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## **Frequently Asked Questions**

### **How much will my fine be?**

The maximum fine amounts are established by the legislature. For cases heard in court, the judges can use their discretion to set fine amounts based on the seriousness of the offense. For some of the more common offenses (for example, speeding or failing to stop at a stop sign) that don't have court appearances required, standard amounts are set by a fine and bond schedule and should be indicated on the ticket at the time of the offense. The fine and bond schedule can be found at [https://uj.s.sd.gov/uploads/docs/Fine and Bond Schedule.pdf](https://uj.s.sd.gov/uploads/docs/Fine_and_Bond_Schedule.pdf)

### **Can I get an extension to pay my fines?**

All fines and costs are due by the date indicated on the ticket, or the date of sentencing if it was a court appearance. If you are unable to pay your fine in full the day it is due, you can ask the judge to allow for an extension. If an extension is granted, you will need to visit the clerk of courts to set up and sign a payment plan.

### **How much will my license tags cost this year?**

License plate renewals and registrations are not processed by the courts. You should contact your local county Treasurer's office with this question.

### **How can I get a copy of my birth certificate?**

The courts do not maintain birth certificates or other vital statistic records (such as marriage or death certificates). You can contact your local county Register of Deeds office or the South Dakota Department of Health and Vital Records office for this information.

## **What do I need to get a judgment against a person?**

You must start a court action in either small claims or civil court in order to get a judgment. The judge who hears the case must agree that your claim is valid and rule in your favor. If your claim is \$12,000 or less, you can use the small claims process which is informal and can be done without an attorney. Instructions and all necessary forms can be found at [uj.s.sd.gov](http://uj.s.sd.gov). For larger amounts, you would need to go through civil court.

## **How do I file a small claims suit?**

A small claims action must be filed in either the county where the defendant lives, or the county where the loss occurred. To start an action, the plaintiff or his/her attorney must provide a written and signed statement describing the loss amount and how the loss or damage occurred. This statement, along with supporting documents (receipts, cost estimates, contracts, etc.), a Case Filing Statement, and the filing fee are required to start the case. Visit our website at [uj.s.sd.gov](http://uj.s.sd.gov) for forms and instructions.

## **Now that I have a judgment, when do I get my money?**

Obtaining a judgment does not guarantee payment and the court does not enforce collection. What it does do is place a lien against the debtor for 10 years which can be renewed for an additional 10 years if it remains unpaid. Some defendants (debtors) are able to and do pay right away. Others make arrangements to pay you over time. Some situations may require you to enforce the judgment by other legal means such as an execution. There are other procedures available to collect on a judgment, but they are often legally complex and the assistance of an attorney may be required.

## **How do I garnish wages to collect my judgment?**

Garnishing wages is a complex process and would be best to visit with an attorney.

## **How do I file for a divorce?**

South Dakota does have instructions and forms available to use in filing your own divorce case in court if it will be simple and non-contested. These forms can be obtained from any Clerk of Courts office for \$10, or online at no cost at [ujslawhelp.sd.gov](http://ujslawhelp.sd.gov). You are strongly encouraged to consult with an attorney before filing for divorce as many of the laws regarding marital assets and child custody can be complex.

## **What do I need to get a marriage license?**

Marriage licenses are issued by the local county Register of Deeds office, not by the courts. You should contact them with specific questions. At a minimum, you should be prepared to provide identification and pay a fee. We can tell you that once a license is issued, the wedding must take place within 90 days or the license becomes void.

## **How do I get a passport?**

Passport acceptance facilities in South Dakota are located in some post offices and in some county Clerk of Court, Register of Deeds, Treasurer and Auditor offices. Visit the US Passport Service Guide site at <https://www.us-passport-service-guide.com/south-dakota-offices.html> to find local locations.

## **What is the number for Driver Improvement?**

1-800-952-3696 in South Dakota.

## **Can I talk with a judge directly outside of court or write a letter?**

Generally, no, but it depends. All contact with a judge regarding any matters related to court cases (pending or not) should occur through your attorney. This ensures that the proper rules and laws are followed regarding communications with a judge and notice to the other parties in a case. If you are not represented by an attorney, your best option is to write a letter to the judge, in care of the Clerk of Courts office for the county where your case is pending, with a copy to all other parties. This will help keep the judge from having one-sided communication (called *ex parte*) or creating a conflict of interest for the judge by having access to information that may not be appropriate.

## **How do I get copies of documents from court files?**

Not all documents in court files are available to the public; some have limited access according to South Dakota laws. You can check with the Clerk of Courts in the county where the case is pending to find out if what you want is open for copying. There may be a fee for copies; that fee depends on whether you want a regular copy, a certified or authenticated copy, and how many pages there are in the document you are requesting. Generally, all requests for copying and/or searches of records must be accompanied by payment.

For CIVIL record searches and questions regarding criminal and civil record searches, send an email with a completed Record Search Request form to: [UJSPARSsupport@ujs.state.sd.us](mailto:UJSPARSsupport@ujs.state.sd.us)

CRIMINAL and PROTECTION ORDER searches are available on the Public Access Record Search (PARS) system at: <https://ujspars.sd.gov/> (For a credit card payment search, use the Search as Guest option).

There is a \$20 fee to run a complete Civil and/or Criminal search on a party.

## **How do I find an attorney to handle my case?**

Neither the Clerk nor the judge can recommend an individual attorney to help you, although in some criminal cases, the court may appoint specific counsel for you if you qualify by meeting certain financial guidelines. If you cannot get a reference from a friend, or cannot find someone by using the Yellow Pages of the phone directory, you might check with the Lawyer Referral Help Line of the State Bar of South Dakota in Pierre. That number is 1-800-952-2333, and their web site is [www.sdbar.org](http://www.sdbar.org).

## **What if I have a complaint about my attorney?**

It depends on the nature of your complaint and whether the attorney was chosen by you or appointed by the court. Discussing your concerns with the attorney may resolve your issues. If your attorney was court appointed, you may ask the court to consider appointing someone else. There is a grievance process available through the State Bar of South Dakota. Visit their website at [www.sdbar.org](http://www.sdbar.org).

### **Can I fax documents to the court?**

Fax filings are allowed. Contact the Clerk of Courts office where your case is pending for specific information and fax number.

### **How do I contact the clerk of courts?**

Here is a link to the phone numbers for each office:

[https://ujc.sd.gov/media/odyssey/Clerk\\_Contact\\_List.pdf](https://ujc.sd.gov/media/odyssey/Clerk_Contact_List.pdf)

### **How do I get a hearing before a judge or how do I get a hearing date changed?**

Your attorney will arrange for the necessary hearings. However, if you are not represented by an attorney, you should contact the Clerk of Courts office in the county where your case is pending. The clerk will be able to tell you if those arrangements can be made through that office, or if the judge will need to be consulted. The answer will depend on the kind of case you have, the nature of hearing requested, how much time might be needed, and availability of the judge.

### **How do I get a transcript of a court hearing?**

Transcripts are prepared by an official court reporter or court recorder. Most transcripts will have to be requested directly from the court reporter originally attending the court hearing. The Clerk of Courts office can tell you who the reporter is and how to contact that person. Depending on the kind of hearing and whether it was digitally recorded or stenographically reported, the fees for a transcript will vary, as will the time it may take for the transcription.

### **What is eCourts?**

eCourts provides South Dakota active Abstractor Board of Examiners members, South Dakota active Bar members, the Public, and SD Justice Partners access to South Dakota open case data electronically. All users will be required to register with a valid email account. There is no registration fee. This site is <https://ecourts.sd.gov/>

### **Where can I get court documents?**

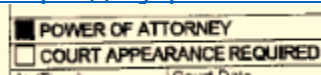
The eCourts public access solution does not include the ability to view or purchase documents. The possible presence of personally identifiable information and lack of a redaction solution prevents including this accessibility. To access documents, you can currently utilize the public access workstations located in all courthouses. Please note that the documents are restricted to publicly available documents and there is a 20 cent per page charge on publicly accessible cases.

### **When is my next court date?**

Quickly find when you need to appear in Court for Criminal, Civil and Family cases. The information viewed through Find a Court Date reflects the docket entries for Criminal, Civil, and Family type court records open to the public. Certain records may not be available in accordance with Federal and State statutes and the Rules Governing the Unified Judicial System or by Court Order. Website is <https://ujfindcourtdate.sd.gov>

### **Can I pay my ticket online?**

Yes, as long as you are paying prior to the court date listed on the citation and the Power of Attorney is marked on the ticket. The website to make a payment is <https://ujportal.sd.gov/Portal/>.



### **Can I pay my fines and costs online?**

Yes, as long as you set up a payment plan with the clerk of courts and know your case number you can make a payment online. The website to make a payment is <https://ujportal.sd.gov/Portal/>.

### **How do I get a protection order?**

South Dakota does have instructions and forms available for use in filing your own protection order case in court. These forms can be obtained from any Clerk of Court office or on-line at <https://ujslawhelp.sd.gov/protectionorders.aspx>.