

Changing Your Name as an Adult

Note: Use these instructions and forms to change your name.

These instructions and forms may not be right for your case. They can not take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Do not change these forms. If you change the forms, you might lose language you need.

What Forms Will I Need to Change My Name?

If you are over 18, you will need to fill out and file the following forms to change your name:

- Petition for Name Change
- Order Setting Hearing
- Notice of Hearing on Name Change
- Order for Name Change
- Affidavit of Inability to Pay (only if you cannot afford filing fees)

The **Petition** asks the court to change your name and schedule a hearing.

The **Order Setting Hearing** will be filled out by the judge and will tell you when and where your hearing will be held. It will also tell you how you should notify the public about your hearing.

The **Notice of Hearing on Name Change** will be filled out by the judge or the clerk of district court. You will need to publish the notice in the newspaper or post it in three public places to notify the public about your hearing.

The **Order for Name Change** will be filled out by the judge. The Order will grant your name change and will order changes to your birth records.

The **Affidavit of Inability to Pay** asks the court to waive filing fees in your case. If you can not afford to pay the filing fees, ask your clerk of district court for an affidavit of inability to pay. This form may be called something else in your district.

What Words Do I Need to Know?



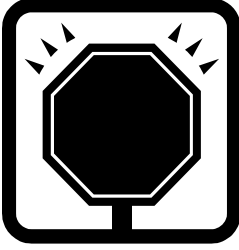
Petitioner- A Petitioner is someone who files an action in court. If you are asking the Court to change your name, you are the Petitioner.

Notice of Hearing- As the Petitioner, you will be required to give the public notice of the hearing on your name change. You must publish notice of the hearing in the local newspaper or, if there is no newspaper in your county, you must post the notice in at least three public places. You must bring a receipt or some other proof that you gave notice to the court before a hearing can be held on your name change.

Who Can Use the Form?

You can use these forms if you:

- Want to change your name;
- Are over 18 years old;
- Are not changing your name in order to avoid debt, hide a criminal record, or for any other improper reason.



Note: If you use these forms, notice of your name change hearing must be given in a newspaper or in public places. If you are changing your name because you are in danger, you should not use these forms.

If letting the public know that you are changing your name would put you in danger, use the [Changing Your Name under Sealed-Record Forms](#).

Talk to a lawyer if you have any questions.

If you want to change the name of a child, use the [Changing the Name of a Child Forms](#).

What Do I Do with the Forms?

1 Fill out the Forms

- Fill out all the blanks on the Petition for Name Change.
- Sign and date your Petition for Name Change.
- Fill out the judicial district, county, and caption on all of the other forms (Order Setting Hearing, Notice of Hearing on Name Change, and the Order for Name Change). The caption looks like this:

Montana _____ Judicial District Court <i>Number of the judicial district where you are filing</i> _____ County <i>Name of the county where you are filing</i>	
In the Matter of the Name Change of _____ <i>Your name now</i> _____ <i>Petitioner (your name now)</i>	Cause No.: _____ Dept No.: _____ <i>Filled out by Clerk of District Court</i> Name of Form

2 Make Copies

- Make one copy of each form after you have filled them out.

3 File Forms at the Courthouse

- Go to the Clerk of District Court's office in your county courthouse. File the original Petition for Name Change, Order Setting Hearing, and Notice of Hearing on Name Change.
- If you can't afford the filing fees, ask the Clerk of District Court for an Affidavit of Inability to Pay. This form may be called something different in your county.
- Give the Clerk of Court a self-addressed stamped envelope. Be sure to ask the Clerk of Court to mail two conformed copies of the Order Setting Hearing to you after the judge signs it. If you do not have an Order of Inability to Pay from the judge, you may be charged a fee for these copies.
- Give your copies to the Clerk of District Court and ask her to stamp them as "Filed". Keep the copies in a safe place.

4 Publish Notice of the Hearing

- When the judge sets a hearing date, you will get an Order Setting Hearing and Notice of Hearing. The Order Setting hearing will tell you where you need to publish the Notice of Hearing.

Note: You must publish notice of your hearing for 4 weeks **before** your hearing.



- Get a receipt or other proof that your notice was published. Put it with your other forms. You will need the proof for your hearing.

5 Fill out Your Order for Name Change

- Fill in all of the blanks that you can on the Order for Name Change. If the judge gives you your name change, s/he will sign the Order after your hearing
- Make one copy of your filled in Order for Name Change.

6 Go to Your Hearing

- Bring your stamped copies of the documents you filed with the court. Also bring your original and copy of your Order for Name Change.
- Arrive at the courthouse at least 15 minutes before your scheduled hearing. Dress like you were going to an important job interview.
- Check with the Clerk of Court's office to find the right courtroom for your hearing. Go to that courtroom and wait for the judge to call your name and case number. Remember to address the judge as "Your Honor".
- Be prepared to tell the judge why you want to change your name.
- Important:** Immediately after your hearing, take your signed Order for Name Change to the Clerk of District Court. You may want to ask the Clerk for several **certified copies** of the order. You will need the certified copies to get a new driver's license, birth certificate, and social security card.



Where Can I Get More Information?

The Montana Code Annotated (M.C.A.) contains the law on changing your name. The laws related to changing your name can be found in Title 27, Chapter 31. The M.C.A. can be found at your local library or on the Montana State Law

Library website at www.lawlibrary.mt.gov. Click on the “State Laws” option near the top of the page and select “MCA” from the list.



Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low and moderate-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. The referral is free. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at www.lawlibrary.mt.gov. Or you can contact a Reference Librarian at 1-800-710-9827 or by email at mtlawlibrary@mt.gov

Please take a short survey about these forms.

When you are done with the forms, please take our online survey at this address:

http://www.surveymonkey.com/s.aspx?sm=fCBbhbbJj4MdOWw_2fjsCjlg_3d_3d



Or you can access the survey on the “Forms” page of the State Law Library website, at www.lawlibrary.mt.gov. Your answers will help make the forms better. Thank you!

Your name

Your mailing address

City State Zip

Your phone number

Petitioner Pro Se

Montana _____ Judicial District Court

Number of the judicial district where you are filing

County

Name of the county where you are filing

In the Matter of the Name Change of

:

Your name now

Petitioner (*your name now*)

Cause No.: _____

Dept. No.: _____

Filled out by Clerk of District Court

Petition for Name Change (Adult)

I would like this Court to change my name. (*Montana Code Annotated 27-31-101*)

1 Your name now

First

Middle

Last

2 Your new name

First

Middle

Last

3 Your address

Street address

City

State

ZIP

4 Your place of birth

City

County

State

5 Your date of birth

I was born on (*date*) _____. I am _____ years old.
mm/dd/yyyy *age*

6 Your close relatives

Choose one:

One or both of my parents are still alive. (*Skip to Number 7.*)

or

Both of my parents are dead. My closest relatives are:

Name: _____

Home: _____
Street Address

City

State

Name: _____

Home: _____
Street Address

City

State

7 Reason for Name Change

(Why do you want to change your name?)

(Fill in on next page)

I am not changing my name to avoid debt, hide a criminal record, or for any other improper reason.

8 Notice of Hearing

I will put a notice of the hearing for my name change in a newspaper published in this county. The notice will appear one day each week for 4 weeks in a row. If there is no newspaper published in this county, I will post a copy of the notice in at least 3 public places in this county for 4 weeks in a row.

I respectfully ask this Court to:

1. Change my name;
2. Schedule a hearing to decide this matter;
3. Order any other relief the Court decides is just and proper.

Note: *You must sign and date this Petition. By signing, you are telling the Court that:*

- *You have read the Petition;*
- *The information in the Petition is true to the best of your knowledge;*
and
- *You are not using this Petition for an improper reason.*

Date: _____
mm/dd/yyyy

Petitioner's signature: _____
Sign here

Print name: _____

Montana _____ Judicial District Court

Number of the Judicial District where you are filing

_____ **County**

Name of the county where you are filing

<p>In the Matter of the Name Change of _____ <i>Your name now</i> _____ Petitioner (<i>your name now</i>)</p>	<p>Cause No.: _____ Dept. No.: _____</p> <p>Order Setting Hearing</p>
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This Court orders:

Name Change Hearing

The hearing on the Petition for Name Change filed in this case is set for:

- Date: _____
mm/dd/yyyy
- Time: _____
- Place: _____ County Courthouse
county name

Notice of Hearing

Choose One:

The Petitioner must publish notice of this hearing in the (*name of newspaper published in your county*) _____.

Before the hearing is held, the notice must be published for four weeks in a row.

or

No newspaper is published in this county. Before this hearing is held, the Petitioner must post notice of the hearing in the following three public places for four weeks in a row:

- 1. _____
- 2. _____
- 3. _____

Date: _____

DISTRICT COURT JUDGE

Montana _____ Judicial District Court
Number of the Judicial District where you are filing

_____ County
Name of the county where you are filing

In the Matter of the Name Change of

Your Name now

Petitioner (your name now)

Cause No.: _____

Dept. No.: _____

**Notice of Hearing on
Name Change**

This is notice that Petitioner has asked the District Court for a change of name from

(your name now:) _____
First Middle Last

to (name you want:) _____
First Middle Last

The hearing will be on (date) _____ at (time) _____ a.m./ p.m.
mm/dd/yyyy

The hearing will be at the Courthouse in (county:) _____ County.

Date: _____

Clerk of District Court

By: _____
Deputy Clerk of Court

Montana _____ Judicial District Court
Number of the Judicial District where you are filing

_____ **County**
Name of the county where you are filing

<p>In the Matter of the Name Change of _____ <i>Your name now</i> _____ Petitioner (<i>your name now</i>)</p>	<p>Cause No.: _____ Dept. No.: _____</p> <p>Order Changing Name</p>
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A Petition for Name Change was filed in this case. A hearing was held on
(date:) _____. Based on the evidence, the Court finds:
mm/dd/yyyy

Findings of Fact

1 Petitioner's name

The Petitioner's current name is (*your name now*)

First Middle Last

The Petitioner wishes to change names to (*the new name you want*)

First Middle Last

2 Petitioner's place of birth

Petitioner was born in

City *County* *State*

3 Petitioner's date of birth

Petitioner was born on (date) _____.
mm/dd/yyyy

4 Purpose of name change

The name change is not to avoid debt, hide a criminal record, or for any other improper reason.

5 Notice of hearing

Notice of this hearing was published or posted as required by law.

Check one:

The Petitioner published notice of the hearing in a newspaper in this county. The notice was published for four weeks in a row.

or

No newspaper is published in this county. The Petitioner posted notice of the hearing in three public places for four weeks in a row.

Conclusions of Law

1 The Petitioner's name change is allowed under Montana law. Montana Code Annotated 27-31-101 to 205.

2 The Petitioner has provided notice of the hearing in this case as required by law. Montana Code Annotated 27-31-201.

Order

This Court orders that:

Order Changing Name (Adult), Page 2 of 3

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Last updated 11/21/2008

1 Name Change

The Petitioner's name is changed **from**

(old name:)

First *Middle* *Last*

to *(new name:)*

First *Middle* *Last*

2 Changes to Birth Certificate

Check one:

Montana Vital Statistics (MVS) will change the Petitioner's birth record to show this name change. MVS will line through the old name, type the new name above the old name, and stamp "ALTERED" on the birth record.

or

Montana Vital Statistics (MVS) will create a new birth record only showing the Petitioner's new name. MVS will put the old birth record in a sealed file which can only be opened by court order.

or

Petitioner was not born in Montana.

Date: _____

DISTRICT COURT JUDGE