



2020 South Dakota Legislature

Senate Bill 73

SENATE JUDICIARY ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Senator Monroe**

1 **An Act to exempt certain persons from the requirement to publish name changes.**

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

3 **Section 1. That a NEW SECTION be added:**

4 **21-37-5.2. Notice and open court requirements--Exception--Name change of**
 5 **victims--Sealed records.**

6 The court may grant an order changing the name of a person without publication
 7 of notice or a hearing in open court if all of the following conditions are met:

8 (1) It appears from the pleadings that the petitioner has been a resident of the county
 9 in which the petition is filed for at least six months;

10 (2) The petitioner is a victim of human trafficking, domestic abuse, or child abuse;

11 (3) That sufficient basis exists to grant an exception to §§ 21-37-4 and 21-37-5;

12 (4) That the pleadings disclose if the petitioner has a protection order or restraining
 13 order;

14 (5) It appears to the court that the name change is in the petitioner's best interests;
 15 and

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

17 If good cause exists, the court may order all records regarding the petition and
 18 order be sealed. The records shall only be opened by a court order based upon showing
 19 good cause or at the petitioner's request.