



## 2020 South Dakota Legislature

# House Bill 1205

Introduced by: **Representative Johns**

1 **An Act to revise provisions regarding a custodial parent relocating a minor child.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 25-4A-19 be AMENDED:

4 **25-4A-19. Request for hearing on relocation--Presumption of consent--Best**  
5 **interests of child.**

6 At the request of the nonrelocating parent, made within thirty days of the notice  
7 of relocation, the court shall hold a hearing on the relocation. If no request for hearing is  
8 made within thirty days of notice, the relocation is presumed to be consented to by the  
9 nonrelocating parent. If an objection to the relocation is filed, the court shall consider the  
10 traditional best interest of the child factors when determining a proposed relocation that  
11 would result in a substantial alteration to the existing parenting time arrangement.

12 **Section 2.** That § 25-5-13 be AMENDED:

13 **25-5-13. Residence of child--Right to change--Procedure.**

14 A parent entitled to the custody of a child has the right to change ~~his~~ the child's  
15 residence, subject to the power of the circuit court to restrain a removal ~~which that~~ would  
16 prejudice the rights or welfare of the child. A parent desiring to relocate a minor child shall  
17 follow the provisions of §§ 25-4A-17 to 25-4A-19, inclusive.