

INSTRUCTIONS FOR A NAME CHANGE – MINOR CHILD

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 under the Research link.

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 a minor child. If the forms do not fit your circumstances, consult a lawyer. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

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

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 the laws apply to your situation.

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.

FORMS 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

STEPS FOR PETITIONING FOR NAME CHANGE OF A MINOR CHILD:

Step 1 – Complete the notice forms and publish the Notice of Petition For Name Change. Mail a copy of the notice to the non-custodial parent.

First, complete the following form:

- NOTICE OF PETITION FOR NAME CHANGE
 - 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.

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.

If the minor child has a non-custodial parent, you must also have the completed Notice of Petition for Name Change published in the official county newspaper where the non-custodial parent lives, if different from where you live. The newspaper will give you an affidavit of publication.

NOTE: A non-custodial parent is a parent with less than 50% of the residential responsibility.

Third, if the minor child has a non-custodial parent, you must mail a copy of the Notice of Petition for Name Change to the non-custodial parent within 10 days of publication.

The Notice of Petition for Name Change must be mailed to the last known address of the non-custodial parent, postage prepaid, from a post office in this state.

Complete the following form:

- **AFFIDAVIT OF SERVICE BY MAIL**

This document states that the Notice of Petition for Name Change was mailed to the non-custodial parent and the address where it was mailed.

- 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.
- 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.

The Notice of Petition for Name Change and the Affidavit of Service by Mail are filed with the Clerk of District Court in Step 3.

You may 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 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 the court does not waive publication in the newspaper, you will need to complete Step 1 and file the affidavit(s) of publication (provided by the newspaper or newspapers) and the affidavit of service by mail with the court.

Step 2 – Complete the remaining forms.

- **PETITION FOR NAME CHANGE OF A MINOR CHILD**

- 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 the current, full legal name of the minor child
- First Paragraph – write your full, legal name on the first line. On the second line, write the current, full legal name of the minor child.
- Line # 1 – state your relationship to the minor child.
- Line # 2 – write the minor child's current legal name, your current county in North Dakota and the minor child's current county in North Dakota.

- Line # 3 – 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.
 - Line # 4 – 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 # 5 – fill in the minor child’s birth year and city and state of birth. Do not fill in the minor child’s month and day of birth.
 - Line # 7 – put a check mark (✓) next the box that is accurate for your situation.
 - Fill in the corresponding notice information.
 - Line # 8 – put a check mark (✓) next the box that is accurate for your situation.
 - Line # 10 – write the minor child’s name as you want it to be after the name change.
 - WHEREFORE – write the minor child’s name as you want it to be after the name change.
 - Date and sign the form. Fill in the information below the signature line.
- AFFIDAVIT OF PETITIONER
 - 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 the current, full legal name of the minor child.
 - First Paragraph – write your full, legal name.
 - Line # 1 – write your full, legal name.
 - Line # 2 – state your relationship to the minor child.
 - Line # 3 – write the other parent’s full, legal name and their last known post office address.
 - Line # 4 – put a check mark (✓) next the box that is accurate for your situation.
 - Line # 5 – write the minor child’s current, full legal name on the first line. Fill in the minor child’s birth year and city and state of birth. Do not fill in the minor child’s month and day of birth.
 - Line # 6 – Fill in the name of the county where you and the minor child live.
 - Line # 7 – Fill in the name of the county where the minor child has lived for the past six months. (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)

- Line # 8 – 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.
 - 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.
 - State in detail the reasons the name change is in the best interests of the child.
 - 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 the box that is accurate for your situation.
 - Fill in the corresponding notice information.
 - If you 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 the victim of domestic violence. (See definition above.)
 - If you need additional space for your explanation, 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 # 11 – put a check mark (✓) next the box 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 relation to the minor child.
 - The written objections are filed with the Clerk of District 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 current, full legal name of the minor child
 - Use the child’s full birthdate – 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 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 3 – File the following original, completed forms with the Clerk of District Court.

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

You will be asked to pay a filing fee. Contact the Clerk of District Court's office for 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, 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 1 and file the completed Notice of Petition for Name Change, Affidavit(s) of Publication and Affidavit of Service by Mail with the court.

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