

INSTRUCTIONS FOR NAME CHANGE – MINOR CHILD

These standard instructions are for informational purposes only and are not meant to be legal advice about your specific case. If you choose to represent yourself, you are bound by the same procedures and rules as an attorney. These forms are intended for a parent or guardian wishing to change his/her child's name.

GENERAL INFORMATION

1. Any person wishing to change the name of his/her child may file a petition in the District Court in the county where the child resides as long as the child has been a bona fide resident of that county for at least **two (2) years** before filing the petition for a name change.
2. You may request to change the child's first name, middle name, and/or last name.
3. The Court may consider additional factors when you request to change a child's name. For example, the Judge may consider the child's age, whether the other parent agrees, the relationship with the other parent, and what is in the best interests of the child.
4. You cannot change the child's name to avoid legal obligations, or to harm or defraud another person.
5. You must provide notice to the other parent of the minor child, and the parent has a right to object.
6. A legal notice of the Petition for Name Change must be published once a week for four (4) consecutive weeks in a local newspaper. This will add cost to the process of the name change. Before filing paperwork you should be sure that you have all the money you will need to complete the process. You should call the newspaper and ask about the cost of filing a Legal Notice for four consecutive weeks (costs differ from newspaper to newspaper) and have that money available before you file your petition.
7. For additional information, please review the Wyoming Statutes, W.S. 1-25-101 through 1-25-103. These are the Wyoming laws that deal with name changes.

NOTE FOR VICTIMS OF DOMESTIC VIOLENCE: Any information placed in a name change file will be accessible to the public. However, you may request certain information be kept confidential, such as your or your child's address, city or state of residence and other information identifying you or your child's residence by filing a motion at any point during the proceedings. If the order is granted, you *will not* be required to provide a public notice by publication. A motion for domestic violence victims to request confidentiality of this information is included in the available forms. **If you or your child have been the subject of domestic violence, you may want to talk to an attorney before you file anything with the courts.** *You can get information about finding a lawyer at: www.legalhelpwy.org.*

NOTE FOR IMMIGRANTS: You or your child do not have to be a citizen of the United States to have your child's name changed, but you must contact the United States Citizenship and Immigration Service, www.uscis.gov, to determine any special requirements they may have.

FEES

A filing fee of \$70.00-100.00 is required. There may also be fees to have the Sheriff serve your papers to the other parent. Call the local court clerk in your county for the exact amounts. You will also need to pay the newspaper for the publication of the legal notice of your name change, which may be expensive.

FORMS

Read these instructions carefully to determine what forms you may need, as you may need all or only some of the listed forms. Check with the District Court where you plan to file your case to determine if they have any special requirements.

STEPS TO FILING YOUR CASE

Step 1: Complete the cover sheet, petition, consent, notice and service forms:

- **Civil Cover Sheet**
- **Petition for Name Change of Minor Child:**
 - ✓ Leave the case number blank. The court clerk will give you a case number when you file the Petition.
 - ✓ Where the forms ask for your child's **current** full name, give his/her current first, middle and last names.
 - ✓ Where the forms ask for your child's **desired** full name, write his/her new first, middle, and last names. Be sure you write the desired name exactly as you want it to appear on your child's legal documents. Do not abbreviate or use initials.
 - ✓ For your physical address, give your complete physical address including street number, city and county of residence. Do not give just a P.O. Box. If your child's address is different than your address, list both, and indicate which address is your child's address.
 - ✓ For your child's place of birth, give the city, county, state, and country of birth.
 - ✓ You, as the guardian of your child, must sign the Petition on behalf of your minor child. Below the signature, print your name and give a valid telephone number and mailing address (you can give your P.O. Box here).
 - ✓ The Petition must be verified. The "Verification" part of the form **must be signed in the presence of a Court Clerk or Notary Public.**

- **Parental Consent to Name Change of Minor Child**
 - ✓ If the other (non-filing) parent agrees to the minor child's name change but both parents are not filing the petition together, then have the other parent complete this form.
 - ✓ The "Verification" part of the form **must be signed in the presence of a Court Clerk or Notary Public.**
- **Public Notice By Publication**
 - ✓ The law requires that a public notice of a name change be published in the newspaper. The only exception is for victims of domestic violence. If you or your child have been a victim of domestic violence you can request that your address be kept confidential and you do not have to publish the name change. See below for additional forms.
 - ✓ Fill out everything except the date and signature. The Clerk will sign the form and then you will take this form to your local newspaper office.

Service Forms:

NOTE: If both parents of the child do not file the Petition jointly, the non-filing parent is entitled to receive notice of the court action. There are three (3) ways this can happen:

1. You must properly serve a Summons and Petition upon the non-filing parent, by having the Sheriff in the non-filing parent's county personally serve the papers upon that parent. You will need to fill out this form:

- **Summons and Return for Minor Name Change**
 - ✓ Fill out the Summons portion, but leave the second page blank. The Sheriff will fill out this page and return it to the Court.

OR

2. The non-filing parent can accept service which can save you the cost of serving the papers by Sheriff. That parent must be provided with a copy of the Petition and Summons and sign the form below. Accepting service does not mean that the parent agrees to the name change. **If the parent agrees to the name change, they should also complete the Parental Consent form (above).**

- **Acknowledgment and Acceptance of Service form**
 - ✓ Does **not** mean the other parent consents to the name change, only that the other parent accepts service of the petition. If the other parent agrees to the name change, make sure the other parent completes the Parental Consent

form (above). The other parent may still file an answer or objection to the name change.

- ✓ **Must be signed in the presence of a Court Clerk or Notary Public.**

OR

3. If you do not know where the non-filing parent can be located and after you use all efforts to find them and are unable to locate the other parent, then you may request permission of the court to serve the other parent by publishing notice of the proceedings in the local newspaper (this will be in addition to the public notice and will increase your costs). **If you cannot locate the other parent, or if the other parent does not agree to the name change, you may want to talk to an attorney before you file anything with the courts.** You will need to complete these forms:

- **Affidavit for Service by Publication**
 - ✓ You must detail the efforts you made to obtain an address.
- **Order for Service by Publication**
 - ✓ Fill out the top part of this form. The Judge will sign and date the order.
- **Notice of Publication**
 - ✓ Complete this form and have it published for four (4) consecutive weeks in a newspaper of general circulation in the county where the hearing is to be held.
 - ✓ Do not sign where the Clerk needs to sign.
- **Affidavit Following Service by Publication**
 - ✓ You will complete this form after you have published the notice in the newspaper for four (4) consecutive weeks, and obtained the Affidavit of Publication from the newspaper.

For victims of domestic abuse:

- **Motion for Entry of an Order Providing for Confidentiality**
 - ✓ You should attach a copy of any protection order you have in place. If you do not have a protection order in place, you must fill-out the affidavit described below.
- **Affidavit in Support of Motion for Confidentiality (if you do not have a protection order).**
 - ✓ Fill-out this form if you do not have a protection order in place.

- ✓ You must explain to the court why you are a victim of domestic abuse, and why you think it might happen again if you do not get a confidentiality order.
- **Order Providing for Confidentiality**
 - ✓ Fill out the top portion only. The Judge will complete the rest of the order.

Step 2: File your forms with the Clerk of District Court.

Make a copy of the forms. Take the originals and copies to the Clerk of District Court's office in the county where you live. A directory of district courts can be found here:

<http://www.courts.state.wy.us/DistrictCourtDirectory.aspx>

You will need to pay the filing fee. You can call the District Court Clerk's office to find out the fee amount (usually \$70-100). You may also need to pay the Sheriff's fee for service.

The Clerk's office will file stamp your petition and will give you a case number. *You must include the case number on any other papers you file in this case.*

Step 3: File your public notice with the local newspaper.

After you file with the court, you will take a copy of the filed petition and public notice to your local newspaper office. The newspaper must publish notice of your name change request in a local newspaper for four (4) consecutive weeks. You will have to pay a publication fee. You can call your local newspaper to find the publication fee.

When the four weeks are finished, the newspaper will mail you an *Affidavit of Publication*, which verifies that the notice was published as required. Make a copy of this affidavit.

Note to Domestic Violence Victims: If the Court has granted your Order Providing for Confidentiality, you do not have to publish a public notice in the newspaper. You can skip this step and go to the next step to finish your case. Your Court may or may not require you to schedule a hearing.

Step 4. Notice to the other Parent

If the other parent did not sign the Acknowledgement and Acceptance of Service form, then the other parent will need to be served by the Sheriff, or by publication if you cannot find or serve the other parent. Please read the information about service (above).

Step 5. Wait for the Response Time to Expire

You must wait at least **30 days after the last publication date of the public notice** before you can finish the process. Depending on when the other parent received service, you may have to wait longer. If the other parent signed the Acknowledgement and Acceptance of Service, or was served by the Sheriff, then the other parent has 20 days to respond (30 days if they live out of state) after they receive the service. If you had to serve the other parent by publication, then you will have to wait until 30 days after the last date of *that* publication notice. **You can proceed only after all time periods have expired.**

Step 6. Default.

If the other parent was served, but did not sign a notarized consent or did not respond to the petition, then you will want to have the Clerk enter a default into the case record before you finish your case. You should prepare and file these forms with the Clerk of Court:

- **Affidavit for Entry of Default**
 - ✓ This form must be signed by the Petitioner **in the presence of a Court Clerk or Notary Public.**
- **Application for Entry of Default**
 - ✓ Make sure you give the correct date when the person was served or signed the affidavit acknowledging service.
- **Entry of Default**
 - ✓ If you know the respondent's address, you must give it to the clerk, along with a pre-addressed, stamped envelope.

Step 7. Finishing your case

You must fill-out:

- **Order Granting Change of Name**
 - ✓ Fill out everything except the **date and the signature** where the Judge will sign the order.

Take the *Order* **and** the *Affidavit of Publication* (that you received from the newspaper) to the Clerk's office.

Your court may require that you schedule a hearing. See forms below. If you do not need to schedule a hearing and the Judge determines that the name change is proper, the Judge will sign the order and the Clerk's office will mail you the Judge's order with your child's new name.

Step 8. Requesting a Hearing Date

If someone filed an answer or objection, you will usually have to schedule a hearing to prove that the request for name change is proper and should be granted. Also, some Judges may require you to schedule a hearing even if no one files an answer or objection. The Clerk will tell you if a hearing is required. Your court may have forms to request a hearing. If not, you can fill out these forms:

- **Request to Set Hearing**
- **Notice of Hearing**
 - ✓ The court clerk or judicial assistant will fill in the date, time and place for the hearing.
- **Order Setting Hearing**
 - ✓ Fill out the top portion only. The Judge will complete the rest of the order.

You will file the forms with the court. Individual courts have different ways to schedule a hearing, so it is important to contact the court where your case is filed to find out how to schedule a hearing and when to appear in front of the Judge. You will need to send notice of the hearing to any parent who filed an answer or to anyone else who may have filed an objection to the name change.

Step 9. To prepare for the hearing, you should bring:

- **Order Granting Change of Name**, completed except for the date and Judge's signature, and
- The *Affidavit of Publication* the newspaper gave you.

The court may ask to review your **Order Granting Change of Name** before the hearing, so have that document prepared before the hearing, along with at least one copy for yourself and anyone who filed an answer.

If the other parent or someone else filed an objection, you should speak to an attorney about how to prepare for the hearing. You can get information about finding a lawyer at: www.legalhelpwy.org.

Step 10. Instructions for the hearing:

Note: these instructions are primarily for a hearing when no has filed an objection.

When the Judge or court clerk calls your case, you will be asked if you are ready to proceed. You must tell the court that you are ready and would like to testify. Make sure to speak clearly. You will be asked to take the stand and the Judge will give you an oath to tell the truth. You are then ready to go forward with your case by testifying about the requested name change.

Fill this out ahead of time, bring it with you, and be prepared to testify to the following:

1. My name is (current full name) _____.
2. I am the _____ (mother, father, or legal guardian) of

_____ (minor child's current full name).

2. The minor child has lived in _____ (city), _____
County, Wyoming since _____ (date), which is at least two years
before I filed this petition to change his/her name.

3. I wish to change my child's name from

_____ (minor child's current full name)

To

_____ (desired full name)

4. I am requesting the name change for the following reason(s):

5. The name change is in the best interest of my child and is not detrimental to any other person.

6. I ask the court to take judicial notice of the Affidavit of Publication.

7. I have nothing further your Honor.

The Judge may ask you some additional questions. You must answer truthfully. Click here for more information about preparing for your day in court or visit www.legalhelpwy.org.

Step 11. After the Hearing

If the Judge determines that the name change is proper, the Judge will sign the order and the Judge or clerk will give or mail you the Judge's order changing the child's name.

It is your responsibility to notify all interested people, businesses, employers, insurance, schools, etc. of your child's new name. You may be required to provide them with a certified copy of the Order granting the name change. Certified copies of court orders can be obtained at the district court clerk's office for a fee.

Other Steps to Take After Name Change is Granted:

1. Get new identification cards.

After you change the child's name, it is important that you get new identification documents for the child. Each organization will have its own process for updating records. **The first thing you will need to do is update your child's Social Security card and driver's license or I.D.** with the child's new name so you can show them to other agencies along with the court order granting the name change.

Places you may need to contact for new identification cards:

- Social Security Administration (Social Security Card)
- Wyoming Department of Transportation (driver's license and I.D. card)
- U.S. State Department (passports)

2. Notify other agencies and organizations, such as:

- Employers
- Schools
- Insurance companies
- Doctor, dentist, pharmacist
- Banks and other financial institutions if your child has accounts in his/her name
- Social service or benefit programs

3. Update important papers.

You should also think about important papers that have the child's name on them. You may want to update those documents with the child's new name to avoid any confusion in the future.