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STATE OF SOUTH DAKOTA

NAME CHANGE

ADULT PACKET

Control Number - SD-NAME-1

This packet contains the following:

1. Instructions;
2. Forms List; and
3. Access to South Dakota Law Summary.

I. **EXPLANATION OF PETITION FOR CHANGE OF NAME**

- A. In South Dakota, an action for a court ordered Change of Name begins with the filing of a Petition in the District court. The Petition must contain certain information. The forms in this packet include the necessary information for a Minor Name Change in the State of South Dakota.
- B. You can use this packet if:
- ▶ You are at least 18 years of age and have been a resident of the county in which you will file for the required amount of time as reflected in the law summary.
 - ▶ You have proper and reasonable cause for the requested change of name.
 - ▶ You are not changing your name to avoid debts or defraud creditors.

II. **WHAT FORMS ARE INCLUDED**

- A. Verified Petition for Adult Name Change - (SD-NC-100) The Petition must be filed in the Circuit Court of the county where the person resides.
- B. Order for Adult Name Change - (SD-NC-101) The Order Changing Name should be presented to the Judge after hearing and a determination has been made that it is right and proper to change the name of the Petitioner. This specific Order is written to incorporate a change in the birth certificate of the Petitioner.
- C. Order for Adult Name Change - (SD-NC-101-A) This is also an Order Changing Name of the Petitioner but it is used when Petitioner is seeking a return to a maiden or former name and is not interested in a modification of birth certificate. It should be presented to the Judge after hearing and a determination has been made that it is right and proper to change the name of the Petitioner.
- D. Notice of Hearing for Adult Name Change - (SD-NC-102) This form should be signed by the Judge after the filing of the Petition but prior to the publication of notice.
- E. Civil Case Filing Statement (SD-NC-104) - This form is used to inform the court as to the nature of the action and information regarding the parties. It is completed and filed with the Petition.

If you did not order a completion package and need access to the download page again for any of the above forms, please check your email for a link that will redisplay the page for you.

Note: This package contains forms for use throughout your State. However, some Counties, or Judges may require a different form, or modification to these forms. If this happens, please consult with your local Court Clerk. If you are

required to use additional forms, please advise us by sending an e-mail to orders@uslegalforms.com.

III. PROCEDURE FOR CHANGE OF NAME (ADULT) FOR THE STATE OF SOUTH DAKOTA

A. Preliminary Note:

1. The attached forms may be completed by:
 - a. Printing the forms and completing by hand. Use black ink and print neatly.
 - b. Printing the forms and completing using a typewriter.
 - c. By completing the forms on your computer using a word processing program and then printing the forms.
2. Use complete names and not initials. Check your spelling carefully, a misspelled word can delay your name change.
3. Print three (3) complete sets of forms.
4. All forms with a heading – the name of the court, the Petitioner’s name, the case number, and the name of the document – require that the heading be completed. You will need to add the name of the court and the full name of the Petitioner. The “Action/Cause No.” will be assigned by the court clerk at the time of filing.
5. Forms that require your signature and include a notary block **MUST** be signed in the presence of the notary or court clerk who will complete the acknowledgement. Use your complete name – first name, middle name, last name.
6. When a form is filed with the court, request the clerk “file-stamp” one copy of the form for your file.
7. A Law Summary is available and can be printed for your State. To do so, go to where you located this package and select the Law Summary link under the form title and print. Review the Law Summary before beginning the process of completing the forms.

B. Procedure

- Step 1: Create the Petition to Change Name pertinent to your situation using Form SD-NC-100. You must have been a bona fide resident of the county in which you intend to file the Petition for six months prior.
- Step 2: File the Petition and the Civil Case Filing Statement in the Circuit Court in the county in which you reside.

Note that the Civil Case Filing Statement form requires that the petitioner insert the name of the action in the blank following "In The Matter Of:" in the heading of the form.

For example:

"IN THE MATTER OF: the Petition for Name Change of John Doe For a Change of Name to John Roe"

- Step 3: Prepare the Notice of Hearing in Form SD-NC-102 after the Petition is filed and get a court date for hearing assigned.
- Step 4: Publish the Notice of Hearing once each week for four successive weeks in any legal newspaper of the county of Petitioner's residence.
- Step 5: Submit to the Court a copy of the Notice as published.
- Step 6: At the hearing, any objections by persons who can show to the Court good reason for objection to the name change will be heard by the Court; and the Court may examine, upon oath, any of the Petitioners, or other persons affected by the application, and may make an Order changing the name or dismissing the application, as to the Court may seem reasonable and proper.
- Step 7: Prior to the hearing, complete the Order for Adult Name Change and take it to the hearing. If the Court finds that it is reasonable and proper to issue the Order Changing Name, prepare that Order using Form SD-NC-101 and present it to the Court for signing.
- Step 8: Upon signing of the Order to Change Name, the Petitioner, if registered to operate a motor vehicle, may apply for a duplicate license using the new name. A certified copy of the signed Order to Change name must be presented.
- Step 9: Obtain a certified copy of the Order from the Clerk after it has been signed by the Judge. You are now ready to notify appropriate persons and governmental agencies of the change.

NOTE: The Order contains information with regard to modification of your birth certificate.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

The forms are locked which means that the content of the forms cannot be changed. You can only fill in the information in the fields.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If problems, please let us know.

LAW SUMMARY

The law summary file for this package can be located at the following address:

<http://www.uslegalforms.com/sd/SD-NAME-1.htm>

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