

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It is also a concern that the 180 days is an arbitrary and outdated standard.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

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## 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180 days is arbitrary and an outdated standard.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!

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## 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



UJS 302 - South  
Dakota Visitation Guidelines

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## 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

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## Comment 5

**Sent:** August 21, 2025

**Commenter:** Anonymous

The 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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.

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## 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**

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## 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*

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