

INSTRUCTIONS FOR A NAME CHANGE – MINOR CHILD (Under 18 Years Old)

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 must abide by the following:

- 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'd 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 a minor child (less than 18 years old). 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. The Center is not 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.

A minor child is less than 18 years old. If a child is 18 years or older, the child is an adult and must petition for a name change on their own.

NOTE: You (Petitioner) **and** the minor 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.

ALSO NOTE: The minor child 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 the laws apply to your situation.

WAIVER OF THE PUBLICATION REQUIREMENT

North Dakota law requires that you publish notice of the minor child's name change in the newspaper before a court can consider granting the name change. An affidavit of publication is required, which is provided by the newspaper. *(If there's a non-custodial parent who lives in a different county than the minor child, publication is required in a newspaper in the non-custodial parent's county, as well. *A non-custodial parent is a parent with less than 50% of the residential responsibility.)*

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

1. You're only asking for a change to the minor child's 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(s), you'll need to publish notice in the newspaper(s) and file the affidavit(s) 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.

OVERVIEW OF THE NAME CHANGE OF A MINOR CHILD PROCESS

Step 1. Publish the Notice for Name Change of a Minor Child in the Newspaper(s) and Complete an Affidavit of Service by Mail.

Get the Affidavit(s) of Publication from the newspaper(s).

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 of a Minor Child, Affidavit of Service by Mail, Order Granting Name Change (Proposed), Affidavit(s) 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 the Minor Child's 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

(This space left intentionally blank.)

CRIMINAL HISTORY RECORD CHECKS

The court may require a criminal history background check for the minor child for North Dakota or any other state.

After you file the completed Minor Name Change Forms, affidavit(s) of publication, and any written objections with the Clerk of Court, the court will decide if a criminal history background check for the minor child is required.

If the court requires you to complete a criminal history background check for the minor child, you may be directed to the following website to get the child's 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.

FORMS NEEDED FOR NAME CHANGE OF A MINOR CHILD

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

STEPS FOR PETITIONING FOR NAME CHANGE OF A MINOR CHILD

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

The court may waive publication in the newspaper(s) for only two reasons:

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 doesn't waive publication in the newspaper, you'll need to complete Step 1 and file the following with the court:

- The affidavit(s) of publication (*provided by the newspaper or newspapers*); and
- The affidavit of service by mail of a copy of the notice mailed to the non-custodial parent.

STEP 1:
**COMPLETE NOTICE OF PETITION FOR NAME CHANGE OF A
MINOR CHILD FORM; PUBLISH THE NOTICE OF PETITION FOR NAME
CHANGE OF A MINOR CHILD IN THE NEWSPAPER;
MAIL A COPY OF THE NOTICE TO THE NON-CUSTODIAL PARENT;
AND COMPLETE AN AFFIDAVIT OF SERVICE BY MAIL**

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

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 and the minor child live*).
 - Fill in the minor child's current full, legal name.
- 1. 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 the Petition (*where you and the minor child live*).
 - Fill in the minor child's current full, legal name.
 - Fill in the minor child's requested full, legal name.

- ❑ **2. Fill in the second paragraph of the Notice of Petition for Name Change form:**
 - Fill in the minor child’s current full, legal name.
 - Fill in the minor child’s 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.

**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 and the minor child live*).**
- ❑ **IMPORTANT:** If the minor child has a non-custodial parent* AND you published the Notice, 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.

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

- ❑ **After publication is completed, the newspaper(s) will give you an affidavit of publication. Make a copy for your records. (*You file the original(s) with the clerk of court in Step 3.*)**

NOTE: No documents can be filed until there has been 30 days’ previous notice in the newspaper(s).

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

(This space left intentionally blank.)

**STEP 1(C):
MAIL A COPY OF THE NOTICE OF NAME CHANGE OF MINOR CHILD
TO THE NON-CUSTODIAL PARENT AND
COMPLETE AN AFFIDAVIT OF SERVICE BY MAIL**

- If the minor child has a non-custodial parent **AND** you published the Notice, 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.

AFFIDAVIT OF SERVICE BY MAIL

This document is proof that a copy of the Notice of Petition for Name Change was mailed to the non-custodial parent and the address where it was mailed. If the minor child has a non-custodial parent and publication in the newspaper isn't waived, you, the Petitioner, must file an Affidavit of Service by Mail with the court to prove that a copy of the Notice was mailed to the non-custodial parent.

IMPORTANT: The copy of the Notice of Petition for Name Change must be mailed from a **United States Post Office located in North Dakota by someone who is at least 18 years old!**

- The copy of the Notice of Petition for Name Change is mailed by first-class mail, postage prepaid.

The person who took the Notice to the Post Office and paid the postage fills out the Affidavit of Service by Mail as follows:

- Fill in the top part (caption) of the Affidavit of Service by Mail form:**
 - Fill in the name of the North Dakota county where the Petitioner will file the Petition (*where the Petitioner and the minor child live*).
 - Fill in the minor child's current full, legal name.
- 1. Fill in the first paragraph of the Affidavit of Service by Mail form:**
 - The person who took the Notice to the Post Office and paid the postage fills in their full, legal name.
- 2. You do not need to do anything with this paragraph.**

- 3. You do not need to do anything with this paragraph.
- 4. Fill in the date the Notice was mailed, and include the city, county, and state where the post office is located.
- 5. Fill out the name of the person served, the mailing address, city, state, and zip code.
- 6. You are declaring under penalty of perjury that all the information stated in this Affidavit of Service is true and correct!
- Date and sign the Affidavit of Service by Mail 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;
 - Date the document;
 - Sign the document;
 - Print your name, address, telephone number, and email address.
- Make a copy of the Affidavit of Service by Mail for your records. (*You file the original(s) with the clerk of court in Step 3.*)

**STEP 2:
COMPLETE THE REMAINING FORMS**

REMINDER!! You, the minor child’s parent or legal guardian, are the Petitioner in this action.

PETITION FOR NAME CHANGE OF A MINOR CHILD

- Fill in the top part (caption) of the Petition for Name Change of a Minor Child form:
 - Fill in the name of the North Dakota county where you’ll file your Petition (*where you and the minor child 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 the minor child’s full, legal name.
- 1. Fill in the first paragraph of Petition for Name Change of a Minor Child form:
 - Fill in your full, legal name on the first line.
 - Fill in the minor child’s full, legal name on the second line.

- 2. Write your relationship to the minor child.
- 3. Write the minor child's current full, legal name. Write your current address in North Dakota. **STOP!!** If this statement isn't accurate, don't use these forms.
- 4. Write the minor child's current county (*where the minor child lives*) in North Dakota. **STOP!!** If this statement isn't accurate, don't use these forms.
- 5. Put a checkmark (✓) next to the option that is accurate for the minor child's situation. DON'T put a checkmark in both options.
- 6. Fill in the minor child's birth year. Don't fill in the minor child's month and day of birth. The child must be less than 18 years old.
- 7. 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.
- 8. This paragraph tells the court that the reasons you are asking for a name change are in a separate affidavit that you will complete and file with the petition.
- 9. This paragraph tells the court that you believe court appointment of a guardian ad litem for the child is unnecessary. **STOP!!** If this statement isn't accurate, don't use these forms.
- 10. Put a checkmark (✓) next to the (only one) box that is accurate for your situation.
 - **Page 2 Information (Check this box if you published the Notice).**
 - Fill in the date the notice was published;
 - Fill in the name of the newspaper;
 - Fill in the county for which the newspaper is the official newspaper for notices.
 - Put a checkmark (✓) next to the (only one) box that is accurate for your situation**
 - **If you checked the box stating the minor child does not have a non-custodial parent:** You are done with Paragraph 10 and can proceed to Paragraph 11.
 - **If you checked the box stating the minor child has a non-custodial parent:**
 - Fill in the date the notice was published;
 - Fill in the name of the newspaper;
 - Fill in the county for which the newspaper is the official newspaper for notices;

- Put in the date you mailed the Notice to the non-custodial parent;
- Put in the city of the post office the Notice was mailed.
- **Page 3 Information (Check this selection if you asked for publication of the Notice to be waived).** *(If the judge does NOT waive publication, you will need to go back and complete Step 1 and file the affidavit of publication.)*
 - Put a checkmark (✓) next to the box(es) stating why you are asking publication of the Notice be waived.

- 11. Put a checkmark (✓) next to the ONE box that is accurate for your situation.
- 12. **STOP!!** If this statement isn't accurate, don't use these forms.
- 13. Write the minor child's full name as you want it to be after the name change.
- 14. No additional information is required for this paragraph.
- WHEREFORE CLAUSE:** Write the minor child's current full, legal name (first, middle, last) on the first line. Write the minor child's full, legal name as you want it to be after the name change on the second line.
- Date and sign the Petition for Name Change of a Minor Child form:**
 - Date; and
 - 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 of a Minor Child 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. State your relationship to the minor child.
- 3. Write the other parent's full, legal name and their last known post office address.

- 4. Put a checkmark (✓) next to the box that is accurate for your situation. **DO NOT** put a checkmark in both options.
- 5. Put a checkmark (✓) next to the option that is accurate for the minor child's situation. **DO NOT** put a checkmark in both options.
- 6. 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. (You'll list the minor child's full date of birth on the Confidential Information form).
- 7. Write the name of the North Dakota county where you and the minor child live in North Dakota, and where the minor child has lived for the past six months.

STOP!!

If this statement isn't accurate, don't use these forms.

- 8. 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.
 - Explain in detail the reasons for the name change and how those reasons are in the best interests of the child.
 - If the minor child has criminal convictions under state or federal law, explain how your request to change the minor child's name 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 checkmark (✓) next to "Additional sheets attached."
- 9. Put a checkmark (✓) next to the (only one) box that is accurate for your situation.
 - **First set with checkbox information (Check this box if you published the Notice).**
 - Fill in the date the notice was published;
 - Fill in the name of the newspaper;
 - Fill in the county for which the newspaper is the official newspaper for notices.
 - **Put a checkmark (✓) next to the (only one) box that is accurate for your situation**
 - **If you checked the box stating the minor child does not have a non-custodial parent:** You are done with Paragraph 9 and can proceed to Paragraph 10.

- **If you checked the box stating the minor child has a non-custodial parent:**
 - Fill in the date the notice was published;
 - Fill in the name of the newspaper;
 - Fill in the county for which the newspaper is the official newspaper for notices;
 - Put in the date you mailed the Notice to the non-custodial parent;
 - Put in the city of the post office the Notice was mailed.
 - **Second set with checkbox information (Check this selection if you asked for publication of the Notice to be waived.** *(If the judge does NOT waive publication, you will need to go back and complete Step 1 and file the affidavit of publication.)*
 - Put a checkmark (✓) next to the box(es) stating why you are asking for publication of the Notice be waived.
 - **If you need additional room.** Put a checkmark (✓) next to the box and add an additional sheet
- 10. Put a checkmark (✓) 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 the minor child.
 - You'll file the written objections with the clerk of court in *Step 3*.
- 11. STOP!! If this statement isn't accurate, don't use these forms.**
- 12. STOP!! If this statement isn't accurate, don't use these forms.**
- Date and sign the Affidavit of Petitioner form:**
- **By signing this document, you're declaring under penalty of perjury that everything you stated in this Affidavit is true and correct.**
 - Indicate the county, state, and country where the affidavit was signed;
 - Date the document;
 - Sign the document;
 - Print your name, address, telephone number, and email address.

(This space left intentionally blank.)

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 of a Minor Child form.
- MINOR CHILD:**
 - In the “Full Information” column, fill in the minor child’s current full, legal name and their full date of birth (month/date/year).
 - In the “Redacted Information” column, fill in the minor child’s year of birth only.
- Sign and print your name, date the form.**

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.**

ORDER GRANTING CHANGE OF NAME (PROPOSED)

Prepare this document to present to the judge for his/her signature if the minor child’s 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 of a Minor Child form.
- 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 the minor child’s current full, legal name.
 - Fill in the requested full, legal name of the minor child.
 - Fill in the minor child’s current, full legal name.
- Fill in the second paragraph of the proposed Order Granting Name Change form:**
 - Fill in the minor child’s current full, legal name.
 - Fill in the requested full, legal name of the minor child.

STOP!! DON’T 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 may be found 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.

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

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.

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

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

B. If you didn't publish notice in the newspaper (skipped Step 1a, Step 1b, and Step 1c) because you are asking the court to waive publication, file the following:

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

STEP 4:
GET THE MINOR CHILD'S CRIMINAL BACKGROUND CHECK

STOP!!! ONLY do this step IF the Court requires the minor child 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 for the minor child. You're required to pay all costs associated with the criminal history record check.
- If the court requires the minor child to complete a criminal history background check, you may be directed to the following website to get the minor child's 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 does not waive publication:**

- If the court denies your request to waive the publication requirement, the court will notify you. Then, you'll 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 is not 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 the minor child has 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."

(This space left intentionally blank.)

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

IF THE COURT GRANTS THE MINOR CHILD'S 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).