

## **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](mailto: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  
COUNTY OF \_\_\_\_\_

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

|  |   |
|--|---|
| <p>In the Matter of the Petition regarding:<br/>_____<br/>(Birth Certificate Name), a Minor Child<br/>For a Change of Name to:<br/>_____<br/>(Proposed Name)</p> | <p>Case No.: _____</p> <p><b>NOTICE OF HEARING FOR NAME<br/>CHANGE OF A MINOR CHILD<br/>(UNCONTESTED)</b></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