



2022 South Dakota Legislature
Senate Bill 199
ENROLLED

AN ACT

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

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

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

21-37-5.2. 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 is a resident of this state;
- (3) The petitioner:
 - (a) 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) Is an adult, is a victim of domestic abuse, 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 court may order that if a new certificate of birth is obtained under section 2 of this Act, the original certificate, and any other evidence upon which a new certificate is made, be sealed. The order must include findings that the petitioner is a victim meeting the requirements of subsection (3)(a) or (3)(b). The records shall only be opened by a court order based upon showing good cause or at the petitioner's request.

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

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

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 199

2022 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., 2022

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2022
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 199
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State