INSTRUCTIONS
Adult Name Change

Laws and rules regarding this process can be found at SDCL ch. 21-37, SDCL 34-25-51, and ARSD 44:09:05:02. These authorities have also been interpreted by the South Dakota Supreme Court in various cases. It is up to you to decide whether and how you use a lawyer in your case. The law allows you to do the case without a lawyer, which is also known as proceeding *pro se* (pronounced "pro-say").

REQUESTING A NAME CHANGE IN SOUTH DAKOTA

- You may change your first, middle and/or last name. You may also seek to amend your birth certificate to reflect the changed name, if granted by a court.
- Once you file the verified petition, the case will be assigned a case number. This number must be on all documents filed with the court.
- You should be aware that there may be costs associated with any required publication of the notice of your name change.

If you file a Verified Petition for Adult Name Change without the assistance of an attorney, **you** must complete all the forms necessary. The clerk of court's office cannot assist you in preparing any legal documents or advise you of the process. However, you may contact the **Legal Form Help Line at 1-855-784-0004 or e-mail UJS staff for help with forms at ujssrlhelp@ujs.state.sd.us If you have any questions of a legal nature, please contact an attorney of your choosing.**

READ ALL INSTRUCTIONS PRIOR TO FILLING OUT ANY OF THE FORMS.

These forms can be used only for ADULT name changes!

In order to legally change your name, you must file a Verified Petition For Adult Name Change with the clerk of court's in the county where you reside provided you have resided there for more than six months. You will also be required to pay the civil case filing fee. You will be referred to as the petitioner in this Adult Name Change proceeding.

You must also submit a completed **Civil Case filing Statement form (UJS-232)** at the time of filing your verified petition. You will only complete the top section of this form, which is the "Information for Plaintiff/Petitioner/Applicant:" with your current information. The box that has information for the defendant, you will leave blank.

Captions: All of the forms for this proceeding have a caption at the top that, except the name of the form.

Each form will be completed identically using the following instructions:

- On the top left, enter the name of the county where you are filing the Verified Petition.
- On the top right, enter the judicial circuit number (First through Seventh) in which the county lies. This information can be obtained from the clerk of court's office or on the UJS website.
- Enter your current legal name (first, middle, and last name) in the "(Current Name)" blank.
- Enter your proposed first, middle, and last name in the "(Proposed Name)" blank.
- The clerk of court's office will give you a case number when you file the Verified Petition. You must include the case number on all forms you file, which is documented above the name of the form (File No. _____).

FORM UJS-025: VERIFIED PETITION FOR ADULT NAME CHANGE

- Complete the caption as set forth in the Instructions on pages 1-2.
- Use the numbers below for completing the numbered paragraphs with the same numbers in the Verified Petition.

Paragraph 1. Fill in your current legal first, middle, and last name.

Paragraph 2. Enter your first, middle, and last name as it appears on your birth certificate.

Paragraph 3. Enter your date of birth.

Paragraph 4. Check what your gender at birth.

Paragraph 5. Enter the city, county, and state where you were born. If you were born out of the country, list the country where you were born.

Paragraph 6. Enter the first, middle, and maiden name of your mother, as it appears on your birth certificate.

Paragraph 7. Enter the date of birth of your mother as well as the city, county and state where she was born, if known.

Paragraph 8. Enter the full name of your father as it appears on your birth certificate. If your father is not listed on your birth certificate, enter "N/A."

Paragraph 9. Enter the date of birth of your father as well as the city, county, and state where he was born, if known.

Paragraph 10. Enter your current street address, city, and county name.

Paragraph 11. Enter the name of the South Dakota County where you currently reside and have resided for the 6 months before filing this Verified Petition.

Paragraph 12. Enter the reasons you want to change your name. This must be completed or the Verified Petition will not be accepted.

Box 1: Mark if you are changing your name to protect yourself from someone who made you a human trafficking victim, check the first check box. Otherwise, leave blank.

Box 2: Mark if you are changing your name to protect yourself from someone who made you a victim of domestic abuse, check the second box. Otherwise, leave blank.

Paragraph 13. Nothing is required, just verification that you are not submitting this Verified Petition for fraudulent or illegal purposes.

Paragraph 14. Enter your current name (first, middle, and last) on the first two lines and your proposed name (first, middle, and last) on the second two lines.

Paragraph 15. This entry is optional. Pursuant to SDCL 34-25-51 and relevant regulations contained in ARSD 44:09:05:02, you are able to seek an amendment to your birth certification if your current birth certificate reflects incorrect information to your name. You may be required to prove this by providing evidence of the incorrect information. If you do not wish to amend you birth certificate, leave this portion blank.

- Date the Verified Petition with the day, month, year, and location of where you are signing.
- On the first line, sign your first, middle, and last names.
- On the remaining lines, enter your personal information.

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

All references to "your birth certificate" are to your CURRENT birth certificate.

FORM UJS-026: NOTICE OF HEARING FOR ADULT NAME CHANGE

Pursuant to SDCL 21-37-4, the general public generally needs to be provided notice of your name change. This means that a notice must be published in the newspaper.

The only exceptions are if you are changing your name to protect yourself from someone who has made you a victim of human trafficking or domestic abuse, as provided in SDCL 21-37-5.2.

If neither exception applies to you, you must fill out, file, and publish the **Notice of Hearing for Adult Name Change (UJS-026).** It must be published one time each week for four successive weeks in any legal newspaper in the county where you reside. **If you are unsure whether a newspaper is considered to be a legal newspaper for your county, contact the county Auditor's Office.**

To begin this process, you need to contact the clerk of court or court administrator's office and request that a hearing be scheduled approximately six weeks in the future. When scheduling, make sure you have a copy of your filed Verified Petition to refer to. Additionally, make sure you allow enough time for publication and the receipt of the newspaper-provided **Affidavit of Publication** prior to the hearing (described further below). In order to do this, you should know the day of the week the newspaper has to receive the **Notice of Hearing for Adult Name Change** by in order to begin publication in the next circulation and in what form. It is suggested you ask about the expense of publication as well so you are prepared for that expense in advance.

- Complete the caption as set forth in the Instructions on pages 1-2.
- In the Notice portion fill in your current name in the first blank--after "*filed by*" and again on the second blank line after "*name from*". Fill in your proposed name on the third blank after "*to*."
- The court clerk will provide you with a date and time, at least six weeks in the future, for a hearing. Fill in the day, month, and year, followed by the time and check am or pm.
- Enter the name of the Judge presiding over your case, the name of the county the hearing is being held in and the name of the city the hearing is being held in.
- A judge or clerk of court must sign the notice, not the petitioner.

Once you have filed the **Notice of Hearing for Adult Name Change (UJS-026)** with the clerk of court, the clerk will give you a filed copy. You must publish this once each week for four successive weeks in any legal newspaper of the county of petitioner's residence. Once completed, the newspaper will provide you with an **Affidavit of Publication**. You must file this Affidavit with the clerk of court office on or before the day of the scheduled hearing.

If another hearing has to be scheduled because enough time was not allowed for publication, the court may order that another **Notice of Hearing for Adult Name Change** be published again. This would be an additional expense for you. You will not be refunded any fees or expenses.

FORM UJS-027: ORDER FOR ADULT NAME CHANGE

Before the hearing date, you must prepare the **Order for Adult Name Change**.

PAGE 1

1. Complete the caption as set forth in the Instructions on pages 1-2.
2. Fill in the day, month, and year of your hearing.
3. Fill in your current name (first, middle and last) following "*the Petitioner.*"
4. Fill in the county where you currently reside and the county where you resided for the six months prior to filing the Petition.
5. If you are not excepted from publishing the notice of hearing per SDCL 21-37-5.2, check the first box and enter the name of the legal newspaper in which the **Notice of Hearing (UJS-026)** was published. If you did not publish in the newspaper due to the exceptions of SDCL 21-37-5.2, skip the checkbox and its blank.
6. If you are a victim of human trafficking and are changing your name to protect yourself from the perpetrator, check the second box. If not, skip.
7. If you are a victim of domestic violence and are changing your name to protect yourself from the perpetrator, check the third box. If not, skip.
    a. ***Note—One of the three boxes must be checked. Only the second and third boxes might both be checked.***

PAGE 2

1. Fill in your first, middle, and last name as it appears on your birth certificate.
2. Fill in your date of birth.
3. Fill in the state, county and city or country where you were born.
4. Fill in your mother's first, middle and maiden name as it appears on your birth certificate.
5. Fill in your current first, middle, and last name.
6. Fill in the form of official identification containing your current full name.
7. If you seek an amendment of your birth certificate to reflect a court-approved legal name change, check the first box on this page. If not, skip.
8. If you seek an amendment of your birth certificate due to incorrect information check the second box of this page. If not, skip.
9. Fill in your current first, middle, and last name, and then fill in your proposed full name after the phrase "shall be changed to."
10. If you are a victim of human trafficking or domestic violence and are changing your name to protect yourself from the perpetrator, you may check the third box on this page referring to SDCL 21-37-5.2. If the court so orders, this will restrict public access to the case file for this name change proceeding and for the file surrounding any new birth certificate you might choose to obtain with your new name on it.
11. The last box on this page may be marked if you are amending your birth certificate.

PAGE 3

1. If you are amending your birth certificate, enter your current name as it appears on your birth certificate on the first line and what your birth certificate should be amended to on the second line.
2. Mark the last box if you requested an amended birth certificate and you are a victim of human trafficking or domestic violence and the records should be sealed.

Give the **Order for Adult Name Change** to the judge when they ask for it.

You need to bring to the hearing a copy of your current birth certificate (and if your current legal name is different than your name on your birth certificate, a current official identification with that name), and two copies of the Order for Adult Name Change.

The judge may sign and date the **Form UJS-027 Order for Adult Name Change**. If signed, the **Form UJS-027 Order for Adult Name Change** will need to be filed as well. The judge will return the signed order to the clerk of court office for filing. Once the **Form UJS-027 Order for Adult Name Change** is filed, you are eligible to receive a certified copy of the order and you will be legally known by your new name.

NOTE: South Dakota law allows certain family members to have more than one name change request brought in a single petition. See SDCL 21-37-3.1. You must fill out a separate **Form UJS-025 Verified Petition for Adult Name Change** for each person; however, they may be filed together and addressed at the same hearing.

Again, if you have questions regarding the change of name procedure, you may contact the Legal Form Help Line at 1-855-784-0004 or e-mail the UJS for help with forms at this link-- ujssrlhelp@ujs.state.sd.us. If you have any questions of a legal nature, please contact an attorney of your choosing.

HELPFUL HINTS FOR THE HEARING

1. As the Petitioner, you must attend the hearing and testify under oath about the issues raised in the Verified Petition for Adult Name Change. Make sure you are prepared.

2. Bring a copy of your birth certificate with you to court, along with any official identification that shows your current legal name if your birth certificate does not provide your current name. The judge may want to review it to ensure that your pleadings are consistent with the birth certificate.

3. Dress appropriately for court.

4. If you need to publish the notice, you should take a file stamped copy of the Affidavit of Publication to the hearing in case the judge wants you to have it

marked as an Exhibit at the hearing. If you did not have to provide notice of hearing by publication, please disregard this step.

5. You should bring two copies of the Order for Adult Name Change to the hearing. The judge may keep the original signed Order for the court file and will give you a copy for your records.

6. Refer to *A Guide for Representing Yourself in South Dakota Courts* or the UJS website for additional helpful hints before your hearing. The Guide can be found at any clerk of court office or on the UJS website in many spots.

7. If the court grants your request for the minor child's name change and has signed the Order for Adult Name Change, you should obtain certified copies of the Order from the clerk of courts office.

CASE FILING STATEMENT – Information Only; Not Retained in Case Records

Provide the Case File No. for the record you are filing into or the Case Type if initiating a new action: _____

*A list of case types and party roles can be found on South Dakota Unified Judicial Attorney forms and Documents webpage.

Social Security Numbers (not Driver's License Numbers) must be provided for divorce, child support, & paternity cases, 42 USC 666(a)(13)(B). All filers are **required** to provide the SSN **or** DL# for each of **their** participants regardless of the case type. Business entities must provide the EIN number in lieu of SSN or DL#.

INFORMATION FOR PLAINTIFF/PETITIONER/APPLICANT:

Last/Business Name | First Name | Middle | Suffix

Physical Address | City | State | Zip
☐ Check is Same as Mailing

Mailing Address | City | State | Zip

Home | Work | Cell

Social Security No. | Date of Birth | Driver's License No. | State | Employed ID (Business)

Attorney:

Last Name | First Name | State Bar ID No.

Mailing Address | City | State | Zip

Phone

INFORMATION FOR DEFENDANT/RESPONDENT/MINOR/DECEDENT/PERSON IN NEED OF PROTECTION

Last/Business Name | First Name | Middle | Suffix

Physical Address | City | State | Zip
☐ Check is Same as Mailing

Mailing Address | City | State | Zip

Home | Work | Cell

Social Security No. | Date of Birth | Driver's License No. | State | Employed ID (Business)

Attorney:

Last Name | First Name | State Bar ID No.

Mailing Address | City | State | Zip

Phone

STATE OF SOUTH DAKOTA IN CIRCUIT COURT

COUNTY OF _____ _____JUDICIAL CIRCUIT

IN THE MATTER OF THE PETITION RE: _____ (Current Name) FOR A CHANGE OF NAME TO: _____ (Proposed Name)	FILE NO.:_____ **VERIFIED PETITION FOR ADULT NAME CHANGE**

COMES NOW Petitioner being duly sworn states and alleges as follows:

1. My current name is: _____.
2. My full name, as it appears on my birth certificate, is:_____.
3. I am an adult, and my date of birth is (*mm/dd/yyyy*):_____.
4. My gender at birth: ☐ male ☐ female.
5. I was born in_____,_____County, and in the State of_____.
6. My mother's full maiden name is:_____ .
7. The month, day and year of my mother's birth was (*mm/dd/yyyy*)_____ and she was born in_____,_____County, and in the State of .
8. My father's full name as it appears on my birth certificate is .

9. The month, day, and year of my father's birth was (*mm/dd/yyyy*)_____ and he was born in_____,_____ County, State of_____.

10. My street address is_____, in_____County, South Dakota.

11. I have been a resident of_____County, South Dakota for more than six months prior to filing this petition.

12. My reason for wanting the name change is:

_____

_____

_____

_____

_____

(*if applicable, please check a box*):

☐ thereby making me a victim of human trafficking with a particularized need for a change of name to protect me from a person who victimized me, pursuant to SDCL 21-37-5.2.

☐ thereby making me a victim of domestic abuse with a particularized need for a change of name to protect me from a person who victimized me, pursuant to SDCL 21-37-5.2.

13. This petition is made in good faith, I do not intend to defraud anyone, and it is not done for the purpose of hiding my identity from any person, creditor or governmental agency of any kind or as to avoid discovery by such person, creditor or governmental agency.

14. I request that my name be legally changed from:

_____to_____

15. ☐ (check the box and answer if applicable) If my legal name change is granted, I also seek amendment of my birth certificate pursuant to SDCL 34-25-51 based on the following incorrect information currently listed on my birth certificate;

_____

_____

_____

_____

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

*Signed on the*_____ day of_____, _____ at_____.
(Date) (Month) (Year) (City or other location, and State)

_____
Signature

_____
Printed Name

_____
Address

_____
City, State, Zip Code

_____
Phone Number

STATE OF SOUTH DAKOTA IN CIRCUIT COURT

COUNTY OF_____ _____JUDICIAL CIRCUIT

IN THE MATTER OF THE PETITION OF: _____ (Current Name) FOR A CHANGE OF NAME TO: _____ (Proposed Name)	FILE NO.:_____ **NOTICE OF HEARING FOR ADULT NAME CHANGE**

NOTICE IS HEREBY GIVEN that a Verified Petition for Adult Name Change has been filed by_____ to change Petitioner's name from _____to_____. The petition will be heard on the_____day of_____, 20____, at____ : _____ ☐ am/ ☐pm(check one) by the Honorable Judge_____, at the_____ County Courthouse, in the City of_____ , South Dakota. Anyone may appear at that time and place and show reasons, if any, why Petitioner's name should not be changed.

Dated this_____day of_____, 20____ .

_____
Circuit Court Judge or Clerk of Court

ATTEST:

_____
Clerk of Court

By:_____
Deputy

STATE OF SOUTH DAKOTA IN CIRCUIT COURT

COUNTY OF_____ _____JUDICIAL CIRCUIT

IN THE MATTER OF THE PETITION OF: _____ (Current Name) FOR A CHANGE OF NAME TO: _____ (Proposed Name)	FILE NO.:_____ **ORDER FOR ADULT NAME CHANGE**

The above-entitled matter having come before this Court, on this_____day of _____, 20_____; the Petitioner,_____, appearing personally and no one appearing in opposition to said Verified Petition for Adult Name Change; now, upon the testimony, evidence, and the entire record, it is by the Court

FOUND AND DETERMINED that the Court has full and complete jurisdiction of the subject matter hereof pursuant to SDCL Chapter 21-37, and it is further

FOUND AND DETERMINED that at the time of filing the Verified Petition for Adult Name Change herein, the Petitioner is a resident of_____County, South Dakota and has been a bona fide resident of_____County for more than six months prior to filing of the petition; and it is further

FOUND AND DETERMINED that notice of the proposed name change (*check one*):

☐ was given by publication of the same once each week for four successive weeks, as required by SDCL 21-37-4, as shown by the Affidavit of Publication of _____(name of legal county newspaper) on file herein; OR

☐ was not published and a hearing in open court on the Verified Petition for Adult Name Change did not occur, and that both are lawful as all conditions in SDCL 21-37-5.2 are met in this matter and the Petitioner is a victim of human trafficking meeting the requirements of SDCL 21-37-5.2(a); OR

☐ was not published and a hearing in open court on the Verified Petition for Adult Name Change did not occur, and that both are lawful as all conditions in SDCL 21-37-5.2 are met in this matter and the Petitioner is a victim of domestic violence meeting the requirements of SDCL 21-37-5.2(b).

FOUND AND DETERMINED that:

1. Petitioner's full name on Petitioner's birth certificate is:_____;
2. Petitioner's date of birth is:_____ (*mm/dd/yyyy*);
3. Petitioner was born in_____ ;
4. Petitioner's mother's full maiden name on petitioner's birth certificate is: _____; and
5. Petitioner's full current name is:_____; and

it is further

FOUND AND DETERMINED that the current name of the Petitioner appears on Petitioner's current, valid form of identification,_____ (*description of valid form of identification or birth certificate*); and it is further

FOUND AND DETERMINED that the allegations set forth in the Verified Petition for Adult Name Change are true and there is reasonable and proper cause for changing the name of the Petitioner; and (*if checked below*) it is further

☐ **FOUND AND DETERMINED** that the rationale set forth in the Verified Petition for amending the Petitioner's birth certificate is reasonable and proper, and verified by documentary evidence where necessary pursuant to ARSD chapter 44:09:05.

☐ **FOUND AND DETERMINED** that pursuant to SDCL 34-25-51 the Petitioner's birth certificate reflects incorrect information of their name and should be amended by the Department of Health.

NOW, THEREFORE, IT IS

ORDERED, ADJUDGED, AND DECREED, that the current name of the Petitioner, as it appears on Petitioner's current valid form of identification,_____ shall be changed to_____, and this Order shall be entered by the clerk; and (*if checked below*) it is further

☐ **ORDERED, ADJUDGED AND DECREED** that, under SDCL 21-37-5.2, good cause exists for all records regarding this proceeding to be and they are hereby sealed; and it is further

☐ **ORDERED, ADJUDGED AND DECREED** that the Petitioner may provide the Department of Health Office of Vital Records or equivalent agency in the state where the Petitioner was born with a certified copy of this "Order for Adult Name Change" and pay any applicable fee for amending the birth certificate; that the Department of Health Office of Vital Records, or equivalent agency in the state where the Petitioner was born and where permitted by the foreign state's law, locate the Petitioner's birth certificate using the identifying information above and verify that information within the state's vital records registration system; and that the Department of Health Office of Vital Records, or equivalent agency in the state where the Petitioner was born and where permitted by the foreign state's law, within a reasonable time after receiving both the certified copy of this "Order for Adult Name Change" and the applicable fee from Petitioner, amend the Petitioner's birth certificate by correcting the name from_____, currently on the Petitioner's birth certificate, to the name of_____; and it is further

☐ **ORDERED, ADJUDGED AND DECREED** that, as authorized by SDCL 21-37-5.2, if a new certificate of birth is obtained under SDCL 34-25-16.8, the original certificate, and any other evidence upon which the new certificate is made, are to be and they are hereby sealed.

Dated this_____ day of_____, 20_____.

BY THE COURT:

ATTEST:

_____
Circuit Court Judge

Clerk of Court

By:_____
Clerk/Deputy Clerk
(SEAL)