

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're unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.

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

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 www.ndcourts.gov.

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. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

- If you would like to learn more about finding a lawyer to represent you, go to www.ndcourts.gov/legal-self-help/finding-a-lawyer.

A glossary with definitions of legal terms is available at www.ndcourts.gov/legal-self-help.

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. There is 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 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 are 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.

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.

WAIVER OF 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. An 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 affidavit of publication with the court. The 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.

After you file the completed Adult Name Change Forms, 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:

www.fbi.gov/services/cjis/identity-history-summary-checks.

You may wish to review the requirements before you start the name change petition process.

You are required to pay all costs associated with the criminal history record check.

OVERVIEW OF THE ADULT NAME CHANGE PROCESS

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

Get the 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 will not gather written objections.

Step 3. File the Original Petition, Affidavit, Confidential Information Form, Notice of Petition for Name Change, Order Granting Name Change (Proposed), 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.*

*Only if the court requires you to get one.

Step 5: 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, you'll need to complete Step 1 and file the affidavit of publication (provided by the newspaper) with the court.

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STEP 1:
**COMPLETE NOTICE OF PETITION FOR NAME CHANGE FORM AND
PUBLISH THE NOTICE OF PETITION FOR NAME CHANGE IN THE NEWSPAPER**

IMPORTANT: An 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.

STEP 1(A):
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 full, legal name.

- Fill in the first paragraph 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 full, legal name.
 - Fill in your requested full, legal name.

- Fill in the second paragraph of the Notice of Petition for Name Change form:**
 - Fill in your current full, legal name.
 - Fill in your requested full, 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.

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STEP 1(B):

PUBLISH THE NOTICE OF PETITION FOR NAME CHANGE IN THE NEWSPAPER

- Have the completed Notice of Petition for Name Change published in the official county newspaper where you will file the Petition (*where you live*).
- After publication is completed, the newspaper will give you an 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 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

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 full, legal name.
- 1. Fill in your current full, legal name (first, middle, last).
- 2. Write your current full, legal name (first, middle, last).
- 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. Write your full, legal name as you want it to be if the court grants your name change.
8. This paragraph tells the court the reasons you are 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 1a and Step 1b and published your notice of name 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, you'll need to complete Step 1a and Step 1b and file the 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: Write your current full, legal name (first, middle, last) on the first line. On the second line, write your full, 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.

AFFIDAVIT OF PETITIONER

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

- Fill in the caption exactly as you filled in the caption of your Petition for Name Change form.

Fill in the first paragraph of Affidavit of Petitioner form:

- Fill in your current full, legal name.

1. Write your current full, legal name (first, middle, last).

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. Write your name as you want it to be 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 (✓) next to the statement that's accurate for your situation.

- 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 check mark (✓) next to the statement that's accurate for your situation.

- Checkmark the first box if you completed Step 1a and Step 1b and published your notice of name 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 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 1a and Step 1b and file the affidavit of publication (*provided by the newspaper*) with the court.

- 12. Put a check mark (✓) next to the statement that's 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.
 - You'll file the written objections with the clerk of court in *Step 3*.

- Date and sign the Affidavit of Petitioner form:**
 - **By signing this document, you are declaring everything you stated in this Affidavit is true and correct.**
 - Indicate the county, state, and country where the affidavit was signed;
 - Print the date signed;
 - Sign the document;
 - Print your name, address, telephone number, and email address.

CONFIDENTIAL INFORMATION FORM

- Fill in the top part (caption) of the Confidential Information Form:**
 - Fill in the caption exactly as you filled in the caption of your Petition for Name Change form.

- PETITIONER:**
 - In the "Full Information" column, fill in your current full, legal name and your full date of birth (month/day/year).
 - In the "Redacted Information" column, 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.**

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ORDER GRANTING NAME CHANGE (PROPOSED)

Prepare this document to present to the judge for their signature if your name change is granted.

- ❑ **Fill in the top part (caption) of the proposed Order Granting Name Change form:**
 - Fill in the caption exactly as you filled in the caption of your Petition for Name Change form.

- ❑ **1. Fill in the first paragraph of the proposed Order Granting Name Change form:**
 - Fill in the name of the City where the Petition was filed.
 - Fill in the name of the County where the Petition was filed.
 - Fill in your current full, legal name.
 - Fill in your requested full, legal name.

- ❑ **2. Fill in the second paragraph of the proposed Order Granting Name Change form:**
 - Fill in your current full, legal name.

- ❑ **3. Fill in the third paragraph of the proposed Order Granting Name Change form:**
 - Fill in your current full, legal name.
 - Fill in your requested full, legal name.

STOP!! DO NOT date or sign this document.

STEP 3: FILE THE FOLLOWING, COMPLETED DOCUMENTS WITH THE CLERK OF DISTRICT COURT

Contact information for clerks of court by county is available at www.ndcourts.gov.

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 online at www.ndcourts.gov/legal-self-help. Scroll to the "Miscellaneous" section of the webpage and click on the "Filing Fee Waiver – District Court/Small Claims Court" link.

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 1a and Step 1b), file the following:

- Petition For Name Change;
- Affidavit of Petitioner;
- Confidential Information Form;
- Notice of Petition for a Name Change;
- 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 did not 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 do this step IF the Court requires you to get a background check!!

After you file the documents listed above, you will 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:

www.fbi.gov/services/cjis/identity-history-summary-checks

REMINDERS

****If you asked the court to waive publication and the court doesn't waive publication:**

- If the court denies your request to waive the publication requirement, the court will notify you. Then, you will need to complete Step 1 and file the completed Notice of Petition for Name Change and Affidavit of Publication with the court.

****If the court requires a hearing:**

- A hearing isn't required for petitions for name changes. However, the court 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 court decides a hearing is necessary.

****If you, the Petitioner, have a criminal history:**

- N.D.C.C. § 32-28-02(5) states as follows: "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."

STEP 5: REQUEST A CERTIFIED COPY OF THE ORDER GRANTING NAME CHANGE

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.

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 <https://www.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).