

Interjurisdictional Service in
South Dakota
A Resource from the
Pandemic Rapid Response Team

December 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	South Dakota Codified Laws § 25-10	
Terminology	Ex Parte Temporary Protection Order Temporary Protection Order (see 25-10-6)	Protection Order
Length of Order	Ex Parte Order: Up to 30 days or until service of final protective order (see 25-10-7.1) Temporary Order: Up to 30 days	Up to 5 years (see 25-10-5)
Available Relief	<ul style="list-style-type: none"> • Restrain any party from committing acts of domestic abuse • Exclude the abusing party from the residence of the petitioner or that shared by both parties 	In addition to relief provided by Ex Parte / Temporary Protective Orders: <ul style="list-style-type: none"> • Award temporary custody or establish temporary visitation of minor children of the parties • Establish temporary support for minor children of the parties or a spouse • Order that the abusing party obtain counseling • If any minor child resides with either party, order the restrained person receive instruction on parenting approved or provided by the Department of Social Services

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Available Relief (cont'd)		<ul style="list-style-type: none"> • Order the defendant to surrender any dangerous weapons (including concealed carry permits) to local law enforcement • Other relief as the court deems necessary
Protected Parties	<ul style="list-style-type: none"> • Spouse/former spouse • Currently in or had (within the past 12 months) a significant romantic relationship • Minor children in common (including unborn) • Parent and child (by adoption, guardianship, or marriage) • Siblings (by adoption or marriage) 	
Requirements for Service	<ul style="list-style-type: none"> • Within 24 hours, the petitioner may submit the order to their local law enforcement agency (see 25-10-12). • This agency will notify other law enforcement officers of the order. 	
Registration Required for Enforcement	Not required.	
Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • 114 FW • Ellsworth Air Force Base <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>	
Tribal Jurisdictions	<p>Federally Recognized Tribe:</p> <ul style="list-style-type: none"> • Cheyenne River Sioux Tribe of the Cheyenne River Reservation • Crow Creek Sioux Tribe of the Crow Creek Reservation • Flandreau Santee Sioux Tribe of South Dakota • Lower Brule Sioux Tribe of the Lower Brule Reservation • Oglala Sioux Tribe (previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation) 	

<p>Tribal Jurisdictions (cont'd)</p>	<p>Federally Recognized Tribe (cont'd):</p> <ul style="list-style-type: none"> • Oglala Sioux Tribe (previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation) • Rosebud Sioux Tribe of the Rosebud Indian Reservation • Sisseton-Wahpeton Oyate of the Lake Traverse Reservation • Standing Rock Sioux Tribe (North Dakota and South Dakota) • Yankton Sioux Tribe of South Dakota <p>State Recognized Tribes: None</p> <p>Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.</p>
<p>Other Information</p>	<p>Parties can file where any of the protected parties reside (see 25-10-2).</p>

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Sarah Linn (sarah.linn@uj.s.state.sd.us).

If you would like to provide suggestions/feedback on this Profile, visit:
https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYCcGK38Q64C

¹ Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds.

