

## **Instructions for Judgment and Decree of Divorce (Stipulation and Agreement (With Minor Children)) & Form**

\*\*\* Use this form only if you and the Defendant have signed a Stipulation and Settlement Agreement (With Minor Children) and you want the court to incorporate that Agreement in your Judgment and 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 Judgment and 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. **NOTE:** The caption is the top portion of each form. You will need to know the name of your county, judicial circuit (ask your Clerk of Court if you don’t know), name of Plaintiff, name of Defendant and case filing number (ask your Clerk of Court if you don’t know). The caption is the same on every form.
- **YOU DO NOT COMPLETE THE JUDGMENT AND DECREE OF DIVORCE – THIS IS DONE BY THE JUDGE.**
- Submit the Judgment and Decree of Divorce to the court along with the signed Stipulation and Settlement Agreement (With Minor Children).
- If no hearing is required and the Judge signs the Judgment and Decree of Divorce, the Clerk of Courts will complete the Notice of Entry and send both parties a certified copy of the signed Judgment and Decree of Divorce along with a copy of the Notice of Entry. Make sure the Clerk has current addresses for both parties.
- If a hearing was required and the Judge signed the Judgment and Decree of Divorce, the Clerk of Courts will complete the Notice of Entry and provide a certified copy of the Judgment and Decree of Divorce along with a copy of the Notice of Entry to each party either by mail or hand-delivery.

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

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

\_\_\_\_\_,  
Plaintiff,  
  
vs.  
  
\_\_\_\_\_,  
Defendant

DIV \_\_\_\_\_  
**JUDGMENT AND  
DECREE OF DIVORCE  
(STIPULATION AND AGREEMENT  
(WITH MINOR CHILDREN))**

The above-entitled matter came before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. It satisfactorily appearing to the Court from the records and files herein that the Defendant was duly served with the Summons, Parenting Time Guidelines and Complaint with Minor Children on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and that the parties thereafter entered into the Stipulation and Agreement (With Minor Children) on file herein. Parties were married on \_\_\_\_\_ (date) at \_\_\_\_\_ (city and state). After due consideration of the same and on the matters of record herein the Court finds and concludes that it has jurisdiction over the parties and the subject matter herein, and that the parties having expressly waived entering of Findings of Fact and Conclusions of Law. Now therefore,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

1. The parties are both granted a Judgment and Decree of Divorce on the grounds of irreconcilable differences and the parties hereto are restored to the status of single persons.
2. That the Stipulation and Agreement (With Minor Children) on file between the parties is hereby approved and by this reference made a part hereof merged and incorporated herein.
3. The parties are the parents of the following minor child(ren):

\_\_\_\_\_, DOB \_\_\_\_\_  
\_\_\_\_\_, DOB \_\_\_\_\_  
\_\_\_\_\_, DOB \_\_\_\_\_

4. Custody and parenting time with the minor child(ren) shall be as set forth in the Stipulation and Agreement (With Minor Children) on file herein, which is incorporated herein by reference.

5. \_\_\_\_\_ shall pay to \_\_\_\_\_ child support for the minor child(ren) in the amount of \$\_\_\_\_\_ per month, commencing the 1<sup>st</sup> day of \_\_\_\_\_, 20\_\_\_\_\_, pursuant to the calculations and child support provisions set forth in the Stipulation and Agreement (with Minor Children), which are incorporated herein by reference as well as the child support calculation, which is filed herein and incorporated herein by reference.
6. Pursuant to SDCL 25-5-18.1, the support obligation shall continue until each child attains the age of eighteen (18) or until each child attains the age of nineteen (19) if the child is a full time student in a secondary school.
7. The obligor's current or subsequent payor of income shall be immediately directed to withhold amounts for current support and arrearages as specified herein and as provided in SDCL 25-7A-23 and shall transmit said amount as provided in SDCL 25-7A-34.
8. Until otherwise notified by the Office of Child Support Enforcement all payments shall be made payable to "Office of Child Support Enforcement" and mailed to:

Office of Child Support Enforcement  
700 Governor's Drive  
Pierre, SD 57501-2291

9. The  Plaintiff  Defendant shall successfully complete the S.M.I.L.E. program within \_\_\_\_\_ days of entry of this Judgment and Decree of Divorce and file a Certificate of Completion with the court.
10. Plaintiff / Defendant (*circle one*), currently known as \_\_\_\_\_, born \_\_\_\_\_ shall be restored to their former name of \_\_\_\_\_; therefore, they shall be known hereafter as \_\_\_\_\_.
11. All of the other terms and conditions specifically set forth in the Stipulation and Agreement (With Minor Children) are hereby approved and incorporated herein by reference as though fully set forth in extenso.

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

BY THE COURT:

ATTEST:

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

Clerk of Courts

By \_\_\_\_\_  
Deputy Clerk

(SEAL)