



2020 South Dakota Legislature
Senate Bill 73
ENROLLED

AN ACT

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

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

Section 1. That a NEW SECTION be added:

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

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

- (1) The petitioner is over the age of eighteen years or is a guardian of a minor child;
- (2) The petitioner or minor child has resided in the county in which the petition is filed for at least six months;
- (3) (a) The petitioner or minor child is a victim of human trafficking and has a particularized need for a change of name to protect them from a person who victimized them such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5; or
(b) The petitioner is an adult, is a victim of domestic abuse, has a protection order or a restraining order in effect, and the petitioner shows a particularized need for a change of name to protect the petitioner from the perpetrator such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5;
- (4) It appears to the court that the name change is in the petitioner's or minor child's best interests; and
- (5) The court finds that the name change is not done for the purposes of fraud.

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

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 73

2020 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2020

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 73

File No. _____

Chapter No. _____

By _____
Asst. Secretary of State