



2020 South Dakota Legislature

House Bill 1149

Introduced by: **Representative Pischke**

1 **An Act to establish qualifications for child custody evaluators.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 25-4A-23 be AMENDED:

4 **25-4A-23. Home study or custody evaluation--Mediation.**

5 Prior to ruling on a joint physical custody petition the court may require the parties
6 to participate in a home study ~~or a custody evaluation.~~

7 Prior to ruling on a joint physical custody petition, the court may require the parties
8 to participate in a custody evaluation conducted by:

9 (1) (a) A board certified psychiatrist;

10 (b) A psychologist licensed in accordance with chapter 36-27A;

11 (c) A marriage and family therapist licensed in accordance with chapter 36-33;

12 or

13 (d) A certified social worker licensed in accordance with chapter 36-26; or

14 (2) In the absence of a person who meets the qualifications set forth in subdivision (1)
15 of this section:

16 (a) A person who by education, training, and experience, meets nationally
17 recognized competencies and standards of practice in child custody
18 evaluation, as determined by the court; or

19 (b) A person stipulated to by both parties and approved by the court.

20 Prior to the court ruling on a joint physical custody petition, either parent may
21 request mediation pursuant to § 25-4-56.

22 ~~In any case where~~ If the court orders the parties to participate in a home study, a
23 custody evaluation, or custody mediation, the court shall allocate the costs ~~of the same~~
24 between the parties.