

INSTRUCTIONS FOR A NAME CHANGE – ADULT

IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

To protect your rights, carefully read this information and any instructions to which you are referred.

You may go to court without a lawyer, but you will have to abide by the state or federal laws that apply to your civil action, the appropriate court rules, including North Dakota Rules of Civil Procedure, North Dakota Rules of Court, North Dakota Rules of Evidence, North Dakota Administrative Rules and Orders, and any local court rules. Links to the rules and state laws can be found at www.ndcourts.gov.

A glossary with definitions of legal terms is available at www.ndcourts.gov/ndlshc.

This information is not a complete statement of the law. This covers basic procedure for petitioning a North Dakota District Court for the name change of an adult. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. For legal information, please talk to a lawyer.

Requirements for name changes are found in [North Dakota Century Code Chapter 32-28](#). Review the Chapter carefully.

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how laws and rules apply to your situation.

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.

FORMS NEEDED FOR AN ADULT NAME CHANGE:

1. Notice of Petition For Name Change
2. Petition for Name Change
3. Affidavit of Petitioner
4. Confidential Information Form
5. Order Granting Name Change

STEPS FOR PETITIONING FOR AN ADULT NAME CHANGE:

Step 1 – Complete Notice of Petition for Name Change form and publish the Notice of Petition for Name Change.

First, complete the Notice of Petition for Name Change form:

- NOTICE OF PETITION FOR NAME CHANGE
 - On the top of the form:
 - Fill in the name of the North Dakota county where you will file your Petition (*where you live*).
 - Fill in your current full, legal name.
 - The rest of the form is self-explanatory.
 - If your mailing address is different from your street address, include both addresses. Write or type your mailing address in the blank space to right of the address block.

Second, have the completed Notice of Petition for Name Change published in the official county newspaper where you will file the Petition (*where you live*). The newspaper will give you an affidavit of publication.

You can skip Step 1 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 2.

If the court does not waive publication in the newspaper, you will need to complete Step 1 and file the affidavit of publication (provided by the newspaper) with the court.

Step 2 – Complete the remaining forms.

- PETITION FOR NAME CHANGE
 - Top of the form:
 - Fill in the name of the county where you will file the petition.
 - The case number is assigned by the clerk of court when the petition is filed in Step 3.
 - Fill in your current, full legal name.
 - First Paragraph – Fill in your current, full legal name.
 - Line # 1 – Write your current legal name (first, middle, last).
 - Line # 2 – Fill in your current address, city, county and zip code in North Dakota.
 - Line # 3 – Fill in your current county.
 - Line # 4 – 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 # 6 – Write your name as you want it to be after the name change.
 - Line # 7 – Put a check mark (✓) next to the statement that is accurate for your situation.
 - NOTE: The court may require you to submit to a statewide and national criminal records check and be fingerprinted at your own cost.
 - If the individual petitioning for a name change has a felony conviction under a law of this state or a law of another state or the federal government, the request is presumed to be made in bad faith, to defraud or mislead, to cause injury to an individual, or to compromise public safety. The name change may not be granted unless the individual requesting the name change proves by clear and convincing evidence that the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to an individual, and will not compromise public safety.
 - Line # 9 – Put a check mark (✓) next to the statement that is accurate for your situation.
 - Fill in the corresponding notice information.
 - If you are asking the judge to waive the publication of the Notice, check the reason or reasons why. Do not fill out the publication information.

- If the court does not waive publication in the newspaper, you will need to complete Step 1 and file the affidavit of publication (provided by the newspaper) with the court.
 - Line # 10 – Put a check mark (✓) next to the statement that is accurate for your situation.
 - WHEREFORE – Write your current, full legal name (first, middle, last) on the first line. Write your name as you want it to be after the name change on the second line.
 - Sign and date the form. Fill in the information below the signature line.
 - If your mailing address is different from your street address, include both addresses. Write or type your mailing address in the blank space below the address block.
- AFFIDAVIT OF NAME CHANGE
 - Top of the form
 - Fill in the name of the county where you will file the petition.
 - The case number is assigned by the clerk of court when the petition is filed in Step 3.
 - Fill in your current, full legal name.
 - First Paragraph – Your current, full legal name.
 - Line # 1 – Your current, full legal name.
 - 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 # 3 – Fill in the number of years and months you have lived in North Dakota.
 - Line # 4 – The name of county in North Dakota where you live.
 - Line # 5 – The city and state of your birth.
 - Line # 6 – Your year of birth. (You will list your full date of birth on the Confidential Information form.)
 - Line # 7 – Write your name as you want it to be after the name change.
 - State the reason(s) you want to change your name.
 - If you need additional space for your statement, do not write on the back of the form. Write on one side of a new sheet (or sheets) of paper and put a check mark (✓) next to “Additional sheets attached.”
 - Line # 8 – Put a check mark (✓) next to the statement that is accurate for your situation.
 - If you have been convicted of a crime or crimes under state or federal law, list each conviction. For each conviction, include the charge, the

classification of the offense, the name of the court in which you were convicted, and the year of the conviction.

- If you have a felony conviction (or convictions) the court may not grant the name change unless you provide clear and convincing evidence to the court that your request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to an individual, and will not compromise public safety.
- If you need additional space for your statement, do not write on the back of the form. Write on one side of a new sheet (or sheets) of paper and put a check mark (✓) next to “Additional sheets attached.”
- Line # 10 – Put a check mark (✓) next to the statement that is accurate for your situation.
 - Fill in the corresponding notice information.
 - If you are asking the judge to waive the publication of the Notice, check the reason or reasons why. Do not fill out the publication information.
 - If ask the court to waive publication due to domestic violence, explain in detail. You must give evidence satisfactory to the court that you have been a victim of domestic violence. (See definition above.)
 - If you need additional space for your statement, do not write on the back of the form. Write on one side of a new sheet (or sheets) of paper and put a check mark (✓) next to “Additional sheets attached.”
 - If the court does not waive publication in the newspaper, you will need to complete Step 1 and file the affidavit of publication (provided by the newspaper) with the court.
- Line # 11 - Put a check mark (✓) next to the statement that is accurate for your situation.
 - If you received written objections to the petition for name change, list the names of the people who objected and their relationship to you.
 - The written objections are filed with the clerk of court in Step 3.
- 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 county where you will file the petition and your current, full legal name.
- Fill in your full date of birth – Month/Date/Year.
- Sign and date the form.

**This document will not be accessible to the public. See [Rule 3.4 of the North Dakota Rules of Court](#) for privacy protections for documents filed with the court.

- ORDER GRANTING NAME CHANGE
 - On the top of the form, fill in the county where you will file the petition and your current, full legal name
 - 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 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.

- Petition For Name Change;
- Affidavit of Petitioner;
- Confidential Information Form;
- The Notice of Petition for a Name Change;
- Affidavit of Publication (provided to you by the newspaper);
- All written objections you received; and
- Order Granting Name Change.

You will be asked to pay a filing fee. The filing fee is currently \$80.00. Contact the Clerk of District Court's office to verify the amount of the filing fee.

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 will be a hearing.