

SUPREME COURT COMMISSION ON PARENTING TIME GUIDELINES

FINAL REPORT



INTRODUCTION

On August 26, 2020, the South Dakota Supreme Court entered an Order creating the Commission on Parenting Time Guidelines. Commencing in 2021, the Commission shall review the standard parenting guidelines outlined in SDCL 25-4A-10 every four years and report its findings and recommendations to the Supreme Court, Governor, and the Legislature. In addition to the Commission's 2021 submitted recommendations to the Guidelines, it was also recommended a training be offered to circuit court judges regarding family law and the effect these situations have on the parties and their children, as well as the implementation and enforcement of parenting time guidelines. That training has been held at judicial conferences.

This year, 2025, the Commission reconvened to review the Guidelines and compiled a list of findings and recommendations.

The Commission is to be composed of seven members:

1. A member of the South Dakota Judiciary;
2. A member in good standing of the South Dakota State Bar;
3. A professional in the field of childhood development;
4. Non-custodial parent;
5. Custodial parent;
6. State Representative; and
7. State Senator.

MEMBERSHIP

The 2025 Commission on Parenting Time Guidelines consists of the following members:

Honorable Christina Klinger, Presiding Circuit Court Judge, Pierre (Chair)
Senator Tom Pischke, State Senator, Dell Rapids
Representative Brandei Schaeffbauer, State Representative, Aberdeen
Shanna Moke, Childhood Development Professional, Sioux Falls
Kylie Riggins, Family Law Attorney, Rapid City
Kacy Kienholz, Custodial Parent, Pierre
Ryon Rypkema, Non-Custodial Parent, Caputa

MEETINGS/PUBLIC HEARINGS

Formal meetings for the Commission took place on the following dates:

July 28, 2025, via Zoom – Kick off Meeting;
September 19, 2025, Room 4112 – Capitol Building, Pierre, SD.

Additionally, as required, three separate public hearings were also held from 6:00 p.m. – 8:00 p.m. on the following dates:

Aberdeen – August 18, 2025, at Ramkota Hotel
Sioux Falls – August 25, 2025, at Holiday Inn City Centre
Rapid City – September 15, 2025, at Ramkota Hotel

Concerns and suggestions were presented by the public at the public hearings and in written correspondence to the Commission. The following is a sample of some of the concerns but is not intended to be an exhaustive list.

- The Guidelines are too narrowly tailored and are interpreted as ceilings rather than starting points, often being used to limit a parent's involvement.
- The Guidelines do not provide sufficient definitions, practical tools, or structured guidance to help parents and courts create arrangements that preserve and strengthen child's relationship with both parents.
- The Guidelines should not apply in situations involving domestic violence and that age categories should reflect developmental stages rather than safety concerns.
- Parenting Guidelines should allow for increased parenting time beyond the ages of three to five.
- The Guidelines should include a provision for vacation for children under age three.
- The Guidelines needs stronger language against parental alienation, clarifying sibling references to include half-siblings, and revising language around the concept of maintaining the status quo.
- There needs to be a stronger emphasis on shared parenting and joint physical custody.
- The Guidelines should be updated to encourage maximizing meaningful time with each parent, while accommodating the unique circumstances of each family that would provide the courts and families with a framework that promotes consistency, fairness, and the child's best interests.
- The Guidelines should provide standardized parenting plan templates online to help parents and courts create clear, detailed and enforceable plans.
- Provide a definition of "Shared Parenting."
- The Guidelines should recommend co-parenting platforms such as OurFamilyWizard or CustodyXChange for scheduling, communications, and documentation to help reduce misunderstandings and conflict.
- The Guidelines should include a definition for joint physical custody.
- Consider adding culturally or religiously significant holidays.
- Concerns were raised regarding communications between parents through social media. A suggestion was to clarify the definition of "social media" in the Guidelines to ensure privacy and to broaden its scope. Provide guidance on how access to social media should evolve as children age.
- Clarify that children shall have only one primary cell phone which both parents can access for communication purposes.
- There should be additional time granted for parenting time when a child is in the 0-5 age range.
- The minimum should be equal joint physical custody and custody evaluations need to be more financially accessible including state-funded evaluations with repayment plans.
- South Dakota lags behind in shared parenting rights leaving the father with extreme legal fees an unaffordable childcare support.
- 180 days is arbitrary and outdated.

- 6 day abatement is not enough and does not allow adequate credit for overnights with children.
- Concerns of mandatory mediation order and it is an onerous burden to require a custody evaluation.
- Different shared parenting schedules should be included to give parents an idea of how time can be split.
- Holiday time for parents residing over 200 miles apart needs to be more feasible with travel time.
- Juneteenth will eventually fall on the same day as Father's Day and clarify which holiday takes precedence.
- Halloween should be removed because it's such a short time frame and custody should go to whichever parent is exercising time that day.
- Christmas break should be split in two equal halves to allow parents to travel for the holidays and remove the two 48 hour holiday periods entirely.
- The Guidelines contain an error in the rotation – the parent with July 4 also gets Labor Day weekend.
- The Guidelines has Parent 1 for Mother's Day. Clarify who is Parent 1 and who is Parent 2. This can potentially be problematic for same-sex parents.
- Parenting time should be uniform regardless of differences in age.
- Require both parents to use the same daycare provider.
- The vacation with 3-5 year olds provision conflicts with holiday language and needs clarification.
- Remove language "whichever is applicable" in the Guidelines.
- Remove Juneteenth, as it is rarely celebrated.
- Add a provision that if kids have 5 or more days off of school, that time goes to the non-custodial parent.
- Right of first refusal should be added to the Guidelines.
- Shared parenting needs to be set forth more general guidelines such as expectations of sharing of expenses, typical plans, etc.
- Remove the provision that permits children to miss school to spend time with noncustodial parent who lives more than 200 miles apart, because it may unintentionally conflict with truancy laws and doesn't account for absences due to medical appointments. The Guidelines should align with SD's compulsory attendance laws.
- Children should return home the night before holiday break concludes, because it can be difficult to return child the morning before school resumes.
- Summer parenting time needs to be more balanced. Consider splitting summer parenting time more evenly, such as a 60/40 or 70/30 split to allow for meaningful time without interfering with school or violating attendance policies.
- Clarify and strengthen advance notice requirements for additional parenting time. The term "preferably 30 days" is vague and unenforceable. Change to a minimum of 30 days advance written notice.

- Require enforceable notice for extended summer parenting time. Require that 60 days notice is mandatory and not just recommended with clear consequences if not followed. Written notice should be required to prevent disputes.
- Include a section encouraging parents to communicate and collaborate on driver's education, learner's permits, or teen driving responsibilities.
- Revise extended summer parenting time for children ages 16 and older to allow for teen's preferences and participate in athletic commitments or academic programs.
- Clarify the Guidelines must be followed unless otherwise ordered by the Court, and there needs to be clear consequences.
- Include more educational information regarding the importance of civility and co-parenting between parents, positive communication, and involvement of both parents.
- Teens and mature children should be allowed to state their parenting time preferences.

COMMISSION FINDINGS

The Commission conducted public hearings. Members discussed current research and materials on the subject matter in addition to parenting guidelines from other jurisdictions. In working through this process, the Commission believes there are revisions needed to provide more clarity to the parents of minor children who are navigating separation or divorce. The more clarity that is granted, the potential for conflict is reduced.

- The Guidelines are not intended to serve as a substitute for the advice of competent licensed professionals.
- The Guidelines are designed to assist parents in the development of their own parenting plans. In the event the parties cannot create their own parenting time agreement, these guidelines represent the minimum time a parent should have to maintain meaningful and continuing contact with a child, ensuring the best interests of the child.
- Having consistent schedules regarding parenting time is generally in the best interests of children.
- It is impossible to address every individual situation and resolve the same in the Guidelines. They are designed to address the most common circumstances.

RECOMMENDATIONS

The Commission recommends that the South Dakota Supreme Court adopt the attached South Dakota Parenting Guidelines. The proposed revisions to the Guidelines are attached to this report. Revisions to the Guidelines are reflected herein: additions denoted by underlining in red and deletions indicated by strikethrough in red. A summary of the changes are as follows:

- There is a need to better emphasize that the Guidelines represent the minimum standards rather than defaults, as some circuits have historically applied the Guidelines as maximums.
- Amend the Guidelines to use more clear and concise language laying out enforcement of the guidelines, and instructions how to object. A direct link to the objection form is provided.
- The Guidelines should support overnights with very young children when both parents can provide nurturing and routine within a stable environment and should be adjusted as needed to support the child's comfort and development.
- Increase custodial overnights on a weekend from eighteen hours to twenty-four hours.

- Add a provision that should Juneteenth and Father's Day land on the same day, Father's Day prevails (will not occur until 2033).
- Revise time on Mother's Day and Father's Day to reflect "Mother" and "Father" instead of "Parent 1" and "Parent 2."
- Clarify that holidays take precedence over both birthdays and weekends.
- Include a provision that parents are encouraged to coordinate vacation plans and include a solution in the event there is a dispute.
- Provide clear language regarding the opportunity for mediation and provide a link to court appointed mediators.
- Update all links to the UJS website to reflect UJS's updated website.

CONCLUSION

Based on public feedback, the Commission found that the prior changes to the Guidelines have been well received, particularly the inclusion of charts for holiday scheduling and sections addressing infants at various developmental stages. There has been positive feedback regarding shared parenting options. The Commission believes that the Guidelines represent a strong step forward in creating consistent standards across the circuits and are significantly more inclusive and uniform than prior guidelines.