



# SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM FREQUENTLY ASKED QUESTIONS

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## **HOW DO I...**

### **How do I get a copy of my birth certificate?**

South Dakota courts do not maintain birth certificates or other vital statistic records such as marriage certificates or death certificates. Contact your local county Register of Deeds office or [South Dakota Department of Health Vital Records](#).

### **How do I get a marriage license?**

Marriage licenses are issued by the county Register of Deeds office—not by South Dakota courts. Contact your county Register of Deeds office for specific questions. At a minimum, you should be prepared to provide identification and pay a fee. Once a license is issued, the wedding must take place within 90 days, or the license becomes void.

### **How do I file for a divorce?**

Instructions and forms are available to file you own divorce case in a South Dakota court if it will be simple and non-contested. These forms can be obtained from any Clerk of Courts office for \$10 or [online at no cost](#). UJS strongly encourages you to consult with an attorney before filing for divorce as many of the laws regarding marital assets and child custody can be complex.

### **How do I get a passport?**

In South Dakota, you can submit applications for a passport at some post offices and in some county Register of Deeds, Treasurer or Auditor offices. For locations in South Dakota, visit the [U.S. Passport Service Guide website](#).

### **How do I find information regarding jury duty?**

The [UJS Jury Duty website](#) provides information about all aspects of jury duty service and to help make jury service as convenient, comfortable, informative and rewarding as possible. The website provides the juror questionnaire, juror handbook, orientation video, courthouse information, FAQs and the ability to create a jury duty account.

### **How do I modify child support?**

In South Dakota, circuit courts are the only entity with authority to modify a child support obligation. This is usually done in response to a petition filed by one of the parents. Either parent or a representative may file a petition to modify their child support order. [Learn more](#).





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## How do I get a protection order?

Protection orders, also called restraining orders, require a person (typically those charged with domestic violence or stalking) to stay a specified distance away from a named victim for a certain amount of time. Instructions and forms are available to file your own protection order case in court in South Dakota. Instructions/forms can be obtained from any county Clerk of Courts office or [online](#).

## How do I obtain a certificate of good standing for an attorney?

To obtain an attorney certificate of good standing, contact the South Dakota Supreme Court Clerk's Office at 605-773-3511.

## How do I renew my vehicle registration/decals or purchase license plates?

Vehicle registration/decal renewals and license plate purchases are not processed by South Dakota courts. Contact your local county Treasurer's office or visit the South Dakota Department of Revenue Motor Vehicle Division's [website](#).

## FINES, COSTS, TICKETS

### How much will my fines be?

Maximum fine amounts are established by the South Dakota Legislature. For cases heard in court, judges can set fine amounts based on the seriousness of the offense. For more common offenses that don't require court appearances like speeding or failing to stop at a stop sign, standard amounts are set by a fine and bond schedule and should be listed on your ticket at the time of the offense. [Learn more](#).

### Can I get an extension to pay my fines?

All fines and costs are due by the date on the ticket, or the date of sentencing if you were required to appear in court. If you are unable to pay your fine in full the day it is due, you can ask the court to allow for an extension. If an extension is granted, you will need to visit the [Clerk of Courts office](#) to set up and sign a payment plan.

### Can I pay my fines, costs and tickets online?

The South Dakota UJS' [ePayments website](#) allows case parties to pay their criminal court fees, fines, costs and restitution conveniently and securely online using a debit or credit card. The system will show if you can make a payment online, if you need to contact the Clerk of Courts office, or if there is an active warrant on the case. The system will allow you to make a minimum payment of \$25 (unless the balance owed is less than \$25), the full amount due, or any amount between the \$25 minimum and full balance. New court cases may not be available for online payments for up to 14 days.





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## **MY COURT CASE**

### **How do I find an attorney to handle my case?**

Neither Clerk of Courts staff nor the judge can recommend an individual attorney to help you.

In some criminal cases, the court may appoint specific counsel for you if you qualify by meeting certain financial guidelines. If you feel that you are financially unable to afford a lawyer, you may request the court to appoint counsel to represent you. You must be charged with a crime to apply, and the court will not appoint council to represent you in a civil trial. [Learn more](#).

The State Bar of South Dakota's Lawyer Referral Service is a public service which helps people find qualified, local lawyers. Call 800-952-2333 or visit <https://findalawyerinsd.com>. Learn more about legal service providers for low-income individuals on the [UJS website](#).

### **What if I have a complaint about my attorney?**

Complaints against your attorney depend on the nature of your complaint and whether the attorney was chosen by you or appointed by the court. Discussing your concerns with the attorney may resolve your issues. If your attorney was court appointed, you may ask the court to consider appointing someone else. There is a grievance process available through the State Bar of South Dakota. [Learn more](#) about filing a complaint against an attorney.

### **How do I get a hearing date before a judge or get a hearing date changed?**

Your attorney will arrange for necessary hearings. However, if you are not represented by an attorney, you should contact the [Clerk of Courts office](#) in the county where your case is pending. The clerk will be able to tell you if those arrangements can be made through that office, or if the judge will need to be consulted. The answer will depend on the kind of case you have, the nature of hearing requested, how much time might be needed, and availability of the judge.

### **Can I speak with a judge directly outside of court or write a letter?**

Generally, no, but it depends. All contact with a judge regarding any matters related to court cases (pending or not) should occur through your attorney. This ensures that the proper rules and laws are followed regarding communications with a judge and notice to the other parties in a case.

If you are not represented by an attorney, your best option is to write a letter to the judge, in care of the [Clerk of Courts office](#) for the county where your case is pending, with a copy to all other parties in the case. This will help keep the judge from having one-sided communication (called ex parte) or creating a conflict of interest for the judge by having access to information that may not be appropriate.





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## When is my next court date?

You can quickly find when you need to appear in court for criminal, civil and family cases online using [Find a Court Date](#). The site reflects docket entries for criminal, civil and family court records open to the public. Certain records may not be available in accordance with federal and state statutes and rules governing the Unified Judicial System or by court order. For further questions, contact the [Clerk of Courts office](#) for the county where your case is pending.

## How can I access court forms?

The Unified Judicial System's [Guide and File](#) allows people who represent themselves in court (self-represented litigant) to easily create and fill out the forms necessary to start court proceedings such as a divorce, name change or a protection order for domestic abuse. Guide and File is designed to make starting a legal proceeding easier for self-represented litigants and to improve the accuracy and completeness of forms they file with the Clerk of Courts office. [Search for a court form](#).

## How do I get a transcript of a court hearing?

A court transcript is an official record of everything said during a legal proceeding. Transcripts are prepared by an official court reporter or court recorder. Most transcripts have to be requested directly from the court reporter attending the court hearing. The [Clerk of Courts office](#) can tell you who the reporter is and how to contact that person. Depending on the kind of hearing and whether it was digitally recorded or stenographically reported, the fees for a transcript will vary, as will the time it may take for the transcription.

## How can I search for court records or get copies of documents from court files?

South Dakota provides electronic searches of court records. [Learn more about conducting court record searches](#).

The majority of court records can be accessed from public kiosk terminals at each courthouse. To search for older case files that may not be scanned into UJS' system, contact the [Clerk of Courts office](#) for the county in which the case is pending or was held.

There may be a fee for copies, which depends on whether you want a regular copy, a certified or authenticated copy. The fee also depends on the number of pages in the document you are requesting. Generally, all requests for copying and/or searches of records must be accompanied by payment.

Not all documents in court files are available to the public; some have limited access according to South Dakota laws. Juvenile cases are closed (confidential) cases, and the information cannot be released to the public. A juvenile case will not appear in a record search.





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## **JUDGMENTS**

### **How do I get a judgment against a person?**

To get a judgment against a person, you must start a court action in either small claims or civil court. The judge who hears the case must agree that your claim is valid and rule in your favor.

Small claims court is an informal court which allows people to sue for small losses of money or property (\$12,000 or less). The procedures are simple enough that you can file and handle your own claim in court. To start the process, complete the required forms and submit them to the county Clerk of Courts office where the defendant (person you are accusing of causing an alleged harm) lives or where the loss occurred. Learn more about the [small claims process](#).

For losses that exceed \$12,000, you would need to file a civil court action. [Learn more](#).

### **How do I file a small claims lawsuit?**

A small claims action must be filed in either the county where the defendant (person you are accusing of causing an alleged harm) lives or the county where the loss occurred. To start an action, you as the plaintiff (person bringing a case against another person) or your attorney must provide a written and signed statement describing the loss amount and how the loss or damage occurred. This statement, along with supporting documents (receipts, cost estimates, contracts, etc.), the Case Filing Statement, and the filing fee are required to start the case. Learn more about the [small claims process](#).

### **Now that I have a judgment, when do I get my money?**

Obtaining a judgment does not guarantee payment, and the court does not enforce collection. What the court does do is place a lien against the debtor for 10 years, which can be renewed for an additional 10 years if it remains unpaid. Some defendants (debtors) can and do pay right away. Others arrange to pay over time. Some situations may require you to enforce the judgment by other legal means, such as an execution. There are other procedures available to collect on a judgment, but they are often legally complex, and the assistance of an attorney may be required.

### **How do I garnish wages to collect my judgment?**

A wage garnishment is a court order or official notice directing an employer to collect funds from an employee to fulfill certain financial obligations or debts, such as a judgment. Garnishing wages is a complex process, and it is best to visit with an attorney.

