

INSTRUCTIONS FOR NAME CHANGE – MINOR CHILD

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 NAME CHANGE OF A MINOR CHILD:

1. Petition For Name Change of a Minor Child
2. Affidavit of Petitioner
3. Confidential Information Form
4. Notice of Petition For Name Change
5. Affidavit of Service by Mail
6. Order Granting Name Change

NOTE: The Petitioner and child must be residents of the county in North Dakota where the Petition will be filed for at least six months preceding the filing of the Petition. As of August 1, 2015, the child must be either a citizen or a permanent resident alien of the United States.

STEPS FOR PETITIONING FOR NAME CHANGE OF A MINOR CHILD:

Step 1 – Complete the forms.

- PETITION FOR NAME CHANGE OF A MINOR CHILD
 - On the top of the form, fill in the current, full legal name of the minor child
 - Line # 1 – write the minor child’s current legal name (first, middle, last), your current county in North Dakota and the minor child’s current county in North Dakota.
 - Line # 2 – put a check mark (✓) next to “citizen” if the minor child is a citizen of the United States. Put a check mark (✓) next to “permanent resident alien” if the minor child is a permanent resident alien of the United States. DO NOT put a check mark on both spaces.
 - Line # 3 – write the minor child’s current, full legal name on the first line. On the second line, write the minor child’s name as you want it to be after the name change.
 - Line # 4 – fill in the minor child’s birth year and city and state of birth.
 - Line # 5 – write the minor child’s name as you want it to be after the name change. State the reason(s) you want to change your minor child’s name.
 - Line # 6 – write the minor child’s name as you want it to be after the name change, 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 # 8 – write the minor child’s name as you want it to be after the name change.
 - Line # 9 – write the minor child’s current, full legal name on the first line. On the second line, write the minor child’s name as you want it to be after the name change.
 - Line # 11 – write the minor child’s name as you want it to be after the name change.
 - WHEREFORE – write the minor child’s current, full legal name on the first line. On the second line, write the minor child’s name as you want it to be after the name change.
 - Date and sign the form. Type or print your address, telephone number and email address.
- AFFIDAVIT OF PETITIONER
 - On the top of the form, fill in the current, full legal name of the minor child
 - The rest of this form is self - explanatory.
 - **Be sure to sign this form 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.
- CONFIDENTIAL INFORMATION FORM
 - On the top of the form, fill in the current, full legal name of the minor child
 - Use the child’s full birthdate – Month/Date/Year
 - **This document will not be seen by the public.
- NOTICE OF PETITION FOR NAME CHANGE
 - On the top of the form, fill in the current, full legal name of the minor child
 - Unless you plan to ask the court to waive the publication requirement, this notice must be filled out and published in the official county newspaper in the county where the Petition is filed and in the county where the non-custodial parent lives.
- AFFIDAVIT OF SERVICE BY MAIL
 - On the top of the form, fill in the current, full legal name of the minor child
 - A copy of the Notice of Petition for Name Change must be mailed within 10 days after publication of the Notice, to the non-custodial parent at his/her last reasonably known post office address.
 - The copy of the Notice of Petition for Name Change must be mailed, postage prepaid, from a post office in this state.
 - **Be sure to sign this form 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.

- ORDER GRANTING NAME CHANGE
 - On the top of the form, fill in the current, full legal name of the minor child
 - Prepare this document to present to the judge for his/her signature.
 - DO NOT DATE OR SIGN THIS FORM.

Step 2 – Publish the Notice of Petition For Name Change. Mail a copy to the non-custodial parent.

Have Notice of Petition for Name Change published in the official county newspaper where you will file the Petition (where you live) and in the county where the non-custodial parent lives, if different from where you live. The newspaper (or newspapers) will give you an affidavit of publishing.

IMPORTANT: You must send a copy of the Notice of Petition for Name Change to the non-custodial parent at the last known address. You must send this within 10 days of the Notice being published.

You must fill out the Affidavit of Service by Mail and file it with the Clerk of District Court in Step 3. This document states that you put the Notice in the mail to the non-custodial parent and the address where it was sent.

You may 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 the minor child’s 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.

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;
- Confidential Information Form;
- Affidavit of Petitioner;
- Order For Name Change;
- Notice of Petition For Name Change;
- Affidavit of Publication (provided to you by the newspaper(s)); and
- Affidavit of Service by Mail.

NOTE: If you are asking the court to waive publication, you will not need to file a completed Notice of Petition for Name Change, Affidavit of Publication or Affidavit of Service by Mail. 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, Affidavit of Publication and Affidavit of Service by Mail with the court.

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