

# Name Change

## Who is allowed to change their name?

Many South Dakota residents may change their name following marriage or through divorce proceedings. However, some people wish to change their name for other reasons.

## What steps do I need to take to change my name?

[The South Dakota Unified Judicial System website](#) has printable instructions and forms for both an adult and a minor child name change.

### ADULT

## What are the steps for an adult name change?

Adults in South Dakota must file a Verified Petition For [Adult Name Change Forms](#) (UJS-026) with the clerk of court's office in the county where they live; provided they have resided there for more than six months. You will also be required to pay the civil case filing fee.

- The Verification form of the Petition will need to be signed in the presence of a Notary Public or Clerk of Court and you will need to bring identification to show the Notary Public or Clerk of Court.
- You must also complete and send a Civil Case filing Statement form (UJS-232) to the clerk of court's office at the time of filing your Verified Petition.
- You must also file a Notice of Hearing for Adult Name Change form (UJS-026) with the Clerk of Court. The Clerk will give you the date and time for the hearing and a Judge or Clerk of Court must sign the form. The Clerk will then give you a copy of the filed form (UJS-026) and you must publish this once a week for four successive weeks in any legal newspaper in your county of residence. The four successive weeks of publication must occur before your

scheduled hearing date. Payment for publication is your responsibility and you will need to contact the newspaper to determine the price of publication and to make arrangements for publication. Once completed, the newspaper will give you an Affidavit of Publication which you must file with the clerk of court's office on or before the date of your scheduled hearing.

- On the day of your hearing, you will need to bring a copy of your current birth certificate along with two completed copies of the Order for Adult Name Change form (UJS-027). You will need to complete the Order for Adult Name Change form and the Judge will sign the Order for Adult Name Change form if your name change is granted. If the Judge signs the Order, you will need to file the signed Order with the clerk of courts. Once the signed Order is filed, you will need to request a certified copy of the Order and you will be legally known by your new name.
- Receipt of an Order granting an Adult Name Change will not automatically change your name on other official documents. You will need to take additional steps to change the name on your birth certificate upon receipt of the Order granting your name change (*see additional information at the bottom of the Order for Adult Name Change Form (UJS-027)*). Further, extra steps will need to be taken to change your name on your Social Security Card, Driver's License, etc.

## **MINOR**

The procedure for legally changing the name of a minor child in South Dakota can be a very complicated process, especially if both parents do not consent to the name change. If one parent contests (does not agree to) the name change, it is strongly encouraged that you consult an attorney about the contested name change process.

## **What steps do I need to take to change the name of my minor child?**

[The South Dakota Unified Judicial System website](#) has detailed instructions and all required forms for an **UNCONTESTED** minor child name change available on their website. *Note: the forms available on the South Dakota Unified Judicial System website are limited to uncontested minor child name change cases.*

# How does the name change process work?

Below is a brief overview of the process involved in an uncontested minor child name change in South Dakota. The forms that are referenced below, along with detailed instructions for a minor child name change, are available on the South Dakota Unified Judicial System website under the Law Help & Forms at <http://ujslawhelp.sd.gov/NameChangeMinor.aspx>.

- To legally change the name of a minor child in South Dakota, you must file a Verified Petition For Name Change of a Minor Child form (UJS-030) with the clerk of court's office in the county where you live (provided you and the minor child have resided there for more than six months). You will also be required to pay the civil case filing fee.
- The Verification form of the Petition will need to be signed in the presence of a Notary Public or Clerk of Court. You will also need to bring identification to show the Notary Public or Clerk of Court.
- You must also complete and send a Civil Case filing Statement form (UJS-232) to the clerk of court's office at the time of filing your Verified Petition.
- You must file a Notice of Hearing for Minor Child Name Change form (UJS-031) with the Clerk of Court. The Clerk will give you the date and time for the hearing and a Judge or Clerk of Court must sign the form. The Clerk will then give you a copy of the signed & filed form (UJS-031). Depending on the circumstances of your case, you may need to provide Notice of Hearing by Publication (see *SDCL 21-37-5.1*). If you meet the circumstances that require Notice of Hearing by Publication, you must publish the filed Notice of Hearing form once a week for four consecutive weeks in any legal newspaper in your county of residence. The four consecutive weeks of publication must occur before your scheduled hearing date. Payment for the publication is your responsibility and you will need to contact the newspaper to determine the price of publication and to make arrangements for publication. Once finished, the newspaper will provide you with an Affidavit of Publication which you must file with the clerk of court's office on or before the date of your scheduled hearing.
- You must also provide service to the other parent. The instructions for a minor child name change (UJS-029) gives three different options for service on the other parent.
- The consenting parent must complete the consent form (UJS-033).

- The minor child may have to complete a minor child consent form (UJS-0\_\_).
- On the day of your hearing, you will need to bring a copy of your minor child's current birth certificate along with two completed copies of the Order for Name Change of a Minor Child form (UJS-027). You will need to complete the copies of the Order for Name Change of a Minor Child form and the Judge will sign the Order if the name change is granted. If the Judge signs the Order, you will need to file the signed Order with the clerk of courts.
- If the name change is granted, you will also need to file a Notice of Entry of Order form (UJS-035). Thereafter, you will need to serve the other parent with the Notice of Entry of Order and a certified copy of the Order. You will also need to file an Affidavit of Service (UJS-036) with the Clerk of Courts.
- Receipt of an Order granting a Minor Child Name Change will not automatically change the child's name on other official documents. You will need to take extra steps to change the name on the child's birth certificate upon receipt of the Order granting the name change (*see additional language in the Instructions for Uncontested Name Change of a Minor Child* (UJS-029)). Further, more steps will need to be taken to change the name on the child's Social Security Card, etc.

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[Family Law Name Change](#)

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