

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/#/.

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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).