

PRO SE DIVORCE INFORMATION SHEET

- If you wish to handle your divorce yourself, you are responsible for preparing and filing all necessary documents. Forms for most situations are now available at www.sdjudicial.com/forms/prosedivorce.aspx
- South Dakota Codified Laws (SDCL) Chapter 25 governs divorces. You will be expected to comply with the statutory requirements. A set of the South Dakota Codified Laws are located in the law libraries in both Lincoln and Minnehaha Counties or available online.
- Pursuant to SDCL 15-6-5(h), you must submit a Civil Case Filing Statement to the Clerk of Courts Office before your documents will be accepted for filing. The required filing fee must also be paid to the Clerk of Courts at the time of filing your papers.
- You must comply with the provisions of SDCL 15-6-5(g) and SDCL 15-15A-8 through 15-15A10 regarding confidential information and sealed financial documents. The Confidential Information Form and Sealed Financial Documents Information Form can be accessed on the Unified Judicial System Website at www.sdjudicial.com under the “Procedures” section or from the Clerk of Courts Office.
- Court staff, including law clerks, must remain neutral in all court cases and are therefore prohibited from giving legal advice. Although attorneys may be expensive, in important matters of life like divorce, custody, and parenting time disputes (visitation), the assistance of an attorney can be extremely helpful, answer many questions, and protect your rights.
- The other party must be served with the Summons and Complaint. You must file either an Admission of Service of the Summons and Complaint signed by the other party and notarized OR you must have the sheriff serve the other party with the Summons and Complaint and you must file the Sheriff’s Return of Service.
- State law provides that a divorce cannot be granted until at least 60 days have passed since the other party is served with the Summons and Complaint. You must wait until the 61st day to submit your proposed Judgment and Decree of Divorce to the Court.
- If there are children born of the marriage, the South Dakota Visitation Guidelines apply from the service of the Summons and Complaint unless another order as to visitation has been or is entered. You may obtain a copy of the South Dakota Visitation Guidelines from the Clerk of Court’s Office, the Court Administrator’s Office or online at the pages referenced above.
- In Minnehaha and Lincoln Counties (2nd Circuit), if there are children involved, both parties must attend the Start Making It Liveable for Everyone (SMILE) program unless the Court agrees otherwise. The two-hour program is offered in the evenings at the courthouse in Sioux Falls, and includes a minimal charge of \$5 to pay for the cost of the video and program booklet. You must contact the Minnehaha Court Administrator’s Office for more information and to schedule your session, 605-367-5920.
- If there is a prior or existing order as to child support or visitation, you will need to provide a copy of that order with to the Pro Se Divorce Checklist.
- You will need to complete and sign the Pro Se Divorce Checklist and submit it along with your proposed Judgment and Decree of Divorce to the Court.