

INSTRUCTIONS FOR CHILD'S CHANGE OF NAME

Introduction

A child¹ cannot file a petition to change his or her name. The petition must be filed by an adult on the child's behalf.

The process for changing the legal name of a child is more complex than the process for changing an adult's name. In addition to requiring that there be a sufficient reason for the change and that the change be consistent with the public interest, the court must also either have the consent of the legal parents, or find that there is good cause to go forward without the consent of both parents. The court will also consider the desires of a child old enough to express an opinion. If any objection has been raised, the court must additionally find that the name change would be in the best interests of the child before any change is granted.

Before beginning this process, you should consider the following:

First, why is the change being sought? A name change is not an adoption. It does not change any of the legal rights or responsibilities between a parent and a child. It will not give any new rights to a stepparent. The name change cannot be used to avoid debts or disrupt the bond between one parent and the child.

Second, will it be worth the expense and time involved? A person can use any name for most purposes, although the person's legal name will need to be used for official business. The child can then decide after turning eighteen whether to seek a legal change.

Third, do you have legal authority to seek the name change? It is rare for the court to allow someone other than a parent to seek a name change on behalf of a child. Both parents usually need to agree to the change. If one parent objects to the proposed change, unless the other parent has really good reasons and the court finds the change to be in the child's best interest, no name change would be allowed.

Fourth, if all you want to do is correct a minor error on the child's birth certificate (such as the misspelling of the child's first name), you can file an *Affidavit For Correction Of A Record* (form VS-608) with the Alaska Bureau of Vital Statistics instead of using the court change of name procedure. The VS-608 form can also be used to add a first name if none was given at birth. The VS-608 correction procedure can be used only to make a record more accurate and complete.² It cannot be used to make discretionary changes in first or middle names or any changes in the last name. If you were born in another state, you might want to check with the vital statistics office in that state to see if a similar process is available.

If you do not have the consent of both parents to this change, it may be helpful to talk with an attorney.

¹ A "child" is a person under age 18 who has not been legally emancipated.

² Attorney General's Opinion in file #J-66-283-80, April 15, 1980.

How to File

1. Fill out the following forms:

Print or type the information, using black ink.

- a. *Petition to Change Child's Name (CIV-694).*

On the "AT" line at the top of the form, write the city where the court is located.
On the "A Minor Child" line, write the current legal name of the child.
On the "Petitioner" line, write your current legal name.

Leave the "CASE NO." line blank.

Fill in the rest of the blanks and check the appropriate boxes. Attach any documents the instructions on the form require.

You must sign the form in front of a notary public and swear (or affirm) that all statements in it are true. A court clerk can provide this notary service for you (at no charge) when you bring the *Petition* to court. You must bring a photo ID with you for the notarization.

- b. *Parental Consent by Non-Petitioning Parent (CIV-695).*

Fill out the form, and have the other parent sign it in front of a notary public (or court clerk). The other parent will need to bring a photo ID for the notarization.

If the other parent refuses to sign the consent or cannot be located, see section 8 below.

- c. *Application or Report of Change of Name (VS-405).*

Fill in items 1 through 8b. Sign and date the form where it asks for applicant's signature and date. The court clerk will fill in items 9 through 12, and sign and date the bottom of the form.

2. Make a copy of the *Petition* and *Consent* for yourself.
3. File the originals of all three forms at the nearest superior court filing location (see list on page 6) and pay the \$150 filing fee. If you cannot afford this fee, ask the clerk for form TF-920, *Request for Exemption from Payment of Fees*.
4. Order for Hearing. The court clerk will then give or mail to you an *Order For Hearing, Publication and Posting (CIV-701)*. This order will tell you (1) the date of your court hearing, (2) which newspaper you must use to publish notice, and (3) whether or not you must post the notice in addition to publishing it. The hearing date will be at least 40 days after the date of the *Order*.

If you did not file a *Parental Consent* form from the other parent (or a copy of that parent's death certificate), you will also need to get a *Summons* from the clerk and have it served on the other parent as explained in section 8 below.

5. Publication of Notice. Take the *Order* to the newspaper listed in it right away, and tell the newspaper personnel that you need to publish the "Notice of Petition to Change Name" (at the bottom of the *Order*) in the legal notices section of their newspaper once each week for four consecutive weeks before the date of the court hearing. You will have to pay the newspaper for this service. Do not delay in doing this. All four publications of the notice must be completed before the court hearing.
6. Affidavit of Publication. After the notice has been published all four times, the newspaper will give you an "Affidavit of Publication" which will contain a copy of the published notice and the dates when it was published. File this affidavit with the court before the court hearing.
7. Posting. If the *Order* requires you to post the notice, you must make copies of the notice and post it in the places listed in the *Order* for the number of days stated in the *Order*. After posting is completed, fill out an *Affidavit of Posting* (court form CIV-702). Note: The *Affidavit* must be signed under oath or affirmation in front of a notary public by the person who did the posting. A court clerk can provide this notary service for you. File the original *Affidavit* with the court before the court hearing.
8. Serve a *Summons on the Other Parent*. You can skip this section if you are the child's parent and you filed the other parent's *Parental Consent* form with your *Petition*.

If you did not file a *Parental Consent* form from the other parent (or a copy of that parent's death certificate), you will need to get a *Summons* from the clerk and have it and some other documents served on the other parent. The documents you will need to serve are:

- a. *Summons - Child's Change of Name* (CIV-697)
- b. a copy of your filled-out and signed *Petition to Change Child's Name* (CIV-694)
- c. a blank *Parental Consent by Non-Petitioning Parent* form (CIV-695), and
- d. a blank *Objection to Name Change* form (CIV-696).

The clerk will fill out the *Summons* form and sign it. You must have it and the other documents served on the other parent at least 30 days before the date set for the hearing. You can have these documents served either (1) by a process server, or (2) by certified mail with restricted delivery. See the booklet "*How to Serve a Summons in a Civil Lawsuit*" (CIV-106) for instructions on both these methods.

If you cannot locate the other parent, see section 3 of the above CIV-106 booklet (pages 6-7) about "service by publication."

Proof of Service. After the documents have been served, you must file proof with the court that this has been done.

- If you use a process server, the process server will give you a "Return of Service" which lists the documents served, on whom and when they were served. File the original "Return of Service" with the court. Make a copy for yourself.
- If you use certified mail, give the court the original green card that you get back from the Post Office, showing that the certified mail was delivered to the other parent. Make a copy of it for yourself.

9. Court Hearing. The hearing is usually short and fairly informal. The judge will first check to make sure that proof of publication (and posting, if ordered) has been filed and that the file contains proof that the other parent was served with the Summons and other required documents at least 30 days before the hearing (unless a *Parental Consent* has already been filed).

You must tell the judge why you want to change the child's name. If the child is old enough, the judge may wish to ask the child about the name change. The judge will make sure that both parents agree to the change and that everyone understands that the name change will not change any of the legal rights or responsibilities of the parents.

If an objection to the change is made, the judge will allow you to respond to it. The judge will then decide whether it is in the best interests of the child to allow the name change in spite of the objection.

10. Judgment For Change of Name. If the judge finds sufficient reasons for the change and also finds it consistent with the public interest, the judge will sign a judgment allowing the child to take the new name. However, you cannot begin using the new name yet, because the judgment will not be effective until the following steps are completed.
11. Publication of Notice of Judgment. The judgment will require you to publish a "Notice of Judgment" once in a newspaper within 10 days after the date shown in the clerk's certificate of distribution on the judgment. After publication, ask the newspaper for an "Affidavit of Publication" and file this Affidavit with the court.
12. Posting of Notice of Judgment. If the judgment also requires you to post it, follow the judgment's instructions for posting. After posting is completed, fill out an *Affidavit of Posting* (court form CIV-702) and file it with the court.
13. Certificate of Name Change. Within 20 days after the date shown in the clerk's certificate of distribution on the judgment, you must file proof of publication (and any required posting), with the clerk, and the clerk will issue a *Certificate of Name Change* (CIV-705). You can begin using the child's new name on the date stated in the certificate. This date will be at least 30 days after the judgment was distributed. The clerk will give you two copies of the *Certificate*. One will be a free certified copy. If you need additional certified copies, there will be a charge for them. Administrative Rule 9(e)(2).

Records to Change

After changing the child's name, there are several records you will need to change too. Among them are the following:

1. Social Security. To avoid tax problems and help assure proper employment credit, you should notify the Social Security Administration of the name change. Toll free telephone number: 1-800-772-1213.
2. Division of Motor Vehicles. If the child has an Alaska driver's license or owns a vehicle registered in Alaska, you must send written notice of the name change to the Division of Motor Vehicles within 30 days.³ Contact a DMV office to find out how the division wants to receive written notice. To get a new driver's license or Alaska Identification Card, the child will need to go to a DMV office and present a certified copy of the *Certificate of Name Change*.
3. Vital Statistics. If you want a new birth certificate for the child, contact the Vital Statistics office of the state in which the child was born and pay the required fee.
4. Other Records. You may also need to change records at schools, banks, insurance companies, the Alaska PFD Division, etc.

Statutes and Rules

The Alaska Statutes and Alaska Court Rules about name changes are:

- Civil Rule 84, which establishes the procedure for changing names.
- Alaska Statute 09.55.010, which gives the superior court the power to hear these cases and sets the standard the court must use in deciding whether to grant a name change.
- Alaska Statute 25.24.165, which describes the procedure for changing a person's name in a divorce or dissolution of marriage. Also see AS 25.24.230(f) concerning dissolutions.

You can find the rules and statutes at all state courts, court law libraries, and many city libraries. The court rules are also on the court system's website: www.courts.alaska.gov/rules.htm The statutes are on the legislature's website: www.legis.state.ak.us/basis/folio.asp

³ AS 28.05.071 & AS 28.35.135(b).

SUPERIOR COURT FILING LOCATIONS

ANCHORAGE: 825 West 4th Avenue, Anchorage, AK 99501-2004

BARROW: Box 270, Barrow, AK 99723-0270

BETHEL: Box 130, Bethel, AK 99559-0130

CORDOVA: Box 898, Cordova, AK 99574-0898

DILLINGHAM: Box 909, Dillingham, AK 99576-0909

FAIRBANKS: 101 Lacey Street, Fairbanks, AK 99701-4765

GLENNALLEN: Box 86, Glennallen, AK 99588-0086

HOMER: 3670 Lake St., Building A, Homer, AK 99603-7686

JUNEAU: Box 114100, Juneau, AK 99811-4100

KENAI: 125 Trading Bay Drive, Suite 100, Kenai, AK 99611-7717

KETCHIKAN: 415 Main St., Rm 400, Ketchikan, AK 99901-6399

KODIAK: 204 Mission Road, Rm 10, Kodiak, AK 99615-7312

KOTZEBUE: Box 317, Kotzebue, AK 99752-0317

NAKNEK: Box 229, Naknek, AK 99633-0229

NOME: Box 1110, Nome, AK 99762-1110

PALMER: 435 S. Denali, Palmer, AK 99645-6437

PETERSBURG: Box 1009, Petersburg, AK 99833-1009

SEWARD: Box 1929, Seward, AK 99664-1929

SITKA: 304 Lake St., Rm 203, Sitka, AK 99835-7759

UNALASKA: Box 245, Unalaska, AK 99685-0245

VALDEZ: Box 127, Valdez, AK 99686-0127

WRANGELL: Box 869, Wrangell, AK 99929-0869

If your nearest court is not on this list, check with that court to find out if a petition for name change can be filed there.