



2022 South Dakota Legislature

Senate Bill 199

Introduced by: **Senator Diedrich**

1 **An Act to revise provisions related to a name change for certain crime victims.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 21-37-5.2 be AMENDED:**

4 **21-37-5.2.** The court may grant an order changing the name of a person without
5 publication of notice or a hearing in open court if all of the following conditions are met:

6 (1) The petitioner is over the age of eighteen years or is a guardian of a minor child;
7 (2) The petitioner or minor child ~~has resided in the county in which the petition is filed~~
8 for at least six months is a resident of this state;

9 (3) ~~(a) The petitioner or:~~

10 (a) Or minor child is a victim of human trafficking and has a particularized need
11 for a change of name to protect them from a person who victimized them
12 such that there is a sufficient basis to grant an exception to the
13 requirements of §§ 21-37-4 and 21-37-5; or

14 ~~(b) The petitioner is~~ Is an adult, is a victim of domestic abuse, has a protection
15 order or a restraining order in effect, and the petitioner shows a
16 particularized need for a change of name to protect the petitioner from the
17 perpetrator such that there is a sufficient basis to grant an exception to the
18 requirements of §§ 21-37-4 and 21-37-5;

19 (4) It appears to the court that the name change is in the petitioner's or minor child's
20 best interests; and

21 (5) The court finds that the name change is not done for the purposes of fraud.

22 If good cause exists, the court may order all records regarding the petition and
23 order be sealed. The court may order that if a new certificate of birth is obtained under
24 section 2 of this Act, the original certificate, and any other evidence upon which a new
25 certificate is made, be sealed. The order must include findings that the petitioner is a

1 victim meeting the requirements of subsection (3)(a) or (3)(b). The records shall only be
2 opened by a court order based upon showing good cause or at the petitioner's request.

3 **Section 2. That chapter 34-25 be amended with a NEW SECTION:**

4 If a person obtains a court order for a name change under § 21-37-5.2 and
5 requests a new certificate of birth, the person shall present a certified copy of the court
6 order and the department shall issue a new certificate of birth. The original certificate,
7 and any other evidence upon which a new certificate is made, must be sealed in
8 accordance with the court order. The new certificate must not contain any evidence of a
9 name change. The sealed records may only be opened by a court order based upon
10 showing good cause or at the person's request.

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