following mailing address:

\_\_\_\_\_  
\_\_\_\_\_

FORM UJS-183  
REV. 07/2022

from \_\_\_\_\_ (*city where documents were mailed from*),  
\_\_\_\_\_ County, \_\_\_\_\_ (*state where  
documents were mailed from*).

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

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Mailing Address

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

\_\_\_\_\_  
Telephone Number

**ADMISSION OF SERVICE OF SUMMONS & COMPLAINT (PATERNITY ACTION)**

I, \_\_\_\_\_ (*insert the name of the Defendant*),  
admit receiving copies of the Summons (Paternity Action), South Dakota Parenting Guidelines, the  
Complaint (Paternity Action), and the Notice and Admission of Service of Summons & Complaint in  
the above-captioned matter at (*insert the city, county and state where you were when you received the  
document*):

\_\_\_\_\_ (city)  
\_\_\_\_\_ (county)  
\_\_\_\_\_ (state).

This Admission merely acknowledges receipt of the papers; I do not admit or deny any of the  
statements contained in those papers.

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

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

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Mailing address

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

\_\_\_\_\_  
Telephone Number

FORM UJS-183A  
REV. 07/2022

## AFFIDAVIT OF MAILING

I, \_\_\_\_\_, being sworn, state that on  
(Full legal name of Plaintiff)

\_\_\_\_\_, 20\_\_\_\_, I sent the following documents:

- SUMMONS (PATERNITY ACTION);
- SOUTH DAKOTA PARENTING GUIDELINES;
- COMPLAINT (PATERNITY ACTION); &
- NOTICE & ADMISSION OF SERVICE OF SUMMONS & COMPLAINT (PATERNITY ACTION)

by placing true and correct copies in an envelope addressed to:

\_\_\_\_\_ at \_\_\_\_\_  
Full legal name of Defendant Defendant's mailing address

in the City of \_\_\_\_\_, State of \_\_\_\_\_,

Zip Code \_\_\_\_\_ and depositing the envelope, with sufficient postage, in the United States

Mail at \_\_\_\_\_.  
(city and state mailed from)

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

\_\_\_\_\_  
Plaintiff's Signature  
(Date and sign in front of Notary Public/Clerk)

\_\_\_\_\_  
Print Plaintiff's Name

Sworn/affirmed before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Notary Public/Clerk of Court

If Notary, my commission expires:

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
Phone No.

FORM UJS-183B  
REV. 07/2022

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

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

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

<div>_____ Plaintiff</div> <div>vs</div> <div>_____ Defendant</div>	<div>FILE NO: _____</div> <div><b>ORDER</b> <b>(PATERNITY ACTION)</b></div>
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The above-entitled matter came before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. It satisfactorily appearing to the Court from the records and files herein that the Defendant was duly served with the Summons, South Dakota Parenting Time Guidelines and Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that the parties thereafter entered into the Stipulation, Custody, Parenting Time & Support Agreement on file in this case. After considering the record in this case, the Court finds and concludes that it has jurisdiction over the parties and the subject matter of this case, that the parties have met their obligations for Court-approved parenting courses under SDCL 25-4A-32, a and that the parties have expressly waived entering of Findings of Fact and Conclusions of Law. Now therefore,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

1. That the Stipulation, Custody, Parenting Time & Support Agreement (Paternity Action) on file between the parties is hereby approved and by this reference made a part of this Judgment and Order as it is fully set forth.
2. The above-named parties are the biological parents of the following named child(ren):

<u>Name of Child on Birth Cert.:</u>	<u>Date of Birth:</u>	<u>City, County, and State of Birth:</u>
_____	_____	_____
_____	_____	_____

3. The child(ren)'s birth certificates shall be amended to reflect that both parties are listed as the

child(ren)'s parents.

4. That the Plaintiff provide the Office of Vital Records-equivalent agency in the state(s) where the child(ren) was/were born with a certified copy of this "Order (Paternity Action)" and pay any applicable filing fee for amending the child(ren)'s birth certificate; that the agency/agencies in the state(s) where the child(ren) was/were born locate the child(ren)'s birth certificate using the identifying information above and verify that information within the state's vital records registration system; and that the agency/agencies, within a reasonable time after receiving both the certified copy of this "Order (Paternity Action)" and any applicable fee from the Plaintiff, amend the child(ren)'s birth certificate as set forth herein.
5. \_\_\_\_\_ (*insert name of party*) shall pay child support for the support and maintenance of the minor child(ren) in the amount of \$\_\_\_\_\_ per month which includes (*check all the boxes that apply*):
  - A. ☐ his/her proportionate share of the health insurance provided by the Plaintiff / Defendant (circle one) for the parties' minor child(ren);
  - B. ☐ his / her proportionate share of day care expenses for the minor child(ren);
  - C. ☐ an annualized abatement of \$\_\_\_\_\_ per month that is allowed for \_\_\_\_\_ nights per month with the noncustodial parent, based on the Court's calculation pursuant to SDCL 25-7-6.14;
  - D. ☐ a cross-credit calculation for the shared parenting plan, as allowed in SDCL 25-7-6.27;
  - E. ☐ a deviation of \$\_\_\_\_\_ per month based on facts established on the record per SDCL 25-7-6.10(\_\_\_\_\_).
6. The child support obligation shall commence on the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_\_.
7. Pursuant to SDCL 25-5-18.1, the support obligation shall continue until each child attains the age of eighteen (18) or until each child attains the age of nineteen (19) if the child is a full-time student in secondary school.
8. The obligator's current or subsequent payor of income shall be immediately directed to withhold amounts for current support and arrearage as specified herein and as provided in SDCL 25-7A-23 and shall transmit said amount as provided in SDCL 25-7A-34.

9. Until otherwise notified by the Department of Social Services-Division of Child Support, all payments shall be made payable to "Division of Child Support" and mailed to:

Division of Child Support  
700 Governors Drive, Suite 84  
Pierre, SD 57501-2291

10. That SDCL 25-4A-5 is attached as required by 25.4A-5.1 and shall become an Order of this Court.

11. All of the other terms and conditions specifically set forth in the Stipulation are hereby approved and incorporated as if fully set forth in this Judgment and Order.

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

BY THE COURT:

ATTEST:

\_\_\_\_\_  
CIRCUIT COURT JUDGE

Clerk of Court

BY: \_\_\_\_\_  
Clerk/Deputy Clerk

(SEAL)

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

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

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

<div>_____ Plaintiff</div> <div>vs</div> <div>_____ Defendant</div>	<div>FILE NO: _____</div> <div><b>NOTICE OF ENTRY OF ORDER (PATERNITY ACTION)</b></div>
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TO ALL PARTIES:

An Order Approving Stipulation, Custody, Parenting Time & Support Agreement was entered in the above-entitled action on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and is attached to this Notice.

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

\_\_\_\_\_, Clerk of Court

by: \_\_\_\_\_, Clerk/Deputy