



2020 South Dakota Legislature

Senate Bill 73

CONFERENCE COMMITTEE 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) The petitioner is over the age of eighteen years or is a guardian of a minor child;

9 (2) The petitioner or minor child has resided in the county in which the petition is filed
 10 for at least six months;

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

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

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

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

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