

INSTRUCTIONS FOR A NAME CHANGE – ADULT

North Dakota Century Code Chapter 32-28

**Court employees cannot help you fill out the form(s).
If you are unsure how to proceed, you should consult a lawyer.**

FORMS NEEDED FOR AN ADULT NAME CHANGE:

1. Petition for Name Change
2. Affidavit of Identification
3. Notice of Application For Name Change
4. Order Granting Name Change

NOTE: You (Petitioner) must be a resident of the county in North Dakota where you are filing the petition for at least six months before filing the petition. As of August 1, 2015, you (Petitioner) must be either a citizen or a permanent resident alien of the United States.

STEPS FOR PETITIONING FOR AN ADULT NAME CHANGE:

Step 1 – Complete the forms.

- PETITION FOR NAME CHANGE
 - Line # 1 – write your current legal name (first, middle, last) and your current address, city and county in North Dakota.
 - Line # 2 – put a check mark (✓) next to “citizen” if you are a citizen of the United States. Put a check mark (✓) next to “permanent resident alien” if you are a permanent resident alien of the United States. DO NOT put a check mark on both spaces.
 - Line # 5 – write your name as you want it to be after the name change.
 - State the reason(s) you want to change your name.
 - Line # 6 – Fill in what the new name will be, the name of the newspaper and the date the Notice was published.
 - If you are asking the judge to waive the publication of the Notice, check the reason why. Do not fill out the publication information.
 - Line # 7 – If you have been convicted of a crime, you must provide information regarding your criminal record. The court may require you to submit to a statewide and national criminal records check and be fingerprinted at your own cost.

- AFFIDAVIT OF IDENTIFICATION

- Line # 1 – Your current legal name.
- Line # 3 – put a check mark (✓) next to “citizen” if you are a citizen of the United States. Put a check mark (✓) next to “permanent resident alien” if you are a permanent resident alien of the United States. DO NOT put a check mark on both spaces.

****Note:** This document must be signed by the Petitioner in front of a Notary Public. You will need to show a driver’s license or photo identification card so the Notary Public can verify your identity.

- NOTICE OF PETITION FOR NAME CHANGE

- This form is an example of what you need to fill out and give to the newspaper to publish.
- Unless you plan to ask the court to waive the publication requirement, you must publish it in the official newspaper of the county where you are going to file the Petition.

- ORDER GRANTING NAME CHANGE

- Prepare this document to present to the judge for his/her signature if your name change is granted. DO NOT date or sign this document.

Step 2 – Publish the Notice of Petition For Name Change.

Have the Notice of Petition for Name Change published in the official county newspaper where you live. The newspaper will provide you with an affidavit of publishing.

You can skip Step 2 only if you plan to ask the court to waive publication in the newspaper.

The court may waive publication in the newspaper only if:

1. You are only asking for a change to your first or middle name; or
2. You are a victim of domestic violence as defined by North Dakota Century Code Section 14-07.1-01, which states:
“Domestic violence includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members.”

If you plan to ask the court to waive publication, go directly to Step 3.

If the court does not waive publication in the newspaper, you will need to complete Step 2 and file the affidavit of publication (provided by the newspaper) with the court.

Step 3 – File the following completed forms with the Clerk of District Court.

File with the District Court where you have resided for at least 6 months before filing the Petition. You will be asked to pay a filing fee. Contact the Clerk of District Court's office for the amount of the filing fee.

- Petition For Name Change;
- Affidavit of Identification;
- The Notice of Petition for a Name Change;
- Affidavit of Publication (provided to you by the newspaper); and
- Order Granting Name Change.

NOTE: If you are asking the court to waive publication, you will not need to file a completed Notice of Petition for Name Change or Affidavit of Publication. If the court denies your request, the court will notify you. Then, you will need to complete Step 2 and file the completed Notice of Petition for Name Change and Affidavit of Publication with the court.

The Clerk of District Court will notify you if there has to be a hearing.