

INSTRUCTIONS FOR FILLING OUT FORM

PURPOSE. This form is to be used when you are an adult (someone over the age of 18) and you are seeking to change your legal name (your name as it appears on your birth certificate) to that of another name.

FORMS INVOLVED. The form is a **Petition for Name Change of an Adult**. You will need to fill in the necessary information with help from the instructions below and then file the forms with the appropriate court.

FILE THE PETITION WITH THE CLERK OF COURTS OF THE TRIBAL COURT WHERE YOU ARE FILING YOUR PETITION. No summons is required. The clerk will have you publish notice in a local newspaper and you will be responsible for the cost of such publication.

HOW TO FILE A PETITION FOR NAME CHANGE

A person can petition a court to have their name changed to another name. A person can request a change of their first, middle or last name.

What is a petition. A petition is a document similar to a complaint except it does not require an answer from the respondent. It is a document where the petitioner formally requesting the court to order something and sets out the petitioner's version of the facts.

How to file a petition. A petition is filed when you take it to the courthouse and file it along with the filing fee with the clerk of courts. When you file your petition with the clerk, please date and sign the form in front of the clerk so they can notarize your signature.

Filing and service fees. The court will require payment of a filing fee unless waived to file your petition with the court. Use the **Motion to Waive Filing and Service Fees** form to ask the court to waive the filing fee or for a partial waiver of the fee.

Once you file your petition for name change the court clerk will schedule a hearing on your petition for name change. Notices will be sent to all interested persons (next of kin) of the adult. The court may require that you publish the notice of hearing in the Todd County Tribune for 4 consecutive weeks before the hearing at your own expense (the newspaper will charge you for publishing the notice of hearing). You will need to bring an affidavit of publication to the hearing to prove to the court that notice of hearing was in fact published in the newspaper. You must get the affidavit of publication from the newspaper.

Jurisdiction. Petitioner must show the court that it has jurisdiction over them. The Petitioner will need to establish that they are an enrolled member of the Rosebud Sioux Tribe and is currently residing within the exterior boundaries of the Rosebud Sioux Indian Reservation and has been bona fide resident of Todd County, South Dakota for more than six months prior to the filing of the petition.

NAME CHANGE HEARING

BURDEN OF PROOF. If a party files a Petition for Name and Sex Field Change, they have the burden of proving that claim in court. In a typical civil case a party has the burden of proving their claim by a **preponderance of the evidence**. Proving something by a preponderance of the evidence means evidence with greater weight or that is more convincing than the evidence of the opposing party(s). The court may require that a party prove their Petition by clear and convincing evidence (evidence that is both clear and convincing to the court). This means that by representing your self in a legal matter it is your responsibility to prove your case. Don't expect the judge to prove your case for you. The petitioner has the burden of proving by a preponderance of the evidence the following to the court:

1. Petitioner must show the court that their request for name and sex field change is for a legitimate purpose. This means that petitioner cannot change their name for any illegal or fraudulent reasons. If petitioner is seeking to change their name to avoid creditors or avoid child support or deceive any government agency, the court will not grant their request for a name change. If petitioner is seeking to change their name to their grandfather's name, for example, to honor your grandfather's memory or wishes, the court will probably grant their request.

INSTRUCTIONS FOR FILLING OUT THE FORM. To fill out this form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form.

Instructions for filling out the petition:

- (1) on this line insert your name and your date of birth.
- (2) on this line insert your name.
- (3) insert your mailing address.
- (4) insert "is" if you are an enrolled member of the tribe. Insert "is not but is eligible for enrollment" if you are not an enrolled member of the tribe.
- (5) insert your date of birth.
- (6) insert the name of the city you were born.
- (7) insert the name of the county you were born.
- (8) insert the name of the state you were born.
- (9) insert your mother's name as it appears on your birth certificate.
- (10) insert your father's name as it appears on your birth certificate.
- (11) insert what you want to change your name to.
- (12) explain in detail why you want to change your name.
- (13) on this line insert the day.
- (14) on this line insert the month.
- (15) on this line insert the year.
- (16) on this line insert your name by signing.

ROSEBUD SIOUX TRIBAL COURT)
ROSEBUD INDIAN RESERVATION)SS
ROSEBUD , SOUTH DAKOTA)

IN CIVIL COURT

DOCKET _____

IN RE THE NAME CHANGE OF:

(1) _____ DOB: _____

PETITION FOR NAME CHANGE
FOR AN ADULT

An Adult.

Comes now (2) _____, petitioner(s) and petitions this Court as follows:

1. That petitioner(s) has resided on the Rosebud Sioux Indian Reservation for at least the past six months. Petitioner(s)'s address is (3) _____ and petitioner (4) _____ a member of the Rosebud Sioux Tribe.

2. That petitioner is an adult and was born on (5) _____, in the city of (6) _____ County of (7) _____, in the State of (8) _____.

3. That petitioner's mother's name as it appears on petitioner's birth record is (9) _____.

4. That petitioner's father's name, if at all, as it appears on petitioner's birth record is (10) _____.

5. That petitioner requests that his/her name be changed to (11) _____.

6. That the above named adult requests a name change for the following reasons:
(12) _____

