

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 if these forms and instructions suit your circumstances, consult a lawyer.

ND Legal Self Help Center forms **aren't** official court forms. Judges and courts **aren't** required to accept Center forms. There's no guarantee Center forms will be accepted.

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 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 are available at ndcourts.gov.

A glossary with definitions of legal terms is available at 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 state district court for the name change of a minor child (less than 18 years old). 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 in [North Dakota Century Code Chapter 32-28](#).

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 North Dakota county where you intend to file the Petition for at least six months before you file the Petition.

Also Note: The minor child 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

Caution: [N.D.C.C. § 32-28-02](#) could be interpreted to mean that publication for the change of a minor's name **can't** be waived. [N.D.C.C. § 32-28-02](#) could also be interpreted to require service of the Notice of Petition for Name Change even if the judge waives publication of the Notice. North Dakota Legal Self Help Center staff can't interpret the law for you and tell you what the law means for your circumstances. Interpretation of a law 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](#).

North Dakota law requires that you publish notice of the minor child's name change in the newspaper **before** the judge assigned to your case can consider granting the child's name change. (See [N.D.C.C. § 32-28-02\(4\)](#).) An Affidavit of Publication, or Declaration of Publication, from the newspaper is your proof you published the notice.

- If the minor child has a **non-custodial parent** who lives in a different county than the child, publication is **also** required in a newspaper in the non-custodial parent's county.
- 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 judge assigned to your case to waive the publication requirement **if**:

1. You're only asking for a change to the minor child's first and/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 judge to consider the two reasons listed above for waiving the publication requirement.

If the judge **doesn't** grant your request to waive publication in the newspaper(s), you need to publish notice in the newspaper(s) and file the Affidavit(s) of Publication, or Declaration(s) of Publication with the court. The newspaper gives you an Affidavit(s) of Publication, or Declaration(s) of Publication after publication of the notice is complete.

This packet of forms and instructions includes the option of asking the judge assigned to your case to waive publication.

Criminal History Record Checks

Review the requirements for getting a criminal history record check **Before** you start the name change petition process. The process can take weeks.

The judge assigned to your name change case is required to determine whether the minor child has a criminal record **Before** they can grant the child's name change.

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

Some judges require criminal history record checks for all name change cases for minor children. Other judges decide after reviewing the name change petition and other supporting documents.

Before you start the name change process, contact the Clerk of Court and ask if you're required to get a criminal history record check for a minor child. If the Clerk of Court doesn't know, the judge decides after you file your Petition and other supporting documents for the minor child's name change.

If the judge 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: edo.cjis.gov/#/.

(This space left intentionally blank.)

Overview of the Name Change of a Minor Child Process

Step 1. Publish the Notice Of Petition for Name Change in the Newspaper(s); Serve the Notice on the Non-Custodial Parent and Complete a Declaration of Service by Mail.
Get the Affidavit(s) of Publication from the newspaper(s).

Or, Skip Step 1 and Step 2 if Asking the Judge to Waive Publication.

Step 2. Wait 30 Calendar Days Before Completing the Rest of the Name Change Forms
Gather any written Objections you receive after publication of the Notice.
If you ask the judge to waive publication, you won't gather written Objections.

Step 3. Complete the Rest of the Name Change Forms.
You must wait 30 calendar days from publishing the Notice of Name Change.

Step 4. 30 Days After Publication, File the Original Petition, Declaration, Confidential Information Form, Notice of Petition for Name Change, Declaration of Service by Mail, (Proposed) Order Granting Name Change (Confidential), (Proposed) Order Granting Name Change (Redacted), 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 Judge to Waive Publication, File the Original Petition, Declaration, Confidential Information Form, (Proposed) Order Granting Name Change (Confidential), and (Proposed) Order Granting Name Change (Redacted).
Pay the \$80.00 filing fee or file the completed petition to waive filing fees.

Step 5. Get the Minor Child's Criminal History Record Check.*
*If the judge requires you to get one.
If the judge **doesn't** require a criminal history background check, skip Step 5.

Step 6. 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 7. Request a certified copy, or copies, of the Confidential Order Granting Name Change
If the judge grants the name change, request certified copies of the **confidential** order.

Forms Needed for Name Change of a Minor Child

1. Notice of Petition For Name Change
2. Declaration of Service by Mail (for Notice of Petition to non-custodial parent)
3. Petition for Name Change of a Minor Child
4. Declaration of Petitioner
5. Confidential Information Form
6. (Proposed) Order Granting Name Change (Confidential)
7. (Proposed) Order Granting Name Change (Redacted)

Step 1:

Complete the Notice of Petition for Name Change Form; Publish Notice of Petition in the Newspaper(s); Mail a Copy of the Notice to the Non-Custodial Parent & Complete a Declaration of Service by Mail

Important! You may skip Step 1 and Step 2 **only** if you plan to ask the judge assigned to your case to waive publication of the notice in the newspaper(s). If you plan to ask the judge to waive publication, go directly to Step 3.

The judge **may** waive publication in the newspaper(s) for **only** the two reasons listed on Page 2 of these instructions.

Caution: [N.D.C.C. § 32-28-02](#) could be interpreted to mean that publication for the change of a minor's name **can't** be waived. [N.D.C.C. § 32-28-02](#) could also be interpreted to require service of the Notice of Petition for Name Change even if the judge waives publication of the Notice. North Dakota Legal Self Help Center staff can't interpret the law for you and tell you what the law means for your circumstances. Interpretation of a law 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](#).

If the judge assigned to your case doesn't waive publication in the newspaper, complete Step 1 and Step 2 and file the following with the court:

- The Affidavit(s) of Publication, or Declaration(s) of Publication, (*provided by the newspaper or newspapers*); and
- The Declaration of Service by Mail of a copy of the Notice mailed to the non-custodial parent.

Complete the Notice of Petition for Name Change Form

You, the minor child's parent or legal guardian, are the Petitioner in this name change action.

☐ **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 and the minor child currently live. You and the child must have lived in the county for at least the past 6 months.
- Fill in the minor child's **current** first, middle (*if any*), and last name.

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

- Fill in the minor child's **current** first, middle (*if any*), and last name.
- Fill in the minor child's **requested** first, middle (*if any*), and last name.

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

- Date and sign the Notice.
- 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(s)

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 and in the official newspaper of the county where the non-custodial parent lives. North Dakota Legal Self Help Center staff **can't** interpret the law for you. Interpretation of a law 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 and the minor child live.**

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

☐ **Important!** If the minor child has a non-custodial parent* **And** you published the Notice, you must also have the 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 complete, the newspaper(s) gives you an Affidavit(s) of Publication, or Declaration(s) of Publication. Make a copy for your records. (You file the original(s) with the clerk of court in Step 4.)**

Important: No documents can be filed with the court until **30 days after publication** of 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.)**

Within 10 Days of Publication in the Newspaper(s), Mail a Copy of the Notice to the Non-Custodial Parent

- ❑ 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 in the newspaper(s).**
 - 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 North Dakota.

CAUTION: [N.D.C.C. § 32-28-02](#) could be interpreted to require service of the Notice of Petition for Name Change even if the judge waives publication of the Notice. North Dakota Legal Self Help Center staff can't interpret the law for you and tell you what the law means for your circumstances. Interpretation of a law 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](#).

Complete the Declaration of Service by Mail Form

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 by the court, you, the Petitioner, must file a Declaration 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 of Petition for Name Change to the Post Office and paid the postage fills out the Declaration of Service by Mail as follows:

☐ **Fill in the top part (caption) of the Declaration of Service by Mail form:**

- Fill in the name of the North Dakota county 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 current first, middle (if any), and last name.

☐ **1. Fill in the first paragraph of the Declaration of Service by Mail form:**

- The person who took the Notice to the Post Office and paid the postage fills in their full name.

☐ **2. Stop! If this statement isn't accurate, you can't use these forms.**

☐ **3. Stop! If this statement isn't accurate, you can't use these forms.**

☐ **4. Fill in the date the Notice was mailed, and include the city, county, and state where the post office is located.**

☐ **5. Fill in the name of the person served, the mailing address, city, state, and zip code.**

☐ **6. You're declaring under penalty of perjury that all the information stated in this Declaration of Service is true and correct.**

☐ **Date and sign the Declaration of Service by Mail form:**

- **By dating and signing this document, you're declaring everything you stated in this Declaration is true and correct.**
- Date and sign the Declaration.
- Print your name, address, telephone number, and email address on the lines following your signature.

☐ **Make a copy of the Declaration of Service by Mail for your records. (*You file the original(s) with the clerk of court in Step 3.*)**

Step 2:

Wait 30 Calendar Days Before Completing the Rest of the Name Change Forms

The forms in this packet require you, the Petitioner, to tell the judge whether you received any Objections to the minor child's name change in the 30 days after you published Notice in the newspaper(s).

If you use this packet of forms, you **Must** wait 30 calendar days from the day after publication **Before** you complete the remaining name change forms.

☐ Calculate 30 calendar days (see [Rule 6 of the North Dakota Rules of Civil Procedure](#)):

- Don't include the date the notice of the minor child's name change was published;
- Count forward by calendar days, including Saturdays, Sundays, and North Dakota state holidays; and
- Include the 30th day, **but** if the 30th day is a Saturday, Sunday, or North Dakota state holiday, the deadline moves forward to the end of the next day that **isn't** a Saturday, Sunday, or North Dakota state holiday.

☐ If you 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 4.)

Step 3:

Complete the Rest of the Name Change Forms

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

Complete the Petition for Name Change of a Minor Form

☐ 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 and the minor child currently live. You must have lived in the county for at least the past 6 months.
- 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 4.
- Fill in the minor child's current first, middle (*if any*), and last name.

- ☐ 1. Fill in the first paragraph of Petition for Name Change of a Minor Child form:
 - Fill in your first, middle (*if any*), and last name.
 - Fill in the minor child's **current** first, middle (*if any*), and last name on the correct lines in the box.
- ☐ 2. Fill in your relationship to the minor child.
- ☐ 3. Fill in your current address in North Dakota. **Stop!** If this statement isn't accurate, you can't use these forms.
- ☐ 4. Fill in the minor child's current county (*where the minor child lives*) in North Dakota. **Stop!** If this statement isn't accurate, you can't use these forms.
- ☐ 5. Put a checkmark (✓) next to the option that's accurate for the minor child's situation. **Don't** put a checkmark in both options. **Stop!** In order to use these forms the child must be either a United States citizen or a permanent resident alien of the United States.
- ☐ 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. Fill in the minor child's requested, first, middle (*if any*), and last name on the correct lines in the box.
- ☐ 8. This paragraph tells the court that the reasons you're asking to change the minor child's name listed in a separate Declaration that you 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, you can't use these forms.
- ☐ 10. Put a checkmark (✓) next to the statement that's accurate for your situation.
 - **Check the first box on Page 2 if you published the Notice in the newspaper:**
 - 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 **One** box that's accurate for your situation:

- **If you checked the box on Page 2 stating the minor child doesn't have a non-custodial parent,** you're done with Paragraph 10 and can proceed to Paragraph 11.
 - **If you checked the box on Page 3 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.
 - **Check the first highlighted box on Page 3 if you're asking the judge to waive publication of the Notice** (if the judge ***Doesn't*** waive publication, go back and complete Step 1 and Step 2. File Affidavit(s) of Publication, or Declaration(s) of Publication:
 - Put a checkmark (✓) next to the box(es) stating why you're asking for publication of the Notice to be waived.
- ☐ **11. Review the 3 checkmark options on Page 3 and Page 4. Put a checkmark (✓) next to the statement that's accurate for your situation.**
- ☐ **12. Stop!** If this statement isn't accurate, you can't use these forms.
- ☐ **13. Stop!** If this statement isn't accurate, you can't use these forms.
- ☐ **14. No additional information is required for this paragraph.**
- ☐ **15. Wherefore Paragraph: No additional information is required for this paragraph.**
- ☐ **Date and sign the Petition for Minor Name Change form:**
- Date and sign the Petition.
 - 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 below the address block.

Complete the Declaration of Petitioner Form

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

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

☐ Fill in the first paragraph of Declaration of Petitioner form:

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

☐ 1. Fill in your current first, middle (*if any*), and last name. This must match Paragraph 1 of your Petition for Name Change of a Minor Child.

☐ 2. Fill in your relationship to the minor child. This must match Paragraph 2 of your Petition for Name Change of a Minor Child.

☐ 3. Fill in the other parent's first, middle (*if any*), and last name and their last known post office address.

☐ 4. Put a checkmark (✓) next to the box that is accurate for your situation. **Don't** put a checkmark in both options. A non-custodial parent is a parent with less than 50% of the residential responsibility.

☐ 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. This must match Paragraph 5 of your Petition for Name Change of a Minor Child.

☐ 6. Fill in the minor child's current first, middle (*if any*), and last name. This must match Paragraph 1 of your Petition for Name Change of a Minor Child.

☐ 7. Fill in the year the minor child was born. This must match Paragraph 6 of your Petition for Name Change of a Minor Child.

- Fill in where the child was born.

☐ 8. Fill in the name of the North Dakota county where you and the minor child live in North Dakota. You and the minor child must have lived in the county for the past six months. This must match the name of the North Dakota County in Paragraph 3 of your Petition for Name Change of a Minor Child.

- ☐ 9. **(First box):** Fill in the minor child's current first, middle (*if any*), and last name (*this must match Paragraph 1 of your Petition for Name Change of a Minor Child*);

(Second box): Fill in the minor child's requested first, middle (*if any*), and last name (*this must match Paragraph 7 of your Petition for Name Change of a Minor Child*).

- Explain in detail the reasons for the name change and how those reasons are in the child's best interests.
- If the minor child has criminal convictions under state or federal law, explain how your request to change the minor child's name 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 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 for Paragraph 9."

- ☐ 10. Checkmark (✓) and complete the same boxes as Paragraph 10 of your Petition.

- If you're requesting a waiver of publication because of domestic violence and 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 for Paragraph 10."

- ☐ 11. Put a checkmark (✓) next to the same boxes as Paragraph 11 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 the minor child.
- You file the written objections with the clerk of court in Step 3.

- ☐ 12. **Stop!** If this statement isn't accurate, you can't use these forms.

- ☐ 13. **Stop!** If this statement isn't accurate, you can't use these forms.

- ☐ Date and sign the Declaration of Petitioner form:

- By dating and signing this document, you're declaring under penalty of perjury that everything you stated in this Declaration is true and correct.
- **Date and sign the Declaration.** Print your name, address, telephone number, and email address following your signature.

Complete the Confidential Information Form

Note: This document **won't** be available to the public. See [Rule 3.4 of the North Dakota Rules of Court](#) for privacy protections for documents filed with the court.

☐ 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 of a Minor Child form.

☐ Minor Child's current, full name:

- Fill in the minor child's **current** first, middle (*if any*), and last name. This must match Paragraph 1 of your Petition for Name Change of a Minor Child.

☐ Fill in the minor child's birthdate information:

- On the "Date of Birth" line, fill in the minor child's full date of birth (month/day/year).
- On the "Year of Birth" line, fill in the minor child's **Year** of birth **Only**.

Date and sign your (Petitioner's) name, print your name, address, telephone number, and email address.

Complete the (Proposed) Order Granting Name Change Form (Confidential)

Note: This document is filed as a confidential document because it contains the minor child's full birthdate. 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.

You must Exactly match the information you included in your Petition for Name Change of a Minor Child form and Confidential Information Form.

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

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

☐ 1. Fill in the first paragraph of the proposed Order Granting Name Change form:

- Fill in the name of the City where you and the minor child live.
- Fill in the name of the County where you and the minor child live.
- Fill in your current full name.

☐ Fill in both boxes in Paragraph 1:

- Fill in the first box with the minor child's **current** first, middle (*if any*), and last name.
- Fill in the second box with the minor child's **requested** first, middle (*if any*), and last name.

☐ 2. Fill in the minor child's full date of birth (month/day/year).

☐ 3. Skip Paragraph 3.

☐ 4. Fill in both boxes in Paragraph 4:

- Fill in the first box with the minor child's **current** first, middle (*if any*), and last name.
- Fill in the second box with the minor child's **requested** first, middle (*if any*), and last name.

Stop! Don't date or sign this document. If the judge grants the name change, the judge dates and signs the document.

Complete the (Proposed) Order Granting Name Change Form (Redacted)

Note: This document is **Redacted**. This means information is edited to remove confidential information. The redacted information is the minor child's birth date (that information has been replaced with only the year of birth).

This document is accessible to the public. See [Rule 3.4 of the North Dakota Rules of Court](#) for privacy protections for documents filed with the court.

You must Exactly match the information you included in your Petition for Name Change of a Minor Child form.

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

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

☐ 1. Fill in the first paragraph of the proposed Order Granting Name Change form:

- Fill in the name of the City where you and the minor child live.
- Fill in the name of the County where you and the minor child live.
- Fill in your current full name.
- Fill in the minor child's **current** first, middle (*if any*), and last name.
- Fill in the minor child's **requested** first, middle (*if any*), and last name.

☐ 2. Fill in the minor child's birth year **only**.

☐ 3. Skip Paragraph 3.

☐ 4. Fill in both boxes in Paragraph 4:

- Fill in the minor child's **current** first, middle (*if any*), and last name.
- Fill in the minor child's **requested** first, middle (*if any*), and last name.

Stop! Don't date or sign this document. If the judge grants the name change, the judge will date and sign.

Step 4:

30 Days After Publication, File the Completed Forms and any Written Objections with the Clerk of District Court

Contact information for clerks of district court is available at ndcourts.gov/court-locations.

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

☐ A. If you completed Step 1 and Step 2 and published notice in the newspaper(s), file originals of the following:

- Petition For Name Change;
- Declaration of Petitioner;
- Confidential Information Form;
- Notice of Petition for a Name Change;
- Affidavit(s) of Publication, or Declaration(s) of Publication, (provided to you by the newspaper(s));
- Declaration of Service by Mail (for the Notice of Petition to non-custodial parent);
- All written objections you received (if any);

- (Proposed) Order Granting Change of Name (Confidential); and
- (Proposed) Order Granting Change of Name (Redacted).

****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 originals of the following:**

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

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

The filing fee is \$80.00. If you can't afford the \$80.00 filing fee, forms and instructions to ask the court to waive the fee are available at 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 completed fee waiver forms for your files!****

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 and Step 2.
- File the completed Notice of Petition for Name Change and Affidavit(s) of Publication, or Declaration(s) of Publication, with the court.
- File the originals of all Objections to the minor child's name change you receive within 30 calendar days of publishing the notice. Make copies of the Objections for your records.

Step 5:

Get the Minor Child's Criminal History Record Check

Stop! Only complete this step if the judge requires the minor child to get a criminal history record check!!

After you file the documents listed in Step 4, the court notifies you if a criminal history record check is required for the minor child. You're required to pay all costs associated with the criminal history record check.

If the judge 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: edo.cjis.gov/#/.

Step 6:

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 notifies 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 the minor child has 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."

The minor child's name isn't changed until the judge signs an Order granting the name change.

Step 7:

Request a Copy of the Confidential Order Granting Name Change

If the judge grants the minor child's name change, you receive a copy of the signed and dated Order Granting Name Change.

HOWEVER, a certified copy (or copies) of the Order Granting Name Change may be necessary to change the minor child's name with agencies, businesses, other entities, etc.

If a hearing is held, you can request the certified copies of the Order Granting Name Change from the Clerk of District Court's Office before you leave the courthouse. If the Order is signed by the judge, you may be able to receive the copy that day.

If a hearing isn't held, you can request certified copies from the Clerk of District Court's Office. Contact information is available at ndcourts.gov/court-locations.

Make sure you request certified copies of the Confidential Order Granting Name Change. The Confidential Order Granting Name Change includes the minor child's full birthdate.

If you can't get a certified copy of the Confidential Order Granting Name Change, get the following:

- A certified copy of the Redacted Order Granting Name Change; and
- A certified copy of the Confidential Information Form.

If a certified copy of the Confidential Information Form isn't attached to the Redacted Order Granting Name Change, North Dakota Vital Records won't accept the Order Granting Name Change.

Cost of certified copies:

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

In District Court, _____ County, State Of North Dakota

In The Matter Of The Petition For Name Change Of

_____, A Minor Child

Notice Of Petition For Name Change

1. Please Take Notice that a Petition will be filed by the Petitioner with the above–entitled court requesting an Order changing the name of (*current full legal name of child*)

_____ to (*requested full legal name of child*) _____.

2. Notice Is Further Given that thirty days after publication, the Petitioner intends to file a Petition requesting entry of the Court’s Order changing the name of the minor child. Any objection to granting this name change must be given in writing to the address listed below within 30 days of the date of this publication. The written objection must also be filed with the Court. If no objections are given, the Court may respond to the Petition without further hearing.

Dated _____.

(*Petitioner Signature*)

(*Printed Name*)

(*Address*)

(*City, State Zip Code*)

In District Court, _____ County, State Of North Dakota

Case No. _____

In The Matter Of The Petition For Name Change Of

_____, A Minor Child
(Child's Current First, Middle (If Any), And Last Legal Name)

Declaration Of Service By Mail

(A separate Declaration is required for each person served.)

The person serving court documents by mail states:

1. My name is _____ (person who mailed documents). I am at least 18 years of age.

2. List of Court Documents Served:

- Notice of Petition for Name Change.

3. Service by Mail:

I served a true and correct copy of the court document listed in Paragraph 2 by mailing it, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing it in the United States Mail, directed to the person listed in Paragraph 5.

4. Date and Post Office Location of Service by Mail:

Date Court Documents Were Served by Mail: _____

United States Post Office Location:

(city) (county) (state)

5. Person Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

In District Court, _____ County, North Dakota

Case No. _____

In The Matter Of The Petition For Name Change Of

_____, **A Minor Child**
(Child's Current First, Middle (If Any), And Last Legal Name)

Petition For Name Change

1. Petitioner, _____ (Petitioner's first, middle (if any), and last legal name), petitions the Court under [North Dakota Century Code \(N.D.C.C.\) Section 32-28-02](#), for a change of name of the minor child (child's **current** full legal name):

Current First name	
Current Middle name(s) (if any)	
Current Last name	

and respectfully states to the Court as follows:

2. Petitioner's relationship to the minor child is _____.
3. The minor child currently resides with Petitioner at the Petitioner's home at
_____ (address) _____ (city)
_____ County, North Dakota, _____ (zip code).
4. The minor child has been a resident of _____ County, North Dakota, for more than six months immediately preceding this petition.
5. The minor child (choose one) ☐ is a United States citizen (**or**) ☐ is a permanent resident alien of the United States.

6. The minor child was born in the year _____ (*list birth year only*) and is less than 18 years of age.

7. Petitioner requests the Court change the minor child's name to (*child's **requested** legal name*):

Requested First name	
Requested Middle name(s) (if any)	
Requested Last name	

8. The reasons Petitioner is seeking a name change for the minor child are stated in the Declaration of Petitioner, which is filed with this Petition for Name Change of a Minor Child and incorporated by reference.

9. The Petitioner states that the appointment of a guardian ad litem, as allowed under N.D.C.C. Section 32-28-02, is unnecessary given the facts of this Petition, which are stated in the Declaration of Petitioner.

10. **Notice** (*choose one; Paragraph 10 continues on Page 3*):

☐ The Notice of Petition for Name Change was published on _____ (*date*), in the _____ (*name of newspaper*), the official newspaper in _____ County, North Dakota, where the minor child resides. The Affidavit of Publication, or Declaration of Publication, is filed with the court.

and (*choose one; checkboxes continue on Page 3. A non-custodial parent is a parent with less than 50% of the residential responsibility*):

☐ The minor child **does not have** a non-custodial parent.

☐ The minor child **has** a non-custodial parent. A Notice of Petition for Name Change was published on _____ (date), in the _____ (name of newspaper), the official newspaper in _____ County, _____ (state), where the minor child's non-custodial parent resides. The Affidavit of Publication, or Declaration of Publication, is filed with the court.

A copy of the Notice of Petition for Name Change was mailed to the non-custodial parent's last reasonably ascertained post-office address on _____ (date). The notice was mailed from the post office in _____ (city), North Dakota. The Declaration of Service by Mail is filed with the court.

(or)

☐ Petitioner requests that the court waive publication of the Notice of Petition for Name Change because *(a judge **may** waive publication of the Notice. If you want the judge to waive the publication of the Notice of Petition for Name Change, check the reason or reasons below):*

☐ Petitioner only requests a change of a first or middle name.

☐ Petitioner is a victim of domestic violence as defined in N.D.C.C. § 14-07.1-01. A detailed statement is provided in the Declaration of Petitioner filed with Petition..

11. Objections to Petition for Name Change (choose one; Paragraph 11 continues on Page 4):

☐ No written objections to the Petition for Name Change were given to the Petitioner within thirty (30) days of publication of the Notice of Petition for Name Change.

(or)

☐ Written objections to the Petition for Name Change were given to the Petitioner. The written objections accompany this petition.

(or)

☐ Petitioner is requesting that the court waive publication of the Notice of Petition for Name Change. Notice of the Petition has not been published.

12. Petitioner does not wish to change the name of the minor child for any fraudulent, illegal, or immoral purpose, such as to avoid any type of debt or other obligation, or to avoid criminal prosecution.

13. Petitioner believes it to be in the best interests of the minor child for their name to be changed. A detailed statement is provided in the Declaration of Petitioner filed with this Petition.

14. There is no just cause to deny this Petition for Name Change.

15. Wherefore, Petitioner requests that the Court enter an Order granting that the name of the minor child be changed from the child's current name, which is listed in Paragraph 1, to the requested name, which is listed in Paragraph 7.

Dated _____.

_____, Petitioner
(Petitioner's Signature)

(Printed Name of Petitioner)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)

In District Court, _____ County, North Dakota

Case No. _____

In The Matter Of The Petition For Name Change Of

_____, **A Minor Child**
(Child's Current First, Middle (If Any), And Last Legal Name)

Declaration Of Petitioner

I, _____ (Petitioner's first, middle (if any), and last legal name), the Petitioner, state that the following is true to the best of my knowledge:

1. I am the Petitioner and my first, middle (if any), and last legal name is _____.
2. My relationship to the minor child is _____.
3. The first, middle (if any), and last legal name of the minor child's other parent is _____ and their last reasonably ascertained post office address is: _____.
4. The other parent (choose one) ☐ is a non-custodial parent **(or)** ☐ is not a non-custodial parent. (Non-custodial means a parent with less than 50% of the residential responsibility.)
5. The minor child (choose one) ☐ is a United States citizen **(or)** ☐ is a permanent resident alien of the United States. (The minor child must be either a citizen or a permanent resident alien of the United States.)

6. The minor child's **current** full, legal name is:

Current First name	
Current Middle name(s) (if any)	
Current Last name	

7. The minor child was born in the year (*list birth year only*) _____ in (*if a U.S.*

citizen, list city and state; if a U.S. permanent resident alien, list city and country)

_____.

8. The minor child currently resides with me at my home in _____

County, North Dakota, and the minor child has been a resident of this County for more than six months immediately preceding the date of the Petition for Name Change.

9. I petition for a name change for the minor child from (**current** legal name):

Current First name	
Current Middle name(s) (if any)	
Current Last name	

to (**requested** legal name):

Requested First name	
Requested Middle name(s) (if any)	
Requested Last name	

for the following reasons (*state reasons a name change is in the child's best interests;*

Paragraph 9 continues on Page 3):

[illegible]

☐ Additional sheets attached for Paragraph 9.

10. Notice *(choose the same checkbox as Paragraph 10 of your Petition; Paragraph 10 continues on Page 3):*

☐ The Notice of Petition for Name Change was published on _____ (date) in the _____ (name of newspaper), the official newspaper in _____ County, North Dakota, where the minor child resides. The Affidavit of Publication, or Declaration, of Publication, is filed with the court.

and *(choose the same checkbox as Paragraph 10 of your Petition. A non-custodial parent is a parent with less than 50% of the residential responsibility):*

☐ The minor child **does not have** a non-custodial parent.

☐ The minor child **has** a non-custodial parent. A Notice of Petition for Name Change was published on _____ (date) in the _____ (name of newspaper), the official newspaper in _____ County, _____ (state), where the minor child's non-custodial parent resides. The Affidavit of Publication, or Declaration, of Publication, is filed with the court.

(or)

because (choose the same checkbox(es) as Paragraph 10 of your Petition):

☐ I am a victim of domestic violence as defined in N.D.C.C. § 14-07.1-01. (*Explain.*)

[illegible]

(or)

☐ I am requesting that the court waive publication of the Notice of Petition for Name Change. Notice of the Petition has not been published.

12. I am petitioning for the name change of my minor child in good faith. I am not requesting a name change for any fraudulent, illegal, or immoral purpose. The requested name change of my minor child will not cause injury to any individual or compromise public safety.

13. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

_____, Petitioner
(Petitioner's Signature)

(Printed Name of Petitioner)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)

In District Court, County Of _____, State Of North Dakota

Case No. _____

In The Matter Of The Petition For Name Change Of

_____, **A Minor Child**
(Child's Current First, Middle (If Any), And Last Legal Name)

Confidential Information Form

Minor Child's current full, legal name:

First name	
Middle name(s) (if any)	
Last name	

Full Information

Redacted Information

Date of Birth: _____

Year of Birth: _____

Dated _____.

_____, Petitioner
(Petitioner's Signature)

(Printed Name of Petitioner)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

In District Court, County Of _____, State Of North Dakota

Case No. _____

In The Matter Of The Petition For Name Change Of

_____, **A Minor Child**
(Child's Current First, Middle (If Any), And Last Legal Name)

Order Granting Change Of Name
(Confidential)

1. The above-entitled matter came before this court in the City of _____,
County of _____, North Dakota, upon a Petition of
_____ (Petitioner's first, middle (if any) and last
legal name) for a change of name for their minor child from (**current name**):

First name	
Middle name(s) (if any)	
Last name	

to (**requested name**):

First name	
Middle name(s) (if any)	
Last name	

2. The minor child's birth date is _____ (month, day, and year).
3. It appears to the satisfaction of the Court that the Petition is in proper form and that the allegations, matters, and facts stated therein are true, and that there exists proper and reasonable cause for changing the minor child's name.

Now Therefore, It Is Hereby Ordered that the Petition for Name Change is **Granted**.

4. The minor child's name (*minor child's current name*):

First name	
Middle name(s) (if any)	
Last name	

is changed to (*minor child's new name*):

First name	
Middle name(s) (if any)	
Last name	

By The Court:

Judge of the District Court

In District Court, County Of _____, State Of North Dakota

Case No. _____

In The Matter Of The Petition For Name Change Of

_____, **A Minor Child**
(Child's Current First, Middle (If Any), And Last Legal Name)

Order Granting Change Of Name
(Redacted)

1. The above-entitled matter came before this court in the City of _____,
County of _____, North Dakota, upon a Petition of
_____ (Petitioner's first, middle (if any) and last
legal name) for a change of name for their minor child from (**current name**):

First name	
Middle name(s) (if any)	
Last name	

to (**requested name**):

First name	
Middle name(s) (if any)	
Last name	

2. The minor child's birth year is _____ (year of birth only). The minor child's full
birthdate is listed on the Confidential Information Form filed in this case and incorporated by
reference.

3. It appears to the satisfaction of the Court that the Petition is in proper form and that the allegations, matters, and facts stated therein are true, and that there exists proper and reasonable cause for changing the minor child's name.

Now Therefore, It Is Hereby Ordered that the Petition for Name Change is **Granted**.

4. The minor child's name (*minor child's current name*):

First name	
Middle name(s) (if any)	
Last name	

is changed to (*minor child's new name*):

First name	
Middle name(s) (if any)	
Last name	

By The Court:

Judge of the District Court