**44:09:05:05.  Amendment of given names on birth certificates within the first year.** Until the registrant's first birthday, any given name may be amended by an affidavit signed by both parents or by one of the following:

(1)  The mother in the case of a child born out of wedlock;

(2)  The father in the case of the death or incapacity of the mother;

(3)  The mother in the case of the death or incapacity of the father; or

(4)  The guardian having legal custody of the registrant.

After the first birthday, documentary evidence shall be submitted to substantiate the amendment.

**Source:** SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 26 SDR 89, effective January 9, 2000.

**General Authority:** SDCL 34-25-51.

**Law Implemented:** SDCL 34-25-51.