

## Instructions For A Name Change - Adult

### IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees can't help you fill out forms.

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer) for information about finding a lawyer to represent you.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
  - 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 state laws, case law, and court rules can be found at [ndcourts.gov](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures

*These instructions and forms aren't a complete statement of the law. They cover the basic procedure for petitioning a North Dakota District Court for the name change of an adult. If the forms don't fit your circumstances, consult a lawyer. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.*

***Use these forms and instructions at your own risk.***

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

**Note:** You (Petitioner) must be a resident of the county in North Dakota where you're filing the petition for at least six months before filing the petition.

**Also Note:** You (Petitioner) must be either a citizen or a permanent resident alien of the United States.

## You May Ask the Judge Assigned to your Case To Waive The Publication Requirement

North Dakota law requires that you publish notice of your name change in the newspaper before a court can consider granting your name change. A Declaration of Publication or Affidavit of Publication is required, which is provided by the newspaper.

**However**, before you publish notice of your name change, you may ask the court to waive the publication requirement **if**:

1. You're only asking for a change to your first or middle name; or
2. You're 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."

**Important:** North Dakota law only allows a court to consider the two reasons listed above for waiving the publication requirement.

If the court **doesn't** grant your request to waive publication in the newspaper, you'll need to publish notice in the newspaper and file the Declaration of Publication or Affidavit of Publication with the court. The Declaration of Publication or Affidavit of Publication is provided by the newspaper after publication of the notice is complete.

**This packet of forms and instructions includes the option of asking the court to waive publication.**

## Criminal History Record Checks

The court may require a criminal history background check for North Dakota or any other state. You're required to pay all costs associated with the criminal history record check.

After you file the completed Adult Name Change Forms, Declaration of Publication or Affidavit of Publication, and any written objections with the Clerk of Court, the court will decide if you'll be required to complete a criminal history background check.

If the court requires you to complete a criminal history background check, you may be directed to the following website to get your criminal history background check:

[fbi.gov/services/cjis/identity-history-summary-checks](https://www.fbi.gov/services/cjis/identity-history-summary-checks).

Review the requirements before you start the name change petition process.

## Overview of the Adult Name Change Process

**Step 1. Publish the Notice of Petition for Name Change in the Newspaper.**

Get the **Declaration of Publication or Affidavit of Publication** from the newspaper.

**OR**, Skip Step 1 if Asking the Court to Waive Publication.

**Step 2. Complete the Rest of the Name Change Forms.**

Gather any written objections you receive after publication of the Notice.

If you ask the court to waive publication, you won't gather written objections.

**Step 3. File the Original Petition, Affidavit, Confidential Information Form, Notice of Petition for Name Change, Order Granting Name Change (Proposed), Declaration of Publication or Affidavit of Publication and any Written Objections with the Clerk of Court.**

Pay the \$80.00 filing fee or file the completed petition to waive filing fees.

**OR**, if Asking the Court to Waive Publication, File the Original Petition, Affidavit, Confidential Information Form, and Order Granting Name Change (Proposed).

Pay the \$80.00 filing fee or file the completed petition to waive filing fees.

**Step 4. Get Your Criminal History Background Check if the Court Requires One.**

**Step 5. The Judge Decides Whether to Grant the Name Change**

The judge may make a decision without holding a hearing, or may require you to appear at a hearing before making a decision.

**Step 6. Request a Certified Copy of the Order Granting Name Change**

## 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 (Proposed)

## Steps for Petitioning for an Adult Name Change

**Important:** You may skip Step 1 only if you plan to ask the court to waive publication in the newspaper. If you plan to ask the court to waive publication, go directly to Step 2.

The court may waive publication in the newspaper only if:

1. You're only asking for a change to your first or middle name; or
2. You're 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 doesn't waive publication in the newspaper, go back and complete Step 1. File the Declaration of Publication or Affidavit of Publication (provided by the newspaper) with the court after publication is complete.

### Step 1:

#### Complete the Notice of Petition for Name Change Form and Publish the Notice of Petition for Name Change in the Newspaper

**Important:** A Declaration of Publication or Affidavit of Publication is required unless waived by the court. If you plan to ask the court to waive publication, skip Step 1 and go directly to Step 2.

#### Complete Notice of Petition for Name Change

Fill in the top part (caption) of the Notice of Petition for Name Change form:

- Fill in the name of the North Dakota county where you'll file your Petition (*where you live*).
- Fill in your current first, middle (*if any*), and last legal name.

**Fill in the first paragraph of the Notice of Petition for Name Change form:**

- Fill in your **current** first, middle (*if any*), and last legal name.
- Fill in your **requested** first, middle (*if any*), and last legal name.

**Date and sign the Notice of Petition for Name Change form:**

- Print your name and address.
  - 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.

**Publish the Notice of Petition for Name Change in the Newspaper**

**Caution:** [N.D.C.C. § 32-28-02](#) doesn't say how many times the Notice of Petition for Name Change must be printed in the newspaper. [N.D.C.C. § 32-28-02](#) only states that before a judge can order a name change, the petitioner must have given 30 days previous notice in the official newspaper of the county where the petitioner lives. North Dakota Legal Self Help Center staff can't interpret the law for you, as this requires legal advice. Center staff **can't** give you legal advice under any circumstances. If you want the law interpreted for you, consult a [lawyer](#).

**Have the completed Notice of Petition for Name Change published in the official county newspaper where you will file the Petition (*where you live*).**

Publication can be done in a print edition, in an e-edition, or both.

**After publication is completed, the newspaper will give you a Declaration of Publication or Affidavit of Publication. Make a copy for your records. (*You file the original with the clerk of court in Step 3.*)**

**Important:** Documents can't be filed with the clerk of court until there has been 30 days previous notice in the newspaper.

**You may receive written objections after the Notice is published. Make copies of the written objections for your records. (*You file the originals with the clerk of court in Step 3.*)**

## Step 2: Complete the Remaining Forms

### Complete the Petition for Name Change

- Fill in the top part (caption) of the Notice of Petition for Name Change form:
  - Fill in the name of the North Dakota county where you'll file your Petition (*where you live*).
  - Leave the case number blank! The case number is assigned by the clerk of court when you file the petition and other documents *in Step 3*.
  - Fill in your current first, middle (*if any*), and last legal name.
- 1. Review this paragraph.
- 2. Fill in your **current** first, middle (*if any*), and last legal name.
- 3. Fill in your current address, city, county and zip code in North Dakota.
- 4. Fill in your current North Dakota county and the month and year you began living in the county.
  - If you haven't lived in your current North Dakota county for at least 6 months, you can't use these forms.
- 5. Put a checkmark (✓) next to the option that's accurate for your situation. **Don't** put a checkmark in both options.
- 6. **Stop!!** If this statement isn't accurate, don't use these forms.
- 7. Fill in your first, middle (*if any*), and last legal name as you want it to be if the court grants your name change.
- 8. This paragraph tells the court the reasons you're asking for a name change are in a separate affidavit that you will complete and file with the petition.
- 9. Put a checkmark (✓) next to the statement that's accurate for your situation.

**Note:** The court may require you to submit to a statewide and national criminal records check at your own cost.

- If you have a felony conviction under a law of North Dakota, or a law of another state, or the federal government, your request for a name change is presumed to be made in bad faith, to defraud or mislead, to cause injury to an individual, or to compromise public safety. Your name change may not be granted unless you prove by clear and convincing evidence that your request isn't based on an intent to defraud or mislead, is made in good faith, won't cause injury to an individual, and won't compromise public safety.

10. **Stop!!** If this statement isn't accurate, don't use these forms.

11. Put a checkmark (✓) next to the statement that's accurate for your situation.

- Checkmark the first box if you completed Step 1 and published your notice of name change in the newspaper. Fill in the corresponding notice information.
- Checkmark the second box if you're asking the judge to waive the publication of the Notice. Checkmark the reason or reasons why.
  - If the court **doesn't** waive publication in the newspaper, go back and complete Step 1. File the Declaration of Publication or Affidavit of Publication (*provided by the newspaper*) with the court.

12. Put a checkmark (✓) next to the statement that's accurate for your situation.

13. No additional information is required for this paragraph.

WHEREFORE Paragraph:

- (*First box*): Fill in your **current** first, middle (*if any*), and last legal name.
- (*Second box*): Fill in your **requested** first, middle (*if any*), and last legal name as you want it to be if the court grants your name change.

Date and sign the Petition for Name Change form:

- Print your name and address.
  - If your mailing address is different from your street address, include both addresses. Write or type your mailing address in the blank space to the right of the address block.

### Complete the Affidavit of Petitioner

Fill in the top part (caption) of the Affidavit of Petitioner form:

- Fill in the caption exactly like the caption of your Petition for Name Change form.

- Fill in the first paragraph of Affidavit of Petitioner form:**
  - Fill in your current first, middle (*if any*), and last legal name.
- 1. Fill in your current first, middle (*if any*), and last legal name.**
- 2. Put a checkmark (✓) next to the option that's accurate for your situation. Don't put a checkmark in both options.**
- 3. Fill in the number of years and months you've lived in North Dakota.**
- 4. Fill in the name of the county in North Dakota where you live and the month and year you began living in the county.**
  - If you haven't lived in your current North Dakota county for at least 6 months, you can't use these forms.
- 5. Fill in your place of birth.**
  - If you're a U.S. citizen, list your city and state of birth.
  - If you're a U.S. permanent resident alien, list your city and country of birth.
- 6. Fill in your year of birth. (*You'll list your full date of birth on the Confidential Information form.*)**
- 7. Fill in your first, middle (*if any*), and last legal name as you want it to be if the court grants your name change.**
- 8. State the reasons you want to change your name.**
  - If you need additional space for your statement, don't write on the back of the form. Write on one side of a new sheet (or sheets) of paper and put a checkmark (°) next to "Additional sheets attached."
  - If you have criminal convictions under state or federal law, explain how your request isn't based upon an intent to defraud or mislead, is made in good faith, won't cause injury to an individual, and won't compromise public safety.
- 9. Put a checkmark (✓) in the same checkbox as Paragraph 9 or your Petition.**
  - If you've been convicted of a crime or crimes under North Dakota law, the law of another 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 isn't based upon an intent to defraud or mislead, is made in good faith, won't cause injury to an individual, and won't compromise public safety.
- If you need additional space to answer Paragraph #9, don't write on the back of the form. Write on one side of a new sheet (or sheets) of paper and put a checkmark (°) next to "Additional sheets attached."

10. **Stop!!** If this statement isn't accurate, don't use these forms.

11. Put a checkmark (✓) in the same checkbox as Paragraph 11 of your Petition.

- If you're asking the court to waive publication due to domestic violence, explain in detail. You must give evidence satisfactory to the court that you've been a victim of domestic violence. (*See definition of domestic violence on Page 2.*)
- If you need additional space for your statement, don't write on the back of the form. Write on one side of a new sheet (or sheets) of paper and put a checkmark (✓) next to "Additional sheets attached."
- If the court **doesn't** waive publication in the newspaper, you'll need to complete Step 1 and file the affidavit of publication (*provided by the newspaper*) with the court.

12. Put a checkmark (✓) in the same checkbox as Paragraph 12 of your Petition.

- If you received written objections to the petition for name change, list the names of the people who objected and their relationship to you.
- You'll file the written objections with the clerk of court in *Step 3*.

13. Read this paragraph carefully.

- **By signing this document, you're declaring everything you stated in this Affidavit is true and correct.**
- Fill in the date, city, county, state, and country where the Affidavit was signed;
- Sign the document; and
- Print your name, address, telephone number, and email address.

### Complete the Confidential Information Form

Fill in the top part (caption) of the Confidential Information Form:

- Fill in the caption exactly like the caption of your Petition for Name Change form.

**Petitioner’s current, full legal name:**

- Fill in your **current** first, middle (*if any*), and last legal name.

**Fill in your birthdate information:**

- On the “Date of Birth” line, fill in your full date of birth (month/day/year).
- On the “Year of Birth” line, fill in your year of birth only.

**Date and sign your name, print your name, address, telephone number, and email address.**

**Note:** This document **Won’t** 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.

**Complete the Order Granting Name Change (Proposed)**

**Fill in the top part (caption) of the proposed Order Granting Name Change form:**

- Fill in the caption exactly like the caption of your Petition for Name Change form.

**1. Fill in the name of the City and the name of the County where you’ll file the Petition.**

**2. Fill in your current first, middle (*if any*), and last legal name.**

**3. Fill in your requested first, middle (*if any*), and last legal name.**

**4. Fill in your birth year only.**

**5. Skip the fifth paragraph.**

**6. Fill in both boxes in the sixth paragraph:**

- Fill in the first box with your **current** first, middle (*if any*), and last legal name.
- Fill in the second box with your **requested** first, middle (*if any*), and last legal name.

**Stop!!** **Don’t** date or sign this document.

**Step 3:**  
**File the Following, Completed Documents with the Clerk of Court**

Contact information for clerks of district court is available at [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations).

File your completed name change documents with the Clerk of District Court in the North Dakota county where you have resided for **at least 6 months** before filing the Petition.

**Note:** You'll be asked to pay an \$80.00 filing fee.

If you're unable to afford the \$80.00 filing fee, forms and instructions to ask the court to waive the filing fee are available at [ndcourts.gov/legal-self-help/fee-waiver](https://ndcourts.gov/legal-self-help/fee-waiver).

File the completed fee waiver forms at the same time as your name change documents. (Make sure you have a copy of the waiver forms for your files!)

**Two options for filing are provided. Follow A or B according to the steps you took above:**

**A. If you published notice in the newspaper (completed Step 1), file the following:**

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

**\*\*Make sure you have a copy of every document for your files!**

**B. If you didn't publish notice in the newspaper (skipped Step 1) because you're asking the court to waive publication, file the following:**

- Petition For Name Change;
- Affidavit of Petitioner;
- Confidential Information Form; and
- Order Granting Name Change (Proposed).

**\*\*Make sure you have a copy of every document for your files!**

## **Step 4: Get Your Criminal Background Check**

**Stop!!** Only complete this step if the Court requires you to get a background check!!

After you file the documents listed above, you'll be notified by the court if a criminal history background check is required. You're required to pay all costs associated with the criminal history record check.

If the court requires you to complete a criminal history background check, you may be directed to the following website to get your criminal history background check:

[fbi.gov/services/cjis/identity-history-summary-checks](https://fbi.gov/services/cjis/identity-history-summary-checks)

### **If the Judge Doesn't Waive Publication**

If you asked the judge to waive publication and the judge denies your request to waive the publication requirements, the court will notify you.

- Go back and complete Step 1.
- File the completed Notice of Petition for Name Change and Declaration of Publication or Affidavit of Publication with the court.

## **Step 5: The Judge Decides Whether to Grant the Name Change**

**\*\*If the judge requires a hearing:**

- A hearing isn't required for petitions for name changes. However, the judge may decide a hearing is necessary. The Clerk of District Court will notify you with the date, time, and location of the hearing, if the judge decides a hearing is necessary.
- If you're required to attend a hearing, be prepared to prove everything you included in the Petition and Declaration forms.

**\*\*If you have a criminal history:**

- N.D.C.C. § 32-28-02(5) states “if the court issues a name change order for a petitioner who has criminal history in this or any other state, the court, within ten days after the issuance of the change of name order, shall report the name change to the bureau of criminal investigation.”

Your name isn't changed until the judge signs an Order granting the name change.

**Step 6:  
Request a Certified Copy of the Order Granting Name Change and  
Confidential Information Form**

**If the court grants your name change**, you'll receive or will be sent a copy of the Order Granting Name Change.

However, a **certified copy** (or copies) of the Order Granting Name Change may be necessary to change your name with agencies, businesses, entities, etc.

**Important:** You'll also need to request a **certified copy** (or copies) of the Confidential Information Form which **must** be attached to the Order Granting Name Change.

- *(If the Confidential Information Form isn't attached, North Dakota Vital Records won't accept the Order Granting Name Change.)*

**If a hearing was held**, you can request the certified copies from the Clerk of Court's Office before you leave the courthouse. If the Order has been completed, you may be able to receive the copy that day.

**If a hearing was not held**, you can request these from the Clerk of Court's Office. Contact information for clerks of court by county may be found at [ndcourts.gov/court-locations](http://ndcourts.gov/court-locations).

**There is a small cost for the copies:**

- \$10 for the first certified copy;
- \$5 for each additional certified copy (if requested at the same time).