

## Changing Your Name When Your Safety Is at Risk

**Note:** Use these instructions and forms to change your name when your safety is at risk.

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 When My Safety Is at Risk?

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

- Petition for Name Change
- Order Sealing Record and Setting Hearing
- Order for Name Change Under Sealed Record
- 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 Sealing Record and Setting Hearing** will be filled out by the judge. The Order will tell you whether the judge is going to seal your record. It will also tell you when and where your hearing will be held.

The **Order for Name Change under Sealed Record** 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?



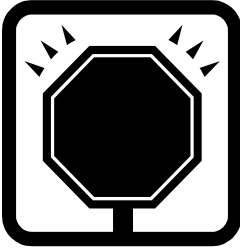
**Sealed Record-** Sealed record means all court papers relating to your name change will be kept from the public. The court will keep your papers in a file, but will not let anyone else see them. The court may allow your name change to go forward under sealed record if your safety is at risk.

**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.

## 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; **and**
- Making your name change public would put your safety at risk.



**Note:** You can only use these forms if making your name change public would put your safety at risk. If your safety is not at risk, please use **[adult name change]** or **[minor child name change]**.

These forms can only be used to change the name of an adult. If you want to change the name of a child whose safety is at risk, please talk to a lawyer.

Talk to a lawyer if you have any questions.

## 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 Sealing Record and Setting Hearing, Order for Name Change under Sealed Record). The caption looks like this:

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

## **2 Make Copies**

- Make at least one copy of each form once 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 and Order Sealing Record and Setting Hearing.
- 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 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.

## **5 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 ready to tell the judge why you want to change your name. Be ready to tell the judge why your safety is at risk and why your name change needed to be sealed.
- 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](http://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](http://www.lawlibrary.mt.gov). Or you can contact a Reference Librarian at 1-800-710-9827 or by email at [mtlawlibrary@mt.gov](mailto: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=fCBhbBj4MdOWw\\_2fjsCjlg\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=fCBhbBj4MdOWw_2fjsCjlg_3d_3d)



Or you can access the survey on the “Forms” page of the State Law Library website, at [www.lawlibrary.mt.gov](http://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**

**Note:** The Petitioner is requesting that this case be sealed. This Petition and all other records and papers in this case shall be withheld from inspection, unless the Court denies the request. No one other than Petitioner may have access to the records without order from the 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> _____ <i>Petitioner (your name now)</i></p>	<p>Cause No.: _____ Dept. No.: _____ <i>Filled out by Clerk of District Court</i></p> <p><b>Petition for Name Change (Safety at Risk)</b></p>
---	---

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

**1 Your current name**

\_\_\_\_\_  
*First Middle Last*

**2 Your new name**

\_\_\_\_\_  
*First Middle Last*

**3 Your address**

\_\_\_\_\_  
*Street address*

\_\_\_\_\_  
*City State*

**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?)*

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

**8 Safety Risk**  
*(Why do you feel your safety is at risk?)*

## 9 Notice of Hearing

Because my safety is at risk, I ask that my name change go forward under sealed-record. This means that all papers and records related to my case should be kept from the public and information about my hearing should not be published. (*Montana Code Annotated 27-31-201*)

### I respectfully ask this Court to:

1. Change my name;
2. Allow my name change to go forward under sealed-record;
3. Schedule a hearing to decide this matter;
4. 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: \_\_\_\_\_

Petitioner's signature: \_\_\_\_\_

***Sign here***

Print name: \_\_\_\_\_

**Note:** All records and papers in this case shall be withheld from inspection. No one other than Petitioner may have access to the records without order from the Court.

**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.: \_\_\_\_\_

**Order Sealing  
Record and Setting  
Hearing**

The Petitioner asked this Court to seal the record of this case. The Court finds that the Petitioner has shown probably cause that:

- 1 The Petitioner's safety is at risk, and
- 2 The Petitioner is not trying to avoid debt or hide a criminal record.

Order Sealing Record and Setting Hearing, Page 1 of 2

© 2008 Montana Supreme Court Commission on Self-Represented Litigants and Montana Legal Services Association. Use of this form is restricted to not-for-profit purposes.

Last updated 06/03/2008

3 Under Montana Code Annotated 27-31-201(3), The Court orders that:

### Order Sealing Record

- 1 The Petitioner does not have to publish notice of the time and place of the hearing in this case; and
- 2 All papers and records of this case should be sealed as a permanent record of this Court and withheld from inspection. No one other than the Petitioner may have access to the records in this case unless they show good cause and upon order of this Court.

### 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*

Date: \_\_\_\_\_

\_\_\_\_\_  
DISTRICT COURT JUDGE

**Note:** All records and papers in this case shall be withheld from inspection. No one other than Petitioner may have access to the records without order from the Court.

**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.: \_\_\_\_\_

**Order Changing  
Name (under  
Sealed Record)**

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*)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 2 Petitioner's place of birth

---

*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 Safety risk

The Petitioner's safety is at risk.

## 6 Notice of hearing

Because the Petitioner's safety is at risk, the court waived publication or posting of notice.

## Conclusions of Law

- 1 The Petitioner's name change is allowed under Montana law. Montana Code Annotated 27-31-101 to 205.
- 2 Waiver of the hearing and sealing of the record in this case is allowed by Montana Code Annotated 27-31-201 (1) and (3).

## Order

This Court orders that:

### 1 Name Change

The Petitioner's name is changed from

(old name:)  
\_\_\_\_\_

*First*

*Middle*

*Last*

to (new name:)  
\_\_\_\_\_

*First*

*Middle*

*Last*

### 2 Sealed Record

All papers and records related to this case will be kept as a permanent record of this Court and withheld from inspection. No person, other than the Petitioner, may have access to the records except by order of this Court.

### 3 Changes to Birth Certificate

*Choose one:*

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.

#### 4 New Documents

The Petitioner is entitled to the issuance of a new driver's license, new social security number, and any other government-issued documents without reference to his/her former name. All records held by any public agency or department related to this name change are to be kept confidential. These records must not be released to any one other than the Petitioner.

Date: \_\_\_\_\_

\_\_\_\_\_  
District Court Judge