

## 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, 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](http://www.ndcourts.gov).

**When you represent yourself, you are held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.** If you are unsure if these forms and instructions suit your circumstances, consult a lawyer.

A glossary with definitions of legal terms is available at [www.ndcourts.gov/ndlshc](http://www.ndcourts.gov/ndlshc).

***These instructions and forms are not 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 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.

**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 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.”

Please note that North Dakota law only allows a court to consider the two reasons listed above for waiving the publication requirement.

**If the court does not grant your request to waive publication in the newspaper**, you will 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 will 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:

<https://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.

## **AN 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.

## **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:**

**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:

3. You are only asking for a change to your first or middle name; or
4. 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 of publication (provided by the newspaper) with the court.**

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

**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.**

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

- **Notice of Petition of 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*).

**Third**, 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.

**Fourth**, 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**

- Top of the form:
  - Fill in the name of the county where you will file the petition.
  - 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.
- First Sentence – Fill in your current full, legal name.
- Paragraph # 1 – Write your current full, legal name (first, middle, last).
- Paragraph # 2 – Fill in your current address, city, county and zip code in North Dakota.
- Paragraph # 3 – Fill in your current county.
- Paragraph # 4 – Put a check mark (✓) next to the option that is accurate for your situation. DO NOT put a check mark in both options.
- Paragraph # 5 – **If this statement is not accurate, do not use these forms.**
- Paragraph # 6 – Write your full, legal name as you want it to be after the name change.
- Paragraph # 7 – This 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.
- Paragraph # 8 – 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 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.

- Paragraph # 9 – **If this statement is not accurate, do not use these forms.**
- Paragraph # 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 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.
- Paragraph # 11 – Put a check mark (✓) next to the statement that is accurate for your situation.
- Paragraph # 12 – No additional information is required for this paragraph.
- WHEREFORE – Write your current full, legal name (first, middle, last) on the first line. Write your full, legal 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 Petitioner**
  - Top of the form
    - Fill in the name of the county where you will file the petition.
    - 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.
  - First Sentence – Fill in your current full, legal name.
  - Paragraph # 1 – Fill in your current full, legal name.
  - Paragraph # 2 – Put a check mark (✓) next to the option that is accurate for your situation. DO NOT put a check mark in both options.
  - Paragraph # 3 – Fill in the number of years and months you have lived in North Dakota.
  - Paragraph # 4 – Fill in the name of the county in North Dakota where you live.

- Paragraph # 5 – Fill in the city and state of your birth.
- Paragraph # 6 – Fill in your year of birth. (You will list your full date of birth on the Confidential Information form.)
- Paragraph # 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.”
  - If you have criminal convictions under state or federal law, explain how 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.
- Paragraph # 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 to answer Paragraph #8, 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.”
- Paragraph # 9 – **If this statement is not accurate, do not use these forms.**
- Paragraph # 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 asking 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 of domestic violence on Page 3 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.
  - Paragraph # 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.
    - You file the written objections with the clerk of court in Step 3.
  - Sign this form in front of a Notary Public or clerk of court. You will need to show a driver’s license or photo identification card so the Notary Public or clerk of court 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.
  - 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 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 (Proposed)**
  - 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.

*(This space left intentionally blank.)*



**Step 3** – File the following original, completed documents with the Clerk of District Court.

Contact information for clerks of court by county may be found at [www.ndcourts.gov/court](http://www.ndcourts.gov/court).

File with the District Court where you have resided for at least 6 months before filing the Petition.

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

- 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 (if any); and
- Order Granting Name Change (Proposed).

**If you did not publish notice in the newspaper (skipped Step 1) because you are 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).

You will be asked to pay an \$80.00 filing fee.

If you are 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/ndlshc/](http://www.ndcourts.gov/ndlshc/) by clicking on the “Other Forms” link. File the completed waiver forms at the same time as your name change documents.

**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 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 criminal history background check:**

After you file the documents listed above, you will be notified by the court if a criminal history background check is required.

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:

<https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

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

**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.