

Instructions for Uncontested Name Change of a Minor Child

The procedure for legally changing the name of a minor child is complicated. Some 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.

If you file a Verified Petition for Name Change of a Minor Child 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 the UJS for help with forms at ujssrlhelp@uj.s.state.sd.us. If you have questions regarding completion of the forms you should contact an attorney.

THE USE OF THESE FORMS IS LIMITED TO UNCONTESTED CASES where the minor child's other parent consents to the change of the minor child's name. The other parent will ideally appear at the hearing as well, although it is not required.

YOU CANNOT USE THESE FORMS IF:

1. You do not know if the minor child's other parent will consent to the change of the minor child's name; or you know the minor child's other parent will contest the change of the minor child's name.
2. If the other parent appears at the hearing and contests the name change, the name change will be denied.
3. There are no forms offered for a contested name change of the minor child action. That is a matter in which you are strongly encouraged to consult an attorney.

REQUESTING A NAME CHANGE IN SOUTH DAKOTA

1. In South Dakota, a "minor" is a child who has not yet turned age 18.
2. You may change the minor child's first, middle and/or last name.
3. Unless otherwise provided below, if you have more than one minor child in your custody, they have the same biological parents and you want to change their names at the same time, you may do so by including all of the children on the same verified petition. You need open only one file.
4. If the parents of the minor children are NOT the same and/or you are requesting different name changes for more than one child, you will need to file a separate verified petition for each child. This will involve paying a separate filing fee for each child. They will be considered separate actions. For example, you are a single mother who has more than one minor child in your custody whose names you want to change, but there is more than one father involved you will need to file a separate verified petition for each child. This will involve paying a separate filing fee for each child. They will be considered separate actions.

5. 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 additional costs associated with providing notice that you intend to change a minor child's name.

COMPLETION OF FORMS

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

In order to legally change a name, you must file a **Verified Petition for Name Change of a Minor Child form (UJS-030)** with the Clerk of Court office in the county where you reside, provided you and the minor child have resided there for more than six months immediately before the filing of the verified petition. You will also be required to pay the civil case filing fee. You will be referred to as the petitioner in this name change proceeding.

You must also submit a completed **Civil Case Filing Statement form (UJS-232)** to the Clerk of Court's office at the time of filing your verified petition. The case name should appear in the "*In the Matter of*" caption. For example, if John Smith is requesting to change his daughter's legal name from Emma Doe to Emma Smith, he should print in the "*In the Matter of*" caption: *John Smith's Petition Regarding a Name Change of Emma Doe, Minor Child, to Emma Smith*. Since you are initiating a civil action, you must check the Petitioner participant role box under the Civil case type. Please provide your personal information as requested on the form. If you have an attorney representing you in the proceeding, provide their information as well.

Captions: All of the forms for this proceeding have a caption at the top that appear as follows:

1. On the top left, enter the name of the county where you are filing the Verified Petition.
2. On the top right, enter the judicial circuit of the county. This information can be obtained from the Clerk of Court's office or on the UJS website.
3. Enter the name (first, middle, and last name) of the minor child as it appears on their birth certificate.
4. Enter the proposed first, middle, and last name of the minor child.
5. 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 further filings.

FORM UJS-030: VERIFIED PETITION FOR NAME CHANGE OF A MINOR CHILD

1. Complete the caption as set forth in the previous instructions.
2. Use the numbers below for completing the numbered paragraphs with the same numbers in the verified petition.
 - a) **Number 1.** As the Petitioner, enter your first, middle, and last name.

- b) **Number 2.** Enter the minor child's name (first, middle, and last name) as it appears on their birth certificate.
- c) **Number 3.** Enter the minor child's date of birth (month, day, and year).
- d) **Number 4.** Check the child's gender at birth.
- e) **Number 5.** Enter the city, county, and state where the minor child was born.
- f) **Number 6.** Enter your relationship to the minor child (mother, father, or guardian).
- g) **Number 7.** Enter your physical address, including city and county.
- h) **Number 8.** Enter the name of the county where you reside, and the date you began residing in that county.
- i) **Number 9.** Enter the minor child's physical address, including city and county, and how long the minor child has resided in that county.
- j) **Number 10.** Enter the first, middle, and last name of any other parent or guardian as well as the other parent or guardian's last known physical address. If the other parent pays child support, enter the address last provided to the Clerk of Court or Office of Child Support Enforcement, unless you are aware of a more current address.
- k) **Number 11.**
 - a. (a) Indicate where the child has lived during the past five years, who the minor child has lived with, and the dates the child lived in each location. If the child has not lived with anyone but the parents or guardian, please write out in the boxes provided: "With the parents only" or "With the guardian only" and then simply provide the county/state and date information for the past five years.
 - b. (b) Indicate whether there have been previous court hearings concerning the custody of the child. If so, indicate in which county, state and year(s) those proceedings happened, and provide a copy of the most current custody order).
 - c. (c) Indicate whether anyone other than the parents has ever had legal custody (court-ordered) of the child.
- l) **Number 12.** Enter the first, middle, and last name of the minor child's mother's maiden name as it appears on the minor child's birth certificate.
- m) **Number 13.** Enter the first, middle, and last name of the minor child's father as it appears on the minor child's birth certificate. If the father's name is not listed on the birth certificate, enter "N/A" in the blank.
- n) **Number 14.** Enter the mother's date of birth as well as her place of birth, including city, county, and state.
- o) **Number 15.** Enter the father's date of birth as well as his place of birth, including city, county, and state.
- p) **Number 16.** Enter the child's name (first, middle, and last) as it appears on their birth certificate in the first blank, the proposed name for the child (first, middle, and last) in the second blank, and the reasons you desire the name change in the third blank.
 - a. If you are seeking to have the child's name changed without publishing notice or having a hearing in open court, and the child is a victim of human trafficking, you may check the box.
- q) **Number 17.** Nothing is required, just verification that you are not submitting this Petition for fraudulent or illegal purposes.

- r) **Number 18.** This entry is optional. If you seek amendment of the child's birth certificate, in the event the child's legal name change is granted, you must check the box here and provide a reason for why you want the child's birth certificate amended in addition to the child's name changed. If you do not want the child's birth certificate amended, leave this portion blank.

In the final paragraph, enter the minor child's name (first, middle, and last), as it appears on their birth certificate, followed by the minor child's proposed first, middle, and last name.

1. Date the verified petition with the day, month, and year.
2. On the first line, sign your first, middle, and last names.
3. 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.

FORM UJS-031: NOTICE OF HEARING FOR CHANGE OF NAME OF MINOR CHILD

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 prior to the hearing. In order to do this, you should know the day of the week the newspaper has to receive the **Notice of Hearing on Change of Name of a Minor Child** to begin publication in the next circulation and in what form. It is suggested you ask about the expense of publication, so you are prepared for that expense in advance.

The original, signed **Notice of Hearing for Change of Name of a Minor Child** must be filed with the Clerk of Court. Keep a photocopy for your records. Once the forms have been filed, the clerk will give you a copy of the filed **Notice of Hearing for Change of Name of a Minor Child**.

1. Complete the caption as set forth in the Instructions, beginning.
2. Next, in the first blank, enter your name (first, middle, and last), as the petitioner.
3. In the second blank, enter the name (first, middle, and last) of the minor child, as it appears on the birth certificate.
4. In the third blank, enter the proposed first, middle, and last name of the minor child.
5. In the second sentence, enter the hearing date (day, month, year) and the time. Check a.m. or p.m. Enter the name of the Judge who will be presiding over the hearing. Enter the courtroom information, and the county, and city of the location of the hearing.
6. A Judge or the Clerk of Court must date and sign the notice of hearing, not the petitioner. The Clerk of Court must put a seal on the document.

PUBLICATION

Pursuant to SDCL 21-37-5.1, if the following three items are true, you can skip this step and begin working on the section entitled "Service to the Other Parent":

1. The minor child has been a resident of the county where you are filing your petition for at least six months.
2. The minor child's parents or legal guardians give written consent to the name change.
3. If the minor child is twelve years or older, the minor child consents in writing to the name change.

If even one of the three items listed above is not true, then pursuant to SDCL 21-37-4, you must publish the **Notice of Hearing on Change of Name of a Minor Child**. The notice must state the time and place and object thereof with the current and proposed names of the minor child. It must be published one time each week for four successive weeks in any legal newspaper of the county of petitioner's residence. If you are unsure whether a newspaper is considered to be a legal newspaper for your county, contact the county Auditor's Office

Publication can also be waived if the minor child is a victim of human trafficking.

You must publish the **Notice of Hearing for Change of Name of a Minor Child** once a week for four successive weeks in any legal newspaper of the county of the petitioner's residence. If you are unsure whether a newspaper is considered to be a legal newspaper for your court, contact the county Auditor's Office.

Upon completion of the publication, the newspaper will provide you with an **Affidavit of Publication**. You must file the original signed affidavit with the Clerk of Court on or before the day of the scheduled hearing.

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

SERVICE TO THE OTHER PARENT

A copy of the **Verified Petition for Name Change of a Minor Child and Notice of Hearing** must be sent to the other parent by certified mail a minimum of 10 days prior to the hearing.

If the other parent pays child support, the documents must be sent to the other parent at the address last provided to the Clerk of Court or the Office of Child Support Enforcement, unless you are aware of a more current address.

Service on the other parent may be accomplished in one of the ways provided below. **You may choose which of the following methods of service you prefer.**

1. HAND-DELIVER OR MAIL

In an uncontested name change of a minor proceeding, the other parent will often agree to accept service, avoiding the need to have a Sheriff or private process server serve them. As the petitioner, you may choose to hand-deliver or mail a copy of the **Verified Petition for Name Change of a Minor Child** to the other parent by:

- a) Referring to UJS-032A and B Instructions and Forms for Notice and Admission of Service of Verified Petition for Name Change of a Minor Child.
- b) Once you have mailed the Petition and Notice of hearing you will need to complete a Statement of Service (UJS-036) and file that with the Clerk of Court.
- c) Once you receive the signed Admission of Service (UJS-032B) back from the other parent you will then need to file the original copy with the Clerk of Court. **Failing to file this document may result in a denial of the proposed name change.**

When you go to the post office to mail the documents, ask the post office to send it by certified mail to the other parent. You do not need to send the documents by registered mail, nor do you need to insure it. Also, you do not need to have the other parent sign for the documents when it is delivered; it is ok if any adult signs for the documents when they are delivered. Keep the green card that the post office sends back to you in the event that the court wants to see it.

2. SERVICE BY SHERIFF OR PROCESS SERVER - If attempts to achieve hand-delivered or mail service failed, you may request that the Sheriff's Office or private process server serve the Verified Petition to the other parent. Under this scenario, you deliver one full copy of the Verified Petition for Name Change of a Minor Child to the Sheriff's Office, along with a document containing the other party's current physical address, telephone number, place of employment, and any other relevant information. If you had to do publication, you must also include the Notice of Hearing. Typically, the cost of service (the service fee and mileage reimbursement) is pre-paid. After service, the Sheriff or process server has their own form that they use to prove service and that form is usually mailed to you. Make sure you make a copy of this form for yourself and file the original with the Clerk of Court's office.

FORM UJS-033: CONSENT

This form is to be signed by the non-petitioning parent.

- a) Complete the caption as set forth in the Instructions above.
- b) Enter the consenting parent's full name in the first line in the body of the **Consent**. This paragraph does not have a number.
- c) Use the numbers below for completing the numbered paragraphs with the same numbers in the verified petition.
- d) **Paragraph 1.** If the consenting parent is the minor child's mother, check mother. If the consenting parent is the minor child's father, check father.
 - i. In the first line, enter the minor child's name (first, middle, and last name) as it appears on their birth certificate.
 - ii. In the second line, enter the minor child's date of birth.
 - iii. In the third through fifth lines, enter the city, county, and state where the minor child was born.

- e) **Paragraph 2.** In the first line, enter the minor child's name (first, middle, and last name), as it appears on their birth certificate. In the second line, enter the minor child's proposed first, middle, and last name.
- f) **Paragraph 3.** Enter why you are consenting to the name change.
- g) Leave the remainder of the page for the consenting parent to sign and date under penalty of perjury.
- h) The consenting parent will have to provide back to you to file the original with the Clerk of Court.
- i) **Failing to file this document may result in a denial of the proposed name change.**

FORM UJS-037: CHILD'S CONSENT FOR NAME CHANGE OF MINOR CHILD

If you did not have to complete publication per [SDCL 21-37-5.1](#), and the minor child is twelve years of age or older, the minor child will need to complete **Consent of Minor Child**. The form **must** be completed by the minor child. If you had to complete notification and/or the minor child is under twelve years of age, skip to the section entitled "Form UJS-034: Order for Name Change of a Minor Child".

1. Complete the caption as set forth in the Instructions, beginning on page 3.
2. On the first line, the minor child should enter their name (first, middle, and last) as it appears on the birth certificate.
3. On line 2, the minor child should enter their age.
4. On line 3, the minor child should enter their address.
5. On line 5, the minor child should indicate what they would like the requested name change (first, middle, and last).
6. On the last lines, the minor child should sign and date the form.

Make a photocopy for your file and file the original Consent of Minor Child with the Clerk of Court. Failing to file this document may result in a denial of the proposed name change.

FORM UJS-034: ORDER FOR NAME CHANGE OF A MINOR CHILD

Before the hearing date, you must prepare the **Order for Name Change of Minor Child**. If you are changing the name of more than one child, you must prepare an **Order of Name Change of a Minor Child** for each child for whom you are requesting a name change.

1. Complete the caption as set forth in the Instruction above.
2. Enter the day, month and year of the hearing.
3. Enter your name as having filed the petition and on the next line, the name of the minor child as it appears on the birth certificate.
4. Enter the name of the county where you and the child resided at the time of filing the Verified Petition and then enter the name of the county where you and the child resided for a minimum of 6 months before filing the Verified Petition.
5. If publication was required, check the first box and enter the name of the newspaper where the notice of hearing was published for 4 consecutive weeks. If you did not have to publish notice because the conditions in [SDCL 21-37-5.1](#) were met, check the second box. If you did not have to publish notice because the conditions in [SDCL 21-37-5.2](#) were met, check the third box.
6. Enter the child's full name (first, middle, and last) as it appears on their birth certificate.

7. Enter the child's date of birth (month/day/year).
8. Enter the state, county, and city or town where the child was born.
9. Enter the child's mother's full maiden name (first, middle, and last name) as it appears on the child's birth certificate.
10. Enter the name of the child's father (first, middle, and last name) as it appears on the child's birth certificate. If the child's father is not listed, enter "N/A".
11. Enter the name of the child (first, middle, and last) as it appears on the birth certificate.
12. If you seek an amendment of the child's birth certificate to reflect a court-approved legal name change, check the box. If not, skip.
13. Again, enter the name of the child (first, middle, and last) as it appears on the birth certificate. On the next line, enter the proposed name (first, middle, and last) for the minor child.
14. If you or the child is a victim of human trafficking and the child's name is being changed to protect yourself or the child from the perpetrator, you may check both boxes. 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 the child's new name on it.
15. If you seek an amendment of your birth certificate to reflect a court-approved legal name change, check the box. Then provide the full name on the birth certificate in the first blank, and fill in the changed full name you seek in the second.
16. If the court grants the name change, the Judge will sign and date the Order. You will need to obtain three certified copies of the Order from the Clerk of Court's office after it has been signed.

FORM UJS-035: NOTICE OF ENTRY OF ORDER FOR NAME CHANGE OF MINOR CHILD

A Notice of Entry of Order for Name Change of a Minor Child is a document that notifies the other parent that the Judge has signed the **Order for Name Change of a Minor Child**. This document must be sent to the other parent.

1. Complete the caption as set forth in the Instructions above.
2. Fill in the date that the Judge signed the **Order for Name Change of a Minor Child** (day, month and year).
3. Fill in the name of the Judge who signed the **Order for Name Change of a Minor Child**.
4. Fill in the city where the courthouse is located where all the documents are filed.
5. Sign and date under penalty of perjury.
6. Make two copies of the **Notice of Entry**, one for you and one to mail to the other parent. **The original must be filed with the Clerk of Court.**
7. Mail a copy of the Notice of Entry and a certified copy of the Order for Name Change of a Minor Child (obtained from the Clerk of Court) to the other parent and complete the Statement of Service with the following instructions below.

FORM UJS-036: Statement of Service

1. Complete the caption as set forth in the Instructions above.
2. Mark the box next to Notice of Entry of Order for Name Change of a Minor Child and Order for Name Change of a Minor Child.
3. List the name and address to the parent you mailed to.

4. List the city and state where you mailed the Notice of Entry from.
5. Sign and date under penalty of perjury.
6. Make a copy of all the documents for your records.
7. Mail a copy of the Notice of Entry, Order for Minor Name Change, and Statement of Service to the other parent.
8. File the original copy of the Statement of Service (UJS-036) with the Clerk of Court. Filing to file these documents may extend the time an appeal may be filed.

OBTAINING A NEW BIRTH CERTIFICATE

If you require the birth certificate of the minor child to be changed, you will need to submit to the Vital Records Office with both a certified copy of the "Order for Name Change of a Minor Child" and the applicable filing fee for amending a birth certificate to the following address:

Office of Vital Records
South Dakota Department of Health
221 W Capitol Avenue
Pierre, SD 57501

In South Dakota, the Vital Records filing fee to amend a birth certificate is currently \$8.00. This fee does not include the amount necessary to obtain an informational copy or a certified copy. You can obtain those at any Register of Deeds Office in South Dakota once the amendment is complete.

If the child was born in a state other than South Dakota, you need to check with the Vital Records Office of that state to determine the applicable fees associated with amending the birth certificate and obtaining a certified copy of the new birth record.

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 Name Change of a Minor Child. Make sure you are prepared.
2. Bring a copy of the minor child's birth certificate with you to Court. The Judge may want to review it to ensure that your pleadings are consistent with the birth certificate.
3. It is ideal if the consenting parent appears at the hearing as well. The consenting parent should be prepared to testify that they do consent to the proposed name change and why.
4. Dress appropriately for court.
5. 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.

6. Before the hearing date, you should also check with court personnel to see if the minor child will be allowed in the courtroom during the hearing and whether the Judge will want the minor child present during the hearing. Do not just assume that the Judge will allow the minor child to be present.
7. You should bring two copies of the Order for Name Change of a Minor Child to the hearing. The Judge may keep the original signed Order for the court file and will give you a copy for your records.
8. 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.
9. If the court grants your request for the minor child's name change and has signed the Order for Name Change of a Minor Child, you should get three certified copies of the Order from the Clerk of Courts office. One copy goes to Vital Records, one copy goes to the other parent, and one is for your records.

CHECKLIST FOR NAME CHANGE OF A MINOR CHILD

The following is a checklist to ensure that you have all the forms completed, help you prepare for court, and assure you that the process is complete.

Step One - Complete and File Petition for Name Change of a Minor Child

1. Complete a Case Filing Statement (UJS-232).
2. Complete the Verified Petition for Name Change of Minor Child (UJS-030).
3. File the Case Filing Statement and Petition with the Clerk of Court and pay the Associated Filing Fee.

Step Two – Schedule a Hearing

1. Contact the Clerk of Court to obtain a hearing date and complete form Notice of Hearing for Name Change of a Minor Child (Uncontested) (UJS- 031).
2. File Notice of Hearing for Name Change of a Minor Child (Uncontested) (UJS- 031) with the Clerk of Court.

Step Three – Serve the non-Petitioning Parent

1. Serve the non-petitioning parent with the following documents:
 - a) A copy of the Verified Petition for Name Change of a Minor (UJS-030);
 - b) A signed copy of the Notice of Hearing for Name Change of a Minor Child (Uncontested) (UJS- 031); and
 - c) Consent form (UJS-033) for the non-petitioning parent to sign.
 - i. Once you receive the signed Consent form (UJS-033) back, you will need to file the original with the Clerk of Court.
2. Service can be completed by one the following:
 - a) Sheriff or process server; or
 - b) By hand delivery or mail if the non-petitioning parent will willfully sign an Admission of Service.
 - i. Forms and further Instructions for service by hand delivery or mail can be found in Instructions and Forms for Notice and Admission of Service of Verified Petition for Name Change of a Minor Child (UJS-032A an B).

Step Four – Publication *(If Required)*

1. Publish the Notice of Hearing in a legal newspaper in the county you reside once a week for four consecutive weeks.
2. File the Affidavit of Publication with the clerk of court. The newspaper will provide you with this at the end of the four weeks.

Step Six – Child's Consent *(If Applicable)*

1. Complete Child's Consent for Name Change of a Minor Child (UJS-037) if you did not have to complete the publication and the child is twelve years of age or older.
2. File the Consent (UJS-037) with the Clerk of Court.

Step Five – File Proof of Service

1. File the signed Admission of Service (UJS-032B), if the other parent signed and mailed back to you or file the Proof of Service if you had them served by sheriff or process server, with the Clerk of Court once you receive one.

Step Six – Prepare Order for Name

1. Prior to the hearing you should prepare the Order for Name Change of a Minor Child (UJS-034) pursuant to the instructions and bring with you to the hearing.

Step Seven – Attend your Hearing

1. Attend your hearing at the date and time scheduled and bring with you the prepared Order for Minor name Change and a copy of the minor child's birth certificate.

Step Eight – Complete and File the Notice of Entry *(once the order for name change has been signed by the Judge)*

1. Complete the Notice of Entry, attach the signed Order for Name Change of a Minor and file with the Clerk of Court.

Step Nine – Mail the Order to the Non-Petitioning Parent

1. Mail a copy of the Notice of Entry of Order for Name Change of a Minor (UJS-035) and attach the signed Order for Name Change of a Minor Child (UJS-034) and mail a copy to the non-petitioning parent.
2. Complete the Statement of Mailing (UJS-036) and file with the Clerk of Court.

**INSTRUCTIONS AND FORMS FOR VERIFIED PETITION FOR
NAME CHANGE OF A MINOR CHILD (UNCONTESTED)**

This form references specific South Dakota Codified Laws (SDCL), and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at ujssrlhelp@ujs.state.sd.us.

To Complete this form, you will need to:

1. Complete the caption of the Petition.
 - a) Enter the County name that you are filing in.
 - b) Insert the Judicial Circuit of the County. You may find your Judicial Circuit number at the [Unified Judicial Website](#).
 - c) Enter the name of the minor child as it appears on their birth certificate on the first line provided.
 - d) Enter the proposed name you are requesting the child be changed to.
 - e) The Case Number will be provided to you by the Clerk of Court at the time of filing.

2. Complete the remainder of the form by filing in the information on the lines provided throughout.

3. Date and sign.

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>IN THE MATTER OF THE PETITION RE:</p> <p>_____</p> <p>(Birth Certificate Name), A Minor Child</p> <p>For A Change of Name to:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No.: _____</p> <p>VERIFIED PETITION FOR NAME CHANGE OF A MINOR CHILD (UNCONTESTED)</p>
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COMES NOW Petitioner and does hereby state, under oath, as follows:

1. My current full name is: _____.
2. The minor child's name, as it appears on their birth certificate, is:

3. The minor child's date of birth is _____.
(mm/dd/yyyy)
4. The child's gender at birth (check one): male female
5. The minor child was born in the City of _____, in the County of _____, and State of _____.
6. My relationship to the minor child named above is _____.
7. I currently reside at _____ which is
(Street Address)
located in _____, _____ County within the
(City) (County) State of South Dakota.
8. I have been a resident of _____ County since _____
(County) (mm/yyyy)
9. The minor child named above currently resides at _____
(Street Address)
which is located in _____, _____ County
(City) (County) within the State of South Dakota and has resided there since _____
(mm/yyyy)

10. The following are the full name(s) and last known mailing address(es) of the minor child's mother, father, or guardian:

(leave blank if already answered, unknown, or not applicable)

Mother's Name	Father's Name	Guardian Name
Mother's Address	Father's Address	Guardian Address

11. (a) During the past five years the child has lived with the following individuals, during the dates indicated and in the designated areas:

Caretaker's Name	Dates	County/State

(b) There has/ has not **(check one)** been prior court proceedings regarding the custody of the child. If so, that action took place in _____ County, in the State of _____, and in the year _____.

(If there has, please attach a copy of the most current order to this petition.)

There is/ is not **(check one)** a current pending court proceeding regarding the custody or visitation of the child. If so, that action is in _____ County, in the State of _____ and was commenced on _____.

(c) Other than the parents of the minor child, no one has ever had legal custody of this child except _____ *(if none, enter N/A)*.

12. The full maiden name of the child's mother, as it appears on the child's birth certificate, is _____.
13. The full name of the child's father, as it appears on the child's birth certificate, is
(if the father's name is not listed on the birth certificate, enter N/A)
_____.
14. The mother's date of birth _____ and she was born in
(mm/dd/yyyy)
_____, _____ County, in the State of _____.
(City) (County) (State)
15. The father's date of birth _____ and he was born in
(mm/dd/yyyy)
_____, _____ County, and in the State of
(City) (County) (State)
16. I am requesting that the child's name be changed from _____
to _____ on the child's birth certificate because:

(if applicable, please check the box):

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

17. 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 child's identity from any person, creditor or governmental agency of any kind or as to avoid discovery by such person, creditor or governmental agency.

18. (check the box and answer if applicable) If the minor child's legal name change is granted, I also seek amendment of the child's birth certificate for the following reason(s): _____

WHEREFORE, I pray that the court set this matter for hearing if required, and that the court enter an order changing the name of the minor child from _____ to _____.

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct. Signed on the _____ day of _____,

(Year) at _____ (Date) (Month)
(City or other location, and State)

Petitioner's Signature

Petitioner's Printed Name

Petitioner's Mailing Address

City, State, & ZIP Code

Petitioner's Phone Number

INSTRUCTIONS AND FORM FOR NOTICE OF HEARING FOR NAME CHANGE OF A MINOR CHILD

This form references specific South Dakota Codified Laws (SDCL), and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at ujssrlhelp@uj.s.state.sd.us.

IMPORTANT NOTICES:

Pursuant to SDCL § 21-37-5.1, if all the following are true, publication in a legal newspaper of the notice of hearing is not required:

1. The minor child has been a resident of the county where you are filing your petition for at least six months.
2. The minor child's parents or legal guardians give written consent to the name change.
3. If the minor child is 12 years or older, and consents in writing to the name change.

Should even one of the conditions listed above be untrue, the Notice of Hearing must be published in a legal newspaper in your county.

To Complete this form, you will need to:

1. Contact the Clerk of Court to obtain a hearing date.
2. Complete the caption of the Notice of Hearing.
 - a. Enter the County the name that you are filing in.
 - b. Insert the Judicial Circuit of the County.
 - c. Enter the name of the minor child as it appears on their birth certificate on the first line provided.
 - d. Enter the proposed name you are requesting the child be changed to.
 - e. Enter the case number that was provided to you by the Clerk of Court at the time of filing the Petition for Name Change.
3. Fill in the remainder of the form with the information given to you by the clerk with the date, time, location, and Judge presiding over the hearing.
4. File with the Clerk of Court for the Clerk or the Judge to sign. The clerk will provide you with a signed copy.

Once the Notice of Hearing has been filed, it will need to be published in a legal newspaper once a week, for four consecutive weeks in any legal newspaper of the county you reside in. You can contact your county Auditor's Office if you are unsure whether a newspaper is considered a legal newspaper.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>In the Matter of the Petition regarding:</p> <p>_____</p> <p>(Birth Certificate Name), a Minor Child</p> <p>For a Change of Name to:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No.: _____</p> <p>NOTICE OF HEARING FOR NAME CHANGE OF A MINOR CHILD (UNCONTESTED)</p>
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NOTICE IS HEREBY GIVEN that a Verified Petition for Name Change of a Minor Child has been filed by _____ the object and prayer of which is to change their minor child's name from _____ to _____. On the _____ day of _____, 20____, at the hour of ____:____ a.m. / p.m. said Verified Petition will be heard by this Court before the Honorable _____ Presiding, in Court Room _____ of the _____ County Courthouse, in the City of _____ South Dakota, or as soon thereafter as is convenient for the court. Any interested party may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated

Circuit Court Judge or Clerk of Court

ATTEST:

Clerk of Court

By: _____
Deputy

**INSTRUCTIONS AND FORMS FOR NOTICE AND ADMISSION OF SERVICE OF VERIFIED
PETITION FOR NAME CHANGE OF A MINOR CHILD**

This form references specific South Dakota Codified Laws (SDCL), and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at ujssrlhelp@uj.s.state.sd.us.

Option 1 – Mailing the Verified Petition to the non-petitioning parent *(The non-petitioning parent will need to sign the admission of service within twenty days of mailing and provide the signed form back to you or file with the Clerk of Court themselves.)*

1. Complete the Notice & Admission of Service Notice and Admission of Service of Verified Petition for Name Change of a Minor Child (Uncontested) (UJS-032A)
 - a) Fill in the caption with the name of the county you are filing in, the judicial circuit number, the name of the minor child as it appears on the birth certificate, the proposed name change, and the case number.
 - b) Fill in the remainder of the form by filling in the name of the non-petitioning parent you are mailing to, the date you are mailing the notice, and the mailing address you are sending to.
2. Complete only the caption of the Admission of Service of Verified Petition for Name Change of a Minor Child (Uncontested) (UJS-032B). The remainder of this form will be completed by the non-petitioning parent.
3. Attach two copies of the Notice & Admission of Service, a copy of the Verified Petition for Minor Name Change (UJS-032A), Admission of Service of Verified Petition for Name Change of a Minor (UJS-032B), Notice of Hearing (UJS-031) Consent (UJS-033) and a return envelope, postage prepaid addressed to yourself and mail to the non-petitioning parent.
4. Complete the Statement of Service (UJS-036) by filling in the caption with the minor child's current name as it appears on the birth certificate, the name you are proposing it be changed to and mark all documents you are mailing to the non-petitioning parent. The Statement of Service (UJS-036) will then need to be filed with the Clerk of Court.

Option 2 – Hand Delivery to the non-petitioning parent *(If you believe the non-petitioning parent will willfully consent to the Petition for Minor Name Change.)*

1. Complete the Admission of Service of Verified Petition for Name Change of a Minor Child (UJS-032B) by filling in only the caption. Leave the remainder of the form blank for the non-petitioning parent to complete.
2. To the Admission of Service (UJS-032B), attach a copy of the Verified Petition for Name Change of Minor Child (UJS-030), the Notice of Hearing (UJS-031), and Consent (UJS-033) and hand deliver to the non-petitioning parent.
3. The non-petitioning parent will need to sign the Admission of Service (UJS-032B) and provide the original back to you, and you will then need to file with the Clerk of Court.

Option 3 – Sheriff or process server – If the non-petitioning parent will not accept service by mail or hand delivery, you may contact the sheriff or process server, to serve the non-petitioning parent. You will be provided with proof of service which will need to be filed with the clerk of court.

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>In the Matter of the Petition regarding:</p> <p>_____</p> <p>(Birth Certificate Name), a Minor Child</p> <p>For a Change of Name to:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No. _____</p> <p>NOTICE & ADMISSION OF SERVICE OF VERIFIED PETITION FOR NAME CHANGE OF A MINOR CHILD (UNCONTESTED) & NOTICE OF HEARING</p>
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TO _____, THE NON-PETITIONING PARENT:

The enclosed single copies of a Verified Petition for Name Change of a Minor Child (Uncontested) and a Notice of Hearing for Name Change of a Minor Child (Uncontested) are sent to you pursuant to SDCL § 15-6-4(i), as well as two (2) copies of this Notice & Admission of Service of Verified Petition for Name Change of a Minor Child (Uncontested) & Notice of Hearing, and a return envelope, postage prepaid, addressed to the Petitioner.

You must complete the Admission of Service portion of this form and return the original to the sender within 20 days. In completing the form, you must fill in the town and state where you received the papers and sign and date the document. Failure to sign and return the original Admission of Service within 20 days after the date of mailing without good cause will result in the Court ordering the person so served to pay the costs of personal service. SDCL 15-6-4(i).

After you complete and return this form, you may then answer (respond to) the verified petition within 30 more days. If you choose not to answer in time, an Order for Name Change of a Minor Child pursuant to the verified petition may be entered by the court.

I hereby certify that this Notice & Admission of Service was mailed, postage prepaid, on this _____ day of _____, 20____ to the above-named non-petitioning parent _____, at the following mailing address:

(Name of Non-Petitioning Parent)

(Street Address)

(City, State, Zip)

And depositing the envelope, with sufficient postage, in the United States Mail in:

Dated this _____ day of _____, 20_____.

Petitioner's Signature

Printed name

Mailing Address

City, State and Zip Code

Telephone Number

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>In the Matter of the Petition regarding: _____ (Birth Certificate Name), a Minor Child For a Change of Name to: _____ (Proposed Name)</p>	<p>Case No.: _____</p> <p>ADMISSION OF SERVICE OF VERIFIED PETITION FOR NAME CHANGE OF A MINOR CHILD (UNCONTESTED) AND NOTICE OF HEARING FOR NAME CHANGE OF A MINOR CHILD (UNCONTESTED)</p>
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I, _____, the non-petitioning parent, admit to receiving a copy of the Verified Petition for Name Change of a Minor Child (Uncontested) and a copy of the Notice of Hearing for Name Change of a Minor Child (Uncontested) in the above-captioned matter.

This Admission merely acknowledges receipt of the papers; it does not admit or deny any of the statements contained in those papers.

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)

Non-Petitioning Parent Signature

Printed Name

Address

City, State, Zip Code

Phone Number

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>In the Matter of the Petition regarding:</p> <p>_____</p> <p>(Birth Certificate Name), a Minor Child</p> <p>For a Change of Name to:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No. _____</p> <p style="text-align: center;">CONSENT (UNCONTESTED NAME CHANGE)</p>
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I, _____, being first duly sworn, state as follows:

- I am the mother father of _____ who is the minor child's name as it appears on the child's birth certificate, and who was born on _____ in the County of _____, in the State _____.
- I hereby freely and voluntarily and not as a result of any threat or premise, consent to the name change of my minor childr's current name of _____ to _____.
- The reason why I consent to the above name change of my minor child is:

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 of Consenting Parent

Printed Name of Consenting Parent

Consenting Parent Address

City, State, Zip Code

Phone Number

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>In the Matter of the Petition regarding:</p> <p>_____</p> <p>(Birth Certificate Name), a Minor Child</p> <p>For a Change of Name to:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No.: _____</p> <p style="text-align: center;">STATEMENT OF SERVICE</p>
---	---

I _____, being sworn, state that on the _____ day of _____, 20____, I mailed the following documents: *(mark all that apply)*

- Verified Petition for Name Change of a Minor Child (UJS-030)
- Notice of Hearing (UJS-031)
- Notice and Admission of Service of Verified Petition for Name Change of a Minor Child (Uncontested) (UJS-032) **(Two Copies)**
- Consent for Uncontested Name Change
- Order for Name Change of a Minor Child
- Notice of Entry of Order for Name Change of a Minor Child
- Childs Consent for Name Change of a Minor Child

by placing true copies of the document(s) in an envelope addressed to:

(Name of Person you Mailed document(s) to)

(Street Address)

(City, State, Zip)

And depositing the envelope, with sufficient postage, in the United States Mail in:

(City and State mailed from)

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct. Signed on the _____ (Date) day of _____ (Month) _____, _____ (Year) at _____ (City or other location, and State).

Petitioner's Signature

Petitioner's Printed Name

Petitioner's Mailing Address

City, State, & ZIP Code

Petitioner's Phone Number

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>IN THE MATTER OF THE PETITION REGARDING:</p> <p>_____</p> <p>(Birth Certificate Name), A Minor Child</p> <p>FOR A CHANGE OF NAME TO:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No.: _____</p> <p>ORDER FOR NAME CHANG OF A MINOR CHILD (UNCONTESTED)</p>
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This above-entitled matter having come before this Court, on this day ____ of _____, 20____; the Petitioner _____, appearing personally on behalf of the Minor Child and no one appearing in opposition to said Verified Petition for Name Change of a Minor Child, 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 at the time of filing the Verified Petition for Name Change of a Minor Child herein, the Petitioner and the Minor Child are residents of _____ County, South Dakota and have been bona fide residents of _____ County, South Dakota for more than six months prior to the 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 Name Change did not occur, and that both are lawful as all conditions in SDCL 21-37-5.1 are met here; OR

was not published and a hearing in open court on the Verified Petition for Name Change did not occur, and that both are lawful as all conditions in SDCL 21-37-5.2 are met here and that the Minor Child is a victim of human trafficking under SDCL 21-37-5.2(a); and it is further

FOUND AND DETERMINED that:

1. The Minor Child's full name on the Minor Child's birth certificate is

_____;

2. The Minor Child's date of birth is _____;

3. The Minor Child was born in (*City, County, State, Country*);

4. The Minor Child's mother's full maiden name on the Minor Child's birth certificate is: _____; and

5. The Minor Child's father's full name on the Minor Child's birth certificate is (*if he is not listed, enter "N/A"*) _____; and it is further

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

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

NOW, THEREFORE, IT IS

ORDERED, ADJUDGED AND DECREED that the current name of the Minor Child, as it appears on the Minor Child's birth certificate, _____, 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, 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 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 Minor Child was born with a certified copy of this "Order for Name Change of a Minor Child" 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 Child was born and where permitted by the foreign state's law, locate the Child'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 Child 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 Name Change of a Minor Child" and the applicable fee from Petitioner, amend the Child's birth certificate by changing the name of _____, currently on the Child's birth certificate, to the name of _____.

Dated this _____ day of _____, 20_____.

BY THE COURT:

Circuit Court Judge

ATTEST:

Clerk of Court

By: _____
Deputy

**INSTRUCTIONS AND FORM FOR NOTICE OF ENTRY OF
ORDER FOR NAME CHANGE OF A MINOR (UNCONTESTED)**

This form references specific South Dakota Codified Laws (SDCL), and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at ujssrlhelp@ajs.state.sd.us.

IMPORTANT NOTICE:

If the Order for Name Change of a Minor Child is granted by the Judge, an Order will be entered, and a copy will be provided to you. Once you receive a copy of the Order, a Notice of Entry will need to be filed.

To Complete this form, you will need to:

1. Complete the caption of the Notice of Entry of Order.
2. Enter the name of the County you are filing in.
3. Insert the Judicial Circuit of the County.
4. Enter the name of the minor child as it appears on their birth certificate on the first line provided.
5. Enter the proposed name you are requesting the child be changed to.
6. Enter the case number that was provided to you by the Clerk of Court at the time of filing the Petition for Name Change.
7. Fill in the remainder of the form by stating the date the order was signed, the name of the Judge who signed the Order, and the County where it was filed.
8. Sign and date.
9. File the Notice of Entry of Order of Name Change of a Minor Child and attach a copy of the Order of Name Change of a Minor Child with the Clerk of Court.
10. Mail a copy to the non-petitioning parent and complete a Statement of Service (UJS-036).

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>In the Matter of the Petition regarding:</p> <p>_____</p> <p>(Birth Certificate Name), a Minor Child</p> <p>For a Change of Name to:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No. _____</p> <p>NOTICE OF ENTRY OF ORDER FOR NAME CHANGE OF A MINOR CHILD (UNCONTESTED)</p>
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PLEASE TAKE NOTICE that the Order for Name Change of a Minor Child was entered in the above-entitled matter on the _____ day of _____, 20____, by the Honorable _____ and duly filed by the County Clerk of Courts in _____, South Dakota. A certified copy of said Order for Name Change of a Minor Child is attached hereto and served upon you.

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)

Petitioner's Signature

Petitioner's Printed Name

Petitioner's Mailing Address

City, State, & ZIP Code

Petitioner's Phone Number

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>In the Matter of the Petition regarding:</p> <p>_____</p> <p>(Birth Certificate Name), a Minor Child</p> <p>For a Change of Name to:</p> <p>_____</p> <p>(Proposed Name)</p>	<p>Case No.: _____</p> <p style="text-align: center;">STATEMENT OF SERVICE</p>
---	---

I _____, being sworn, state that on the _____ day of _____, 20____, I mailed the following documents: *(mark all that apply)*

- Verified Petition for Name Change of a Minor Child (UJS-030)
- Notice of Hearing (UJS-031)
- Notice and Admission of Service of Verified Petition for Name Change of a Minor Child (Uncontested) (UJS-032) **(Two Copies)**
- Consent for Uncontested Name Change
- Order for Name Change of a Minor Child
- Notice of Entry of Order for Name Change of a Minor Child
- Childs Consent for Name Change of a Minor Child

by placing true copies of the document(s) in an envelope addressed to:

(Name of Person you Mailed document(s) to)

(Street Address)

(City, State, Zip)

And depositing the envelope, with sufficient postage, in the United States Mail in:

(City and State mailed from)

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct. Signed on the _____ (Date) day of _____ (Month) _____, _____ (Year) at _____ (City or other location, and State).

Petitioner's Signature

Petitioner's Printed Name

Petitioner's Mailing Address

City, State, & ZIP Code

Petitioner's Phone Number

