

## **Instructions for Judgment and Decree of Divorce (Default) Form (With Children)**

(\*\*\* Use this form only if the Defendant has not responded to the Complaint, you have served the Defendant with a Notice of Intent to Take Default Judgment and Affidavit of Default, and you have filed the necessary default forms, and asked for a Default Decree of Divorce.)

The Judgment and Decree of Divorce is signed by the Judge. You must wait at least sixty (60) days **after** serving the Defendant before submitting your Decree of Divorce to the judge.

- Complete the top portion of the Judgment and Decree of Divorce (the “caption”) the same as on the other documents you have filed in this divorce.
- In the second paragraph, insert the date on which the Defendant was served with the Summons and Complaint.
- Indicate whether the either party has requested in the Complaint that their former name be restored.
- **YOU DO NOT SIGN THIS FORM – THE JUDGMENT AND DECREE OF DIVORCE IS SIGNED BY THE JUDGE.**
- Submit the Judgment and Decree of Divorce to the court. If the judge signs the judgment and decree, the Clerk of Courts will send you a copy of the signed Judgment and Decree of Divorce. You will need to send a copy of the Judgment and Decree of Divorce to the Defendant.

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

IN CIRCUIT COURT  
\_\_\_\_\_) JUDICIAL CIRCUIT

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<p>_____, Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>_____, Defendant</p>	<p>DIV _____</p> <p style="text-align: center;"><b>JUDGMENT AND DECREE OF DIVORCE (DEFAULT)</b></p>
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The above-entitled matter came before this Court on Plaintiff's Motion for Default Judgment. It satisfactorily appearing to the Court from the records and files herein that the Defendant was duly served with the Summons and Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Parties were married on \_\_\_\_\_ (date) and at \_\_\_\_\_ (city and state). It further appearing to the Court by virtue of the Affidavit of Default signed by Plaintiff and filed herein that said Defendant has failed to plead, to otherwise defend, or make any appearance in this action and that said Defendant is in default; Findings of Fact and Conclusions of Law having been waived by virtue of Defendant's failure to appear in this action; the Court having jurisdiction over the parties and the subject matter herein, now therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Plaintiff is granted a Judgment and Decree of Divorce on the grounds of \_\_\_\_\_, and the parties hereto are restored to the status of single persons.
  
2. a) Legal custody is awarded to: \_\_\_\_\_  
b) Primary physical custody is awarded to: \_\_\_\_\_  
c) Visitation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Child support payments in the amount of \_\_\_\_\_ shall be made payable to the Department of Social Services and mailed to the Child Support Payment Center, Suite 84, 700 Governor's Drive, Pierre, SD 57501. Child support payment shall be payable on or before the first day of each month beginning the first day of the first month following entry of the Judgment and Decree of Divorce.

4. Neither party shall pay alimony to the other or \_\_\_\_\_  
\_\_\_\_\_
5. The parties shall retain as their separate property all of the vehicles, personal clothing and effects, all household goods, appliances and such other items and personal property as are currently in their respective possessions. \_\_\_\_\_  
\_\_\_\_\_
6. Any encumbrances or debts relating to or accompanying an item of personal property shall be the sole responsibility of the party retaining such property. All other debts shall be paid by the party incurring such debt.
7.  Plaintiff's  Defendant's name shall be changed to: \_\_\_\_\_.  
His/Her date of birth is \_\_\_\_\_.
8. Each party shall, at the request of the other, execute and deliver any such instruments as may be required in order to carry out the intentions and provisions of this Judgment and Decree of Divorce. In the event either party shall fail to execute deeds, titles, or other documents of transfer as required by this Judgment and Decree of Divorce, this Judgment and Decree shall operate as an effective transfer of that party's interest in said property as set forth herein.

9. Additional order:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

BY THE COURT:

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

ATTEST:

Clerk of Courts

By \_\_\_\_\_  
Deputy Clerk of Courts