



## 2025 South Dakota Legislature

# House Bill 1257

Introduced by: **Representative Uhre-Balk**

1 **An Act to revise provisions related to the identification of minors in certain public**  
 2 **records.**

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

4 **Section 1. That a NEW SECTION be added to chapter 15-15A:**

5 For any proceeding involving a minor, a court record that is accessible to the public  
 6 may not:

7 (1) Identify any minor except by using the term "minor," followed by a numerical  
 8 identifier; or

9 (2) Identify any individual with a familial relationship to the minor except by using the  
 10 term "relative," followed by a numerical identifier, unless the individual is a criminal  
 11 defendant in the proceeding.

12 **Section 2. That § 15-15A-9 be AMENDED:**

13 **15-15A-9.** (1) ~~Social~~ The social security ~~numbers number~~, employer or taxpayer  
 14 identification ~~numbers number~~, and any financial or medical account ~~numbers number~~ of  
 15 an individual ~~where, if~~ required to be filed with the court ~~shall, must~~ be submitted on a  
 16 separate Confidential Information Form, appended to these rules, and filed with the  
 17 pleading or other document required to be filed. The Confidential Information Form is  
 18 not accessible to the public.

19 (2) ~~Financial documents~~ A financial document named in subdivision 15-15A-8(2)  
 20 that ~~are~~ is required to be filed with the court ~~shall, must~~ be submitted as a confidential  
 21 document and designated as such to the clerk upon filing. The Confidential Financial  
 22 Documents Information Form appended to these rules ~~shall, must~~ be attached to  
 23 financial documents being filed with the court. The Confidential Financial Documents  
 24 Information Form is not accessible to the public. ~~The~~ A confidential financial ~~documents~~  
 25 will not be document is not publicly accessible, even if admitted as a trial or hearing

1 exhibit, unless the court permits access pursuant to § 15-15A-10. The court may, on its  
2 own motion, protect a financial documents document that ~~have~~ has been submitted  
3 without the Confidential Financial Documents Information Form.

4 (3)~~Names~~ The name of any child under eighteen years of age alleged to be the  
5 victim of a crime in any adult criminal proceeding ~~shall~~ must appear ~~as initials only~~ as  
6 provided by section 1 of this Act. ~~The names shall be~~ name must be provided on a  
7 separate Confidential Information Form.

8 (4)~~Court records~~ Any court record in which a child under eighteen years of age is  
9 identified as the petitioner or respondent in a protection order proceeding ~~shall~~ must be  
10 treated as confidential and excluded from public access.

11 (5)~~Parties with cases~~ Any party with a case filed prior to the effective date of this  
12 rule, or the court on its own, may, by motion, protect the privacy of confidential  
13 information as defined in § 15-15A-8. ~~Parties filing this motion will~~ A party, upon filing a  
14 motion, must submit a completed Confidential Information Form or Confidential Financial  
15 Documents Information Form as appropriate.

16 **Section 3. That § 15-26A-63.1 be AMENDED:**

17 **15-26A-63.1.** Pursuant to § 26-7A-112, ~~initials~~ numerical identifiers shall appear  
18 on appeal record documents in ~~the~~ place of the names of the child and the child's parents,  
19 guardian, or custodian who are parties to the action when an intermediate appeal or  
20 appeal is taken from a judgment, decree, or order under the provisions of chapters 26-  
21 7A, 26-8A, 26-8B, and 26-8C.

22 **Section 4. That § 25-5A-19 be AMENDED:**

23 **25-5A-19.** Any order entered under this chapter is conclusive and binding on all  
24 parties. ~~However, an~~ An appeal may be taken to the Supreme Court from a judgment,  
25 decree, or order of the circuit court under this chapter within thirty days from the date of  
26 its filing. The appeal ~~shall~~ must be taken in the manner provided in chapter 15-26A. ~~Initials~~  
27 ~~shall~~ A numerical identifier, as required by section 1 of this Act, must appear in place of  
28 the name of the child on the record on appeal.

29 **Section 5. That § 26-7A-48 be AMENDED:**

1           **26-7A-48.** If the petition or an affidavit of the state's attorney discloses that any  
2 person or party to be served with the summons is out of the state, on inquiry cannot be  
3 found, is concealed within the state, resides out of the state, whose mail at the last known  
4 address has been returned, or whose location is unknown or is affected by the designation  
5 "All Whom It May Concern," the court ~~shall~~ must cause the summons, modified to declare  
6 ~~the initials of the child~~ with a numerical identifier in lieu of the name of the child, as  
7 required by section 1 of this Act, to be published once in a newspaper of general circulation  
8 published in the county where the action is pending or in a newspaper in another county  
9 designated by the court as most likely to give notice to the party to be served. Publication  
10 of the summons ~~shall~~ must be made not less than five days before the date of the hearing  
11 on the petition. Notice given by the publication is the only required notice to the concerned  
12 persons or parties to be served who are described in this section. An affidavit or certificate  
13 of publication made by the concerned newspaper and accepted by the court is evidence  
14 of service of summons by publication.

15           If service of the summons by publication is authorized, the party making service  
16 may, at his option, without any order of the court, personally serve the summons on any  
17 person or party out of the state or the party may admit service of the summons, and no  
18 publication of the summons for that party is necessary.

19   **Section 6. That § 26-7A-112 be AMENDED:**

20           **26-7A-112.** An intermediate appeal or an appeal may be taken from a judgment,  
21 decree, or order under the provisions of this chapter and chapters 26-8A, 26-8B, and 26-  
22 8C according to the rules of procedure governing civil appeals. The appellant shall ~~also~~  
23 serve the written notice of appeal and docketing statement upon the state's attorney of  
24 the county where the judgment, decree, or order was entered and upon the attorney  
25 general. The failure to serve the attorney general does not constitute a jurisdictional bar  
26 to the appeal. ~~Initials shall~~ Numerical identifiers, as required by section 1 of this Act, must  
27 appear on the appeal record documents in place of the names of the child and the child's  
28 parents, guardian, or custodian who are parties to the action.