

Comment 1

Sent: August 11, 2025

Commenter: Christy Gulbrandson

Commission,

Not only does our state lag behind in shared parenting rights. Generally leaving the father (in most cases) with extreme legal fees, along with unaffordable childcare support as well as providing a home for their children.

It is also a concern that the 180 days is an arbitrary and outdated standard.

The 6-day abatement is not enough, South Dakota families deserve a parenting time adjustment that reflects true shared parenting economics.

Please consider bringing our state up to date and making it fair for both parents.

Thank you for your time in advance.

Christy Gulbrandson

Comment 2

Sent: August 11

Commenter: Amber Dyskshorn-Luke

180 days is arbitrary and an outdated standard. We have my husband's children as much as we can including half the summer and half of their other breaks from school with weekend and holiday rotation. The 6-day abatement is just not enough and does not allow us the adequate credit for the overnights we have the children. It is expensive keeping up two households and my husband is drowning in child support / daycare reimbursement he pays to his children's moms. Last June we had the kids 28/30 days and did not receive the credit deserved during that time. Not to mention we financially had to transport them and pay for their registration fees and equipment needed for the summer sports.

The younger children also need to spend more time with the noncustodial parent. It simply is not fair for an able, willing parent to see the child so little.

My kids have grown up without their dad as he passed away and I see how vitally important a dad is in a child's life. Make it financially doable for a dad to have his children more and have less of a financial burden giving so much in child support / daycare.

Thank you!

Comment 3

Sent: August 18, 2025

Commenter: Eric Grover

Dear Commission Members,

Attached please find the National Parents Organization's recommendations for strengthening South Dakota's Parenting Time Guidelines. We appreciate your consideration of these proposals and your continued service to South Dakota's families.

Eric Grover - CSW-PIP, QMHP

State Chair - National Parents Organization | SD

<https://www.sharedparenting.org/south-dakota>



National Parents
Organization of South Dakota Visitation Guidelines



UJS 302 - South

Dakota Visitation Guidelines

Comment 4

Sent: August 19, 2025

Commenter: Christy Gulbrandson

Dear Commission Members,

My name is Madison and I'm a sophomore at Stevens High School in Rapid City. I'm asking you to please update South Dakota's parenting guidelines.

My dad has raised me by himself my whole life. When I was two my mom passed away in an accident. Growing up without her has been really hard. There's been so many times like birthdays, school events, or just normal days when I wish she could be there. Even though nothing can replace her my dad has always been there for me. He's been both mom and dad and always makes sure I feel loved.

I also have a little brother. When my dad and his mom went to court, the judge just followed the guidelines and gave us one day with him one week and two days the next. That's only 6 nights a month. Since the guidelines are treated like the maximum, my dad couldn't get more time even tho he's a good parent. I love my brother but I barely get to see him. He spends more time in daycare than with us and he misses out on being part of our family. I'm also working a job now and with the little time we do get with him it's super hard to balance everything. Sometimes I don't get to see him at all and that sucks because I want to be in his life. And even holidays can't go past the regular schedule because the guidelines say holidays can't be more than the parenting time. So when you only get one day a week, the holidays are short too and that's just unfair.

What I don't get is how my dad was able to raise me my whole life by himself but then he can't even see his other kid on a regular basis. It makes no sense.

No safe parent should have to fight just to spend time with their kids. And no sibling should barely know their brother or sister because of a court schedule. Families shouldn't lose time together because of guidelines that don't actually work for kids.

The guidelines shouldn't set a limit on time with parents. They should help kids have as much time as possible with both. Please update them so families like mine don't have to miss out on so much.

Thank you for reading my story.

Sincerely,
Madison

Comment 5

Sent: August 21, 2025

Commenter: Anonymous

The 6th Circuit uses a mandatory order regarding mediation. I don't necessarily object to the mediation, but I think it is an onerous burden to require a custody eval. I believe their position is rooted in SDCL 25-4-56 (*see* bottom of this email). I suppose an attorney could make a motion to be *excused* from these requirements, or just file an Objection to Implementation of the Guidelines, but I am skeptical of the effect that would have because the 6th Circuit has also takes the position that it will not even undertake a substantive custody hearing until these things are done. We received the following response from one of the judges when such an Objection to the Guidelines was made:

I will not authorize scheduling of an evidentiary hearing on interim parenting time until the parties have complied with the mediation/Parenting Evaluation Order. Please advise if this has been accomplished. If we need to get a trial date on the calendar to resolve all of the issues, I encourage the parties to schedule with XXXXXXXXX.

I have heard others have had similar responses.

While I appreciate the desire to minimize litigation, SDCL 25-4A-13 clearly provides that if either party objects to the initial custody arrangement provided in the Guidelines:

[T]he court ***shall*** order a hearing which ***shall*** be held **not later than thirty days** after the date of the objection. In making an order for temporary custody, the order for custody shall reflect the degree of each parent's demonstrated participation in the child's life. The court shall issue a temporary custody and visitation order after considering the best interests of the child consistent with the provisions of §25-4-45. If the order for temporary custody results in less than a substantially equal parenting time, the court shall construct a parenting time schedule that maximizes the time each parent has with the child consistent with each parent's demonstrated participation in the child's life and is consistent with ensuring the child's welfare. Each temporary custody order ***shall include specific findings of fact and conclusions of law***, except if the court confirms the agreement of the parties. (emphasis added).

I do not see how these statutory requirements can be satisfied without a substantive evidentiary hearing when one is requested pursuant to the statute.

By comparison, the 5th Circuit uses a local rule requiring mediation in all divorce and custody matters, unless excused by the Court. I actually support this rule; about 80-85% of my mediated cases settle, so this is a good way to conserve court time.

Court admin will not let people schedule a hearing without confirming they have mediated. But in cases where mediation would clearly not be fruitful (e.g. a relocation case) or if there is domestic violence, or if the parties simply cannot afford it, I make a

motion to excuse the requirement and ask the court to rule on the excuse without a hearing, unless objected to within 5 days. That seems to work well. Or I have even filed a stipulation between counsel on the issue. And the court usually (not always) accepts that.

Also, the 5th Circuit still lets a party have the hearing on Objecting to the Guidelines without the need to mediate, but the problem in *this* circuit is getting the matter *heard* within 30 days. We cite the statute and the court admin basically shrugs their shoulders and asks, “do you want a backup date.” I have had some luck working directly with the court reporters, as they often know which cases are not likely to go. I have also asked for expedited hearings, but that never seems to work. Going forward, I think I am going to ask the court to *bump* other matters (like in criminal or TPO cases) in light of the statutory requirement. I have not tried that, yet. But my fear is that they will give us only a half hour or put us in a cattle call, like they do with TPO hearings.

I suppose the response is that it is merely interim custody and an objection to the Guidelines; it is not a substantive trial of all custody factors. But certain attorneys will leverage the delay/court unavailability, all while withholding the children or giving minimum time. These issues are difficult to cover in 30 minutes or with an court-room audience.

25-4-45.4 Counsel appointed for child in certain divorce or custody proceedings-Duty of counsel-Assistance-Costs

Notwithstanding the provisions of §26-7A-31, if the court determines mediation as provided in §25-4-56 is not feasible the court may appoint counsel for any child involved in any divorce or custody proceeding, in which the child is alleged to be neglected or abused, or if a parent, guardian, or custodian request counsel be appointed in such proceeding and if the court determines that it is in the best interest of the child to have counsel appointed for the child. The counsel shall be charged with representation of the child's best interests and may not be counsel for any other party involved. The court may designate other persons who may or may not be attorneys to assist in the performance of the counsel's duties. The court shall allocate the cost of the appointed counsel between the parents, guardian, or custodian of the child.

25-4-56 Custody and visitation disputes-Mediation order-Exceptions-Investigation-Allocation of costs

In any custody or visitation dispute between parents, the court shall order mediation to assist the parties in formulating or modifying a plan, or in implementing a plan, for custody or visitation and shall allocate the cost of the mediation between the parties.

However, mediation shall not be ordered if:

(1) One of the parents has been convicted of domestic abuse as defined in subdivision 25-10-1(1); or

(2) One of the parents has been convicted of assault against a person as defined in subdivision 25-10-1(2), except against any person related by consanguinity, but not living in the same household; or

(3) One of the parents has a history of domestic abuse; or

(4) Mediation is not readily available or the court determines that mediation is not appropriate based on the facts and circumstances of the case.

The court may also direct that an investigation be conducted to assist the court in making a custody or visitation determination and shall allocate the costs of such investigation between the parties. A history of domestic abuse may only be proven by greater convincing force of the evidence.

Comment 6

Sent: August 22, 2025

Commenter: Christi Wiedeman

1. I understand that the Guidelines are meant for people who DO NOT agree on a parenting plan and specifically have language they don't apply to 50/50 shared parenting schedules. I'd like to see a section added discussing the options for parents, like 2-2-3, 2-5, week-on/off and eliminating the lesser holidays. This is two fold – one, if parents are using the UJS pro se forms, the most common reason they don't get signed off on by a judge is because they don't include the details of their shared parenting plan. The second, is that I think parents read the Guidelines are an order of the court not realizing they are free to make their own agreements so long as the Guidelines are a minimum. This could be an advisory section that isn't part of the automatic restraining order of the court.
2. For parents over 200 miles apart ending the holiday at 8:00 a.m. on the day school starts doesn't make sense. How is a parent that resides 200 miles away supposed to get the child to school at 8:00 a.m.? It should end the night before

at a time consistent with the guidelines (or any changes to when parenting time ends for other holidays or similar events).

3. Something stronger in the guidelines that addresses kids of multiple ages. Right now it just gives a list of considerations but what happens when one parent thinks that all children should be on the same schedules as an under 3 child vs the older child that might over 5. Thinking of a situation with kids between the ages of 2 and 10 and one parent thinking they should all be on the 2 year old's schedule and not the 10 year old's schedule.
4. What happens when Juneteenth and Father's Day fall on the same day again? Both are holidays and there is the potential that Father could have Father's Day and Mother could have Juneteenth and which holiday trumps the other holiday? It doesn't happen again until June 19, 2033 so there is time to work this out but it will happen in the future.
5. Remove Halloween from the rotation. It is such a short time frame that it should just go to whichever parent is exercising time that day.
6. I don't mind the two 48 hour periods for holidays but they can be a pain with so much switching going on, especially for parents who can't communicate well. My opinion would be do the two 48 hour periods and the rest of the Christmas break is just on the regular parenting schedule, whatever that may be. If one parent wants to take a vacation during that time, then they would schedule it like any other vacation period. This would not apply to those living more than 200 miles apart. In discussing with colleagues, others had preferred splitting the break in two equal halves to allow parents to travel for the holidays and remove the two 48 hour periods entirely.

Christi M. Weideman

Partner

Direct Dial: 605-605-6947

RICHARDSONLAWFIRM
RICHARDSON, WYLY, WISE, SAUCK & HIEB, LLP

Comment 7

Sent: August 22, 2025

Commenter: Melissa Neville

Kylie,

An informal canvas of local attorneys yielded:

7. There is an error in the rotation; the parent with July 4 also gets Labor Day weekend.
8. While the Guidelines say “Parent 1” always gets Mother’s Day, it seems logical that Parent 1 is Mother, but this comes up a lot. It might be best to be more clear about who is Parent 1 and who is Parent 2. But this could also be problematic with same-sex parents.
9. Right now the Guidelines say they don’t apply to 50/50 shared parenting schedules. Could a section be added that discusses or offers basic options for parents or might be inclined to *agree* to joint or shared physical custody (e.g. 2-2-3, 2-5, week-on/off and eliminating the lesser holidays) if they knew what that could look like?
10. For parents over 200 miles apart ending the holiday at 8:00 a.m. on the day school starts doesn’t make much sense. Even for under 200 miles, when they don’t live within an hour or so, it is difficult for the kids. Maybe add a caveat that if the travel beforehand results in difficulty for the children to get to school on-time and well-rested, the exchange should end the night before at 7:00 p.m.
11. What to do when children are in different Guideline ranges due to age. Right now the Guidelines just gives a list of considerations, but what happens when one parent thinks that all children should be on the same schedules as an under 3 child vs the older child that might over 5. Thinking of a situation with kids between the

ages of 2 and 10 and one parent thinking they should all be on the 2-year old's schedule and not the 10 year old's schedule.

12. What happens when Juneteenth and Father's Day fall on the same day again? Both are holidays and there is the potential that Father could have Father's Day and Mother could have Juneteenth and which holiday trumps the other holiday? It doesn't happen again until June 19, 2033 so there is time to work this out but it will happen in the future.
13. The 48-hour periods are problematic for the Christmas morning exchanges at 8am (which ***no one*** likes) and they prevent people from traveling over the holidays, even if it is under 200 miles, where other family might be.
14. And this one might be a legislative change, not a Parenting Guidelines change, but the parenting class doesn't seem to be working like they intended. They seem to be treated as just a hoop to jump through with added expense.

Melissa Neville

Melissa E. Neville | Partner

Bantz, Gosch, & Cremer, L.L.C.

305 Sixth Avenue SE | PO Box 970 | Aberdeen, SD 57402-0970

(605) 225-2232 | 605-225-2497 Fax

Comment 8

Sent: August 15, 2025

Commenter: Misty McAllister

Dear Commission Members,

My entire career has been dedicated to child welfare, serving children and families across South Dakota. I have witnessed firsthand the critical importance of children maintaining strong, consistent relationships with both safe, able, and willing parents from the very beginning of their lives.

Unfortunately, I have also seen many children suffer the consequences of limited time with good fathers, fathers who are loving, capable, and eager to be involved. The current

Parenting Guidelines for children under age 5 remain rooted in outdated assumptions that restrict overnights with one parent. This disproportionately impacts many fathers, especially given that over 40 percent of children in the United States are born out of wedlock, a reality that often places fathers at a disadvantage and leaves them with fewer opportunities for meaningful early parenting time restricted by the guidelines.

Since the last revision in 2021, research has increasingly demonstrated that early, predictable overnights and a gradual move toward balanced parenting time even during infancy promote healthy attachment and positive child development, provided both parents live nearby and there are no safety issues.

I respectfully urge the Commission to update these provisions to reflect current, evidence-based research. Doing so will better serve South Dakota's children by supporting strong bonds with both parents and promoting their best interests.

Thank you for your time and consideration.

Sincerely,
Misty McAllister

Comment 9

Sent: August 25, 2025

Commenter: Spencer Wrightsman

Good Evening,

Just a recap from what I spoke on at the meeting.

1. Under Definitions

- There is no "Definition" for Joint Physical Custody below is my proposal to add this language which is open to discussion clearly.
- Joint physical custody, also known as shared custody, is a type of child custody arrangement where both parents share the physical and residential care of their child or children after divorce or separation.

This type of arrangement allows the child to spend significant amounts of time with both parents, ensuring that they have ongoing contact with both parents. The specific details of how time is divided can vary widely, depending on

the agreement between the parents, the child's needs, and sometimes the court's decision.

2. Under Section 4.12

The section Contradicts directly with 4.4 and 4.11

- With having full access to Social Media accounts, especially when referencing facebook and instagram, skype it becomes unreasonable to say the other parent cannot talk without clear and direct violation as the Custodial/Non Custodial parent as stated in 4.12 has full access to all of these accounts.
- A more clear concise definition of this would alleviate giving either parent the ability to use "Private" Parent Child conversations against them in the court of law.

3. Under section 4.16

The word should be replaced with "Shall"

This has been used and talked about times and eliminating back and forth and setting a firm yes or no on sharing the same daycare. I personally went through this and after a law change with the word shall i believe this would have never been an issue saving both parents money as well as the time in the courtroom.

Thanks,

Spencer Wrightsman

Comment 10

Sent: September 2, 2025

Commenter: Whitney Larish

To South Dakota Parenting Time Guidelines Commission,

I am writing to urge you to reform the guidelines that are governing the parental rights in our state to ensure equitable treatment for fathers or the non-custodial parent in cases where both parents are in stable situations. Current family law often places fathers at a disadvantage, frequently requiring them to forgo or fight extensively for their parenting time, even when they are fully capable and willing to be active and engaged parents. This

imbalance not only undermines the well-being of children but also disregards the critical role fathers play in their development, as demonstrated by recent research below. I believe it is imperative for a child to have both parents involvement as much as possible if both parents are safe, stable, and willing. Every child will benefit the most from the maximum amount of time they can have with each parent before leaving with them with extended family, friends, and babysitters ,etc. I would also like to mention that first right of refusal should be a standard within parenting time guidelines to ensure maximum time with each parent before a third party is introduced.

Numerous studies highlight the unique and essential contributions of fathers towards child development.

First, a 2021 study, Palkovitz, R., & Hull, J. M., "Toward a Resource Theory of Fathering," published in the Journal of Marriage and Family, Volume 83, Issue 3, pages 707-727, found that father involvement, such as shared activities and emotional closeness, significantly predicts better socioemotional and cognitive outcomes for children, even in low-income families. The study identified patterns of high positive father involvement associated with reduced behavioral problems and enhanced cognitive functioning.

Second, a 2019 systematic review, Diniz, E., Brandão, T., Monteiro, L., & Veríssimo, M., "Father Involvement and Cognitive Development in Early and Middle Childhood: A Systematic Review," published in Frontiers in Psychology, Volume 10, Article 2405, demonstrated that father involvement positively impacts children's cognitive skills during early and middle childhood, with effects that remain significant across diverse ethnic and socioeconomic backgrounds. This research emphasizes that fathers' engagement in activities like verbal stimulation and physical play fosters cognitive development in ways that complement maternal caregiving.

Third, a 2024 review, Zimmer-Gembeck, M. J., Skinner, E. A., Morris, H., & Thomas, R., "Parenting and Young Children's Emotional Self-Regulation: The Role of Fathers' Parenting Behaviors," published in BMC Psychology, Volume 12, Article 123, explored father involvement's link to emotion regulation in early childhood, finding that high-quality father engagement, such as physical play and risk-taking encouragement, supports adaptive emotional development. The study noted that fathers' distinct parenting behaviors, like eliciting higher emotional arousal, uniquely contribute to children's emotional resilience, complementing mothers' typically more nurturing roles.

These studies collectively illustrate that fathers provide irreplaceable benefits to children's emotional, cognitive, and social development. Distinct from but equally vital as maternal involvement. This bias can deprive children of the balanced parental influence that research shows is critical for their well-being.

I respectfully request that you advocate for a review of our state's parenting time guidelines to promote shared parenting arrangements that reflect the equal importance of both parents. Reforming these laws to remove implicit biases against fathers will ensure that children benefit from the unique contributions of both parents, fostering healthier developmental outcomes. Additionally, such changes align with evolving societal norms, where fathers are increasingly involved in caregiving, as noted in research indicating a steady rise in paternal engagement over the past 50 years.

Thank you for your attention to this critical issue. I urge you to champion policies that recognize the equal value of fathers and mothers in parenting, ensuring that our laws reflect the best interests of children and families. I would be happy to discuss this further or provide additional resources.

Sincerely, Whitney Larish

Comment 11

Sent: August 19, 2025

Commenter: Beth Baloun

Thats a loaded question! I should start keeping track of the issues I see come up but here is what I can think of right now:

1.10 vacation with 3-5 year olds somewhat conflicts with the holiday language-so if they take a 7 day vacation, does that mean they get max holiday time even if that is not the regular parenting time?

Everywhere it says "whichever is applicable" drives me NUTS as (for example), 3:15pm will ALWAYS apply to every day. I usually say something like "release of school, or 3:15 p.m. if there is no school..." I think starting a day earlier than 3:15pm makes more sense as well than waiting, especially on Fridays. So I usually encourage 8am exchanges on all days for simplicity/travel.

Can we please get rid of Juneteenth? I have yet to find someone that actually celebrates it.

3.1 I think a provision should be added that if the kids have 5 or more days off of school, that goes to the non-custodial parent if they want to exercise that. Sometimes that is longer than spring break (if that is even recognized)-i think that really is the intent of spring break (to have a longer break).

4.2 last sentence is problematic as there are a lot of parents, especially younger, that use parents instead of allowing the other parent ROFR. I think it needs to be removed or specified that grandparents are not to be used as daycare and this time with them shall not be regularly occurring.

I think the right of first refusal should be added to the guidelines as they are so necessary in a lot of cases.

I think shared parenting needs to be set forth more such as expectations of sharing of expenses, typical plans, etc. More people and judges are moving to that and even though the hope is parents can work together, I think some general guidance would be really helpful.

Beth Baloun
Attorney
Baloun Law

Comment 12

Sent: September 9, 2025

Commenter: Connie Garcia

Dear Members of the Committee for South Dakota Parenting Time Guidelines,

Thank you for the opportunity to submit feedback regarding the October 2025 revision of the Parenting Time Guidelines. I appreciate your willingness to review these guidelines in the interest of both parental rights and the best interests of children.

I am a parent navigating a long-distance parenting plan and would like to raise several concerns and recommendations that I believe would improve clarity, consistency, and child-centered outcomes in the guidelines. My comments are organized by topic below for easier reference. I have also attached them as a pdf file for your convenience.

1. School Absences for Long-Distance Parenting Time

Concern:

The current guidelines for parents who live more than 200 miles apart permit children to miss school to spend time with the noncustodial parent, stating that it is acceptable "so long as it does not substantially impair the children's academic progress."

Why This Is a Problem:

This provision may unintentionally conflict with South Dakota truancy laws and does not account for cumulative absences due to medical, dental, orthodontic, or mental health appointments. School policies often penalize unexcused absences, and even legitimate absences can affect a child's learning or trigger school intervention.

Suggested Revision:

- Align language with South Dakota's compulsory attendance laws.
- Consider adding a provision encouraging parenting time to be scheduled during school breaks or long weekends when possible.
- Replace subjective language ("does not substantially impair academic progress") with clearer, enforceable standards.

2. Children Should Return Home the Night Before Holiday Break Concludes

Concern:

The current guidelines allow holiday parenting time to extend until 8:00 AM on the day school resumes; including Easter Monday, Thanksgiving Monday, and the morning school restarts after winter break. This schedule can create significant logistical challenges, disrupt children's sleep and routines, and often does not align with school start times. For example, Sioux Falls School District Elementary schools begin at 7:45. These issues are especially pronounced in long-distance parenting situations, where travel may involve hours in the car or overnight transportation.

Why This Is a Problem:

- Children returning home the morning of a school day, often after hours of travel, may arrive exhausted, unprepared, and unable to perform well in school.
- Early morning or same-day travel, especially long-distance car trips, can be cramped, stressful, and physically draining for children.
- Children may feel they are being rushed from place to place, without time to settle in or emotionally prepare for the school day.

Suggested Revision:

Update the guidelines to require that children return to the receiving parent's home by **9:00 PM** the evening before school resumes after any holiday break. This change would:

- Reduce the need for early morning or same-day long-distance travel.
- Give children adequate time to rest, decompress, and mentally prepare for the school week.
- Minimize conflict and confusion around holiday exchanges, especially for families dealing with extended travel logistics.
- Support better academic readiness and emotional stability for the children.

3. Summer Parenting Time Needs to Be More Balanced and Realistic**Concern:**

Under Section 3.2, the parent who does not have the children during the school year is granted nearly the entire summer break, beginning three days after school ends and ending seven days before school resumes. This gives the custodial parent only 10 non consecutive days total with the children during the entire summer and requires them to bear the full expense of any travel for limited 48-hour visits.

Why This Is a Problem:

It creates an imbalanced arrangement, where one parent essentially has the children all summer, while the custodial parent has little to no time to plan vacations, family events, or downtime with the children.

- The custodial parent is left with only a narrow non-consecutive 10-day window that may not align with affordable or practical vacation opportunities.
- If the custodial parent wants to plan anything outside those 10 days (e.g., over a long weekend), it would require children to miss school; which raises the same truancy and academic concerns mentioned earlier.
- The cost burden is also unfair: requiring the custodial parent to pay for all travel during these limited visits penalizes them financially for parenting time that is already restricted.

Suggested Revisions:

- Consider splitting summer parenting time more evenly, such **as 60/40 or 70/30 split**.
- This allows parents to plan meaningful time without interfering with school or violating attendance policies.

Many states, such as Texas, Florida, and California, implement parenting plans that provide a 60/40 or 70/30 summer split in long-distance situations. This model promotes fairness and helps both parents maintain strong, meaningful relationships with their children, while protecting school attendance and allowing for summer flexibility.

4. Balanced Summer Parenting Time Supports Relationships with Both Sides of the Family

Concern:

Section 4.2 emphasizes that children benefit from ongoing contact with relatives on both the maternal and paternal sides, and these relationships should be protected and encouraged. The guidelines recognize that children usually visit paternal relatives when with their father, and maternal relatives when with their mother; even if the parent is not present.

Why This Supports a More Balanced Summer Time Split:

- If one parent has nearly the entire summer, children may miss extended opportunities to connect with the other parent's relatives.
- Extended family relationships are vital for a child's sense of identity, support system, and emotional health.
- A balanced summer schedule allows children to maintain meaningful, consistent contact with relatives from both sides.
- It also gives parents the chance to coordinate visits with family members and avoid long periods of disconnection.

Suggested Revision:

- Summer parenting time should be structured to ensure regular and substantial opportunities for children to spend time with relatives on both sides.
- This supports the principle that children benefit from a wide network of supportive adult relationships.
- Encourage parents to include relatives in planning summer activities and visits, making the parenting time more enriching and connected.

5. Clarify and Strengthen Advance Notice Requirements for Additional Parenting Time

Concern:

The current guideline states that if additional parenting time (over 4 hours) is requested by the parent living more than 200 miles away, they should provide “as much advance notice as possible, preferably 30 days,” and that “failure to provide notice shall not be the sole reason for denial.”

While flexibility is important, the lack of firm expectations can cause confusion, undue stress, and last-minute disruption for the custodial parent and the child.

Why This Is a Problem:

- The term “preferably 30 days” is vague and unenforceable, what constitutes “as much notice as possible” is subjective.
- The custodial parent may feel pressured to accommodate last-minute requests even if they disrupt the child’s schedule.
- Saying failure to give notice is *not* a valid reason to deny time undermines the importance of planning and communication.
- There is no guidance on what counts as a valid reason to deny or how disputes should be handled.

Suggested Revision:

- Change "preferably 30 days" to “a minimum of 30 days’ advance written notice” for any additional time exceeding 4 hours.
- Add that failure to provide sufficient notice may be grounds to reasonably decline the request, especially if it would disrupt existing plans or commitments.
- Encourage parents to use written communication (such as email or a parenting app) to confirm agreements.
- Add language supporting mediation or court modification if repeated conflicts over notice arise.

6. Require Enforceable Notice for Extended Summer Parenting Time

Concern:

The current guidelines require the parent who lives more than 200 miles away to give at least 60 days' notice before commencing extended summer parenting time. However, the guideline also states that failure to give the precise number of days' notice does not entitle the custodial parent to deny parenting time.

While well-intentioned, this clause removes any accountability for late notice, creating planning challenges and uncertainty for both the child and custodial parent.

Why This Is a Problem:

- Summer schedules fill up quickly with camps, activities, childcare needs, and vacations, especially for working parents. If the non-custodial does not commence extended summer parenting time, the custodial parent is at a disadvantage to find child care.
- When proper notice isn't given, the custodial parent may be forced to cancel plans or scramble to adjust, which is unfair and stressful for all involved.
- Children may miss out on summer enrichment or social opportunities due to poor planning from the other parent.
- It may encourage one parent to delay planning until the last minute, knowing there are no consequences for doing so.

Suggested Revision:

- Require that 60 days' notice is mandatory (not just recommended) for extended summer parenting time, with clear consequences if not followed; unless an emergency or mutual agreement occurs.
- Allow the custodial parent to reasonably deny or request modification of the proposed time if notice is not given by the deadline and prior commitments for the child have already been made.
- Clarify that written notice (email, certified mail, or parenting app) is required to prevent disputes.

This revision would support predictability, fairness, and respect for both parents' time and responsibilities, while still allowing flexibility where needed

7. Social Media Usage

Section 4.12 currently allows each parent full access to monitor the children's social media accounts but does not provide specific guidance on how this access should evolve as children enter adolescence. It also lacks clarity regarding mutual parental consent for younger children using social media and does not account for the growing need for privacy and autonomy in older adolescents.

Why This Matters:

- As children mature, they naturally seek more digital independence and privacy.
- Without a clear age framework, parents may have conflicting expectations about when and how children should be allowed on social media.
- Unilateral decisions or unrestricted monitoring can damage trust between parents and children, especially during the teenage years.
- Shared expectations and gradual release of control foster healthy boundaries, safety, and adolescent development.

Suggested Revision:

Revise Section 4.12 to include the following age-specific guidance:

- **Parental Agreement Required Before Age 16:**
Both parents must mutually agree before any child under the age of 16 is allowed to create or use social media accounts.
- **Parental Monitoring Before Age 16:**
If social media use is allowed before age 16, both parents must have equal access to monitor the accounts, including shared passwords.
- **Privacy and Autonomy at Age 16:**
At age 16, children should be granted full privacy and autonomy over their social media accounts, and parents shall no longer be entitled to access passwords unless mutually agreed or safety concerns arise.

This approach better reflects the realities of adolescent development, promotes joint parental responsibility, and supports both digital safety and the gradual development of independence.

8. Clarify Cell Phone Provision to Avoid Confusion and Ensure Practical Communication

Concern:

The current language states that “either parent may provide the children with a cell phone,” which could be misinterpreted as requiring children to carry two phones. This is unrealistic and may cause unnecessary confusion or conflict.

Why This Matters:

- Children generally only need one cell phone to communicate with both parents.
- Parents should be able to set appropriate restrictions or controls when the child is in their care, without requiring separate devices.
- Clear communication tools help children stay connected without burden or confusion.

Suggested Revision:

- Clarify that children shall have one primary cell phone, which both parents can access for communication purposes.

- Both parents may agree on reasonable usage restrictions and parental controls to apply during their respective parenting times.
- Emphasize that the phone should support easy and uninterrupted contact with both parents.

9. Drivers Education/ Permit

Concern:

The current South Dakota Parenting Time Guidelines do not address driver's education, learner's permits, or teen driving responsibilities, which can lead to confusion or disagreement between parents.

Why This Matters:

- Driver's education typically requires parental consent, coordination, and shared support.
- Supervised driving hours may be hard to track or complete fairly without cooperation.
- In long-distance parenting situations, driving between homes may raise safety, legal, or insurance concerns.
- Lack of guidance may result in missed opportunities or conflict during a major milestone in a child's development.

Suggested Revision:

Include a section encouraging parents to communicate and collaborate on matters related to:

- Enrolling the child in driver's education,
- Meeting supervised driving hour requirements,
- Coordinating transportation and vehicle access,
- Discussing rules and expectations for licensed teen drivers.

This addition would support both parents in helping their child achieve this important milestone safely and cooperatively.

10. High School Students and Extended Summer Parenting Time

Concern:

The current guidelines do not address the unique circumstances of high school students in long-distance parenting arrangements. As teens grow older, they often take on responsibilities such as summer jobs, internships, extracurricular, college preparation, or leadership opportunities; many of which require them to remain in their home community during the summer months.

Why This Matters:

- Mandatory long-distance summer visitation may conflict with a teen's work schedule, athletic training, volunteer commitments, or academic programs, potentially harming their development.
- High school students are mature enough to voice their preferences and participate in decision-making about how they spend their time.
- Forcing travel against their will during these formative years can lead to resentment, disengagement from one parent, or missed opportunities that impact college and career readiness.
- Recognizing and respecting a teenager's growing autonomy promotes healthier relationships and better long-term outcomes.

Suggested Revision:

- For children ages 16 and older, the guidelines should allow the teen's preferences to be considered when determining extended summer parenting time.
- Parents should collaborate in good faith to prioritize the child's summer commitments, including work, academics, or extracurricular obligations.
- Where possible, offer flexible arrangements (e.g., shorter visits, adjusted schedules, or off-season visits) to ensure the non-residential parent remains involved without disrupting the teen's goals or responsibilities.

This change would respect adolescent development and help maintain stronger, healthier parent-teen relationships across distance.

Thank you for your time on this matter.

V/r

Connie Garcia



parenting times
guidelines.pdf

Comment 13

Sent: September 15, 2025

Commenter: Sara Stadem

Dear Ms. Srstka,

I'm writing in regard to the potential changes to the standard parenting time guidelines. I am originally from South Dakota and moved to Ohio in August 2024.

I have two children. My ex-husband and I are the parents of my daughter, Adisen, and I have a son, Easton. My daughter is now 20 years old and my son will be turning 13 years old on September 19. After my ex-husband and I got divorced, we shared custody for about six or seven years until he took me back to court for primary custody. That motion led to a court battle of approximately a year and a half, two home studies and about 13 days in court. After the Honorable Judge Patricia Riepel granted primary custody to me, a year later, Adisen's dad chose to walk away and give sole custody to me. Easton's father

also participated in the home study on behalf of my ex-husband, attempting to try his case through our custody battle. I have primary custody of our son and with his dad's permission, we moved out of state last year. To say that our co-parenting relationship has been strenuous is an understatement.

Over the years, my custody cases have been long and drawn out. Ultimately, those who were affected and impacted negatively the most are the children. While I won't go into details, I will provide the information that I have learned throughout this in hopes that items can be added to the parenting time guidelines to prevent other children and parents from going through the same thing.

- There should be something in the state guidelines about the consequences of going to court with false information and/or lying about a parent.

- o I don't have the exact answer as to what that is. Maybe they have to pay a fine or they are required to pay for the other parent's legal fees. However, leaving it up to each Judge puts the pressure on the Judge to make the decision and each Judge can rule differently. Our court case cost my family over \$62,000 because of all the lies that were said about me. I had to testify with evidence for several days to dispute the lies, we had to pay professionals to come testify to the facts, issue subpoenas and more.

- There should be some type of consequences for those who do not follow the parent order/divorce decree that is in place.

- o Nothing happens to a parent if they don't uphold the order. Not everyone can afford to constantly go back to court – mentally or financially. Nor should the courts be bombarded with each case when a parent breaks the day-to-day basic co-parenting agreement. With nothing in place, there are many parents who will do what they want, knowing there are no real consequences.

- There should be something in the order that if one parent is inappropriate to the other parent in front of the child, visitation is reduced.

- o A child should not see a parent be treated like trash, be called names or even disregarded like they are not a human being. It is not mentally healthy for a child to see that or hear that.

- If the co-parenting relationship is a strained one, each party should be required to continue to take classes on co-parenting. This should be required before either party can take another parent back to court.

- o I know that there is a mediator in Sioux Falls who does online classes. They should also be required to go to individual counseling and family counseling to help create a healthy co-parenting relationship for their children's sake.

- If the co-parenting relationship is a strained one, the parents should be required to go to mediation and the parent who refuses to compromise should be required to pay the entire amount instead of each parent paying half.

- If the co-parenting relationship is a strained one and mediation did not work, the parents should be required to go to parental coordination, where the coordinator upholds the order and/or creates a different order that better suits the situation. Both parents should be required to adhere to the order and if one doesn't, there should be consequences in place.
- The non-custodial parent should be required to take the children to their activities on the noncustodial parent's weekend.
 - o While it is the non-custodial parent's time, children have activities that they are signed up for and have made a commitment to, whether that is with a team, club, organization, etc. If the non-custodial parent chooses not to take the child, the non-custodial parent forfeits their visitation and the custodial parent will take the child.
 - o This should also happen in reverse if the custodial parent refuses to take the child. There can be exceptions made for vacations, family emergencies, funerals, etc., but those should be limited and the parents should do what they can to plan accordingly around the events.
- During a custody decision, divorce, etc., each parent should be required to take a personality test to see if they are going to be capable of putting aside the past and focusing on making the right decisions for their children.
- As children get older, they should have a voice in how visitation is set up. While the child should not have full control or full say in the visitation, there are times when a child deserves to have a voice. Just because a parent decides they want to participate in a child's life doesn't mean the parent makes the right decisions for the child. A child should be able to voice how their relationship affects them, what is important to the child, how the parent interacts with them and if it is a good relationship, one of support and love. A child can have a parent who loves them but is more concerned with themselves – their likes, wants and needs – over supporting the child with their likes, wants and needs.
- If a parent does not participate in the day-to-day activities of raising a child, such as doctor's appointments, teacher conferences, practices, etc., they should have limited visitation from the state guidelines.
 - o There are too many parents who do not participate in those day-to-day functions of raising a child and it falls on one parent. Will a parent take time off work to stay home with a sick child or send them back to the other parent's home for them to take care of the child? Will the parent participate in getting the child to and from practices or will they say that the other parent has it under control? Will the parent follow up on what is going on in school and teacher conferences or does the parent refer everything to the other parent, asking the other parent to keep them updated?
 - o Just because you want to see your child and spend time with them doesn't make them a good, participating parent who chooses to co-parent.
- Each parent should be required to financially support the children's activities, as well as the extras that do not fall under child support.
 - o According to ChatGPT, *child support is a legal obligation for a noncustodial parent (or sometimes both parents) to provide financial assistance for the care and upbringing of their child or children after a separation, divorce, or if the parents were never married. To ensure that a child's basic needs - such as food, clothing, housing, education, and medical care - are met.*
 - o When I call and speak with the Department of Social Services about this, my understanding is that child support is to make the incomes of the homes more equal of the day-to-day needs of a child. This does not include activities such as football, baseball or basketball and it also does not include extras that are not required, such as a cell

phone, car, car insurance and more. Those items add up quickly. Not all parents will make the right decision for a child and help out financially if the decision is left up to them. When asking the Department of Social Services what my options are, they said to ask the non-custodial parent to help out and if they don't, I pay for everything myself or tell my children they do not get to participate in activities or have things such as a cell phone or car. This does not seem in the best interest of a child and a child shouldn't go without because a non-custodial parent doesn't want to help out but still wants to get to see the child.

As a parent, a school or a court system has consequences for a child that misbehaves, I strongly believe there should be consequences for those parents who do not uphold their end of parenting.

Being a parent is a privilege, not a right. Just because you have a child does not mean you will be able to put their needs before yours and make the right choices when it comes to their emotional and physical needs. A 50/50 custody requires TWO cooperative parents and just because a parent wants to spend time with their child does not automatically make them a good parent. A parent must be able to put aside whatever may or may not have happened in the relationship with the other parent, rise above and show the children how to grow up to be a good human.

Below is just part of the 23-page ruling that the Honorable Judge Riepel read on August 11, 2014.

Ms. Brazil goes on to say that dad's behavior has changed. Agreed, he doesn't call her awful names anymore or any longer; however, I do wish Ms. Brazil would have had the opportunity to listen to the testimony of Dr. Wallace, the receptionist and sit in the courtroom and listen to the various witnesses who were able to convince the Court that although he doesn't call her names, he does something much more egregious. He absolutely dismisses her. Was it healthy to allow him to require his child to carry her bags to the car at such a young age because he doesn't want mom near him or his property? Her opinion is in part is based upon Ms. Piersol's opinion again. Wish she had the opportunity to be in court and listen to all of Ms. Piersol's testimony and to review all of her notes

Dad strongly lacks the ability to maturely encourage and provide frequent and meaningful contact between the child and mom. Dad believes he is a superior parent and has all the right answers.

His disdain for mom is evident by his actions and testimony. It was clearly evident to the Court that dad lacked the ability to even look at mom during this expended court proceeding. It has to be evident to Adisen that her dad dislikes her mom. How does this set her up for building relationships? If you don't like someone, you write them off. She's a bright kid. She clearly understood what was going on. Especially evident in her meeting with Dr. Van Gilder-Pierce. She knew she was the horse or the pony.

No child, parent or family should go through what my children have gone through because the other parent cannot let go of the past and do what is right by their child. This is NOT a mom vs. dad issue or a custodial vs. non-custodial issue. This is whether each parent can do what is right by their child, despite what may or may not have happened between them as a couple. The SMILE program that I went through for my divorce explained that a child knows they are made up of part of both their mom and their dad, so if one parent hates the other, a child feels like that parent hates part of them. It's time to hold parents accountable who are not making the best choices – emotionally and physically – for their children. Parents need to be role models to children on how to grow up to be loving, respectful, caring adults.

If you have any questions, please do not hesitate to contact me via phone or email.

Thank you for your time.

Sara M. Stadem

Comment 14

Sent: September 15, 2025

Commenter: Shane O'Connor

Commission on Parenting Time Guidelines,

The parenting time guidelines have serious flaws in our current system, which too often relegates one parent to a secondary role, fostering conflict and undermining our children's well-being.

Moreover, consider the overwhelming consensus in the parenting community: every year, approximately 12,000 parenting books are published, 27,000 parenting studies are conducted, and 11 million blog posts are written on the subject, yet not one of these sources advocates for depriving a child of the love and support of one of their parents.

Parents should be given a more significant credit for the more days they have with their kids.

It is time for South Dakota to join the movement toward a more equitable, child-centered system, so that our laws reflect the best interests of our children and ensure that both parents can contribute equally to their upbringing.

Thank you,

Shane O'Connor
