

## CHANGING YOUR LEGAL NAME

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People change their Legal names for a variety of reasons, including:

- \* Marriage
- \* Divorce
- \* You want to reclaim an original family name.
- \* You want to change the name your parents named you.
- \* Because you just want to.

People are allowed to change their name whenever they so desire unless it is for a Fraudulent purpose. That factor, however, doesn't stop people from changing their names but in that case it is called an "alias".

Names can be changed in two ways:

1. By "common usage" one can choose a new name and consistently
2. By a formal court procedure.

Both are equally legitimate, but there are limitations:

- You cannot change your name if you have "Fraudulent intent." This means that you may be trying to avoid bankruptcy or some other reaches of the law by becoming someone else
- You cannot use numbers or symbols in your name. However, you can add Roman numerals to the end of your name, such as John Doe IV.
- You cannot use indecent or violent words or anything with a racial slur. Those who give themselves names using these words are considered nicknames.
- The court requires a showing of more than simple desire to change the name of a minor.

### NAME CHANGED BY COURT ORDER

A court order leaves you with a public record of the name change and an indisputable right to your new name and it becomes completely legitimate.

Some factors you should be aware of:

- Changing your name will not expunge or excuse mistakes in your past.
- Changing your name to match your significant other, life partner, boyfriend, girlfriend, etc, does not mean that you are legally married to that person.
- Changing a child's last name to match yours does not mean that you have adopted that child.

The most common reasons for changing your name are:

1. Desire
2. Marriage
3. Divorce

## PROCEDURE TO CHANGE YOUR NAME

If you want to change your name for no other reason than because you simply want to, you will need to do the following:

1. Complete a Petition for Name Change.  
A copy of your birth certificate and tribal enrollment certificate must be submitted with the petition
2. Pay the require court filing fee by money order in the amount of \$50.00 to the Spirit Lake Tribal Court
3. Complete and submit the attached Notice of Petition for Name Change to the Devils Lake Journal Newspaper, 516 4<sup>th</sup> Street NE, Devils Lake, North Dakota, or to any other court approved newspaper serving the Spirit Lake Nation Reservati6n, and surrounding area. The published Notice of Petition for Name Change is to notify the public that you intend to change your name. The Notice must be published for a period of once a week for three consecutive weeks. The cost of publication is your responsibility.
4. Obtain an Affidavit of Publication from the Devils Lake Journal (or other approved newspaper) stating that the Notice of Petition for Name Change was published and the dates it was published.
5. An Affidavit of-Consent, if applicable, is-required for-name changes for minors. The Affidavit of Consent must be signed by a parent or legal guardian.
6. An Order for Name Change granting the name change will be entered at a scheduled court hearing at the Spirit Lake Tribal Court. A hearing will be scheduled upon-receipt of the Affidavit of Publication and court filing fee,

### MINORS

For a minor's name change, there are a few additional facts to be aware of:

- An adult will have .to submit the petition with a reason for the change and a parent or a guardian must give his/her consent to the name change.
- The reason for the name change of a minor should be *significant*, such as adoption or bringing a stepchild into the family.
- Both parents/guardians will be notified of the petition, which means an objecting parent has time to come forward.
- As a result, there could be a dispute over whether the child's name should be

changed. Ultimately, the judge will decide what is in the best interest for the child.

- Changing the name of a minor is not the same as a legal adoption or the removal of parental responsibilities toward that child.

### MARRIAGE

The marriage license provides for a place to write in your new name. Once you write your new name on the marriage license you're done!

### DIVORCE

Returning to a maiden name (or any other name) is included in the divorce proceeding, if requested. However, it is not required that people change their names after divorce and a woman who changed her name to that of her husband's surname can continue to use it if she so desires.

### ADOPTION

Adoption proceedings provide an opportunity to change a child's name and, in some cases, his/her original birth certificate.

### CHANGING RECORDS

Once you have your new name, the court suggests that you begin to change your records by changing the name on your Driver's License and on your Social Security Card. Once your new name appears on the two documents, changing the rest of your records will be easier.

SPIRIT LAKE TIMM, COURT )  
SPIRIT LAKE NATION ):ss  
SPIRIT LAKE RESERVATION )

IN CIVIL COURT  
IN GENERAL SESSION

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IN THE MATTER OF:

DOB \_\_\_\_/\_\_\_\_/\_\_\_\_, A Minor.

Submitted to the Court by:

PETITION TO CHANGE  
THE NAME OF A MINOR

\_\_\_\_\_,  
Petitioner/Parent or Legal Guardian of  
Minor child.

Civ. # \_\_\_\_\_

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COMES NOW, \_\_\_\_\_,

the Petitioner and Parent/Legal Guardian of the above-named minor child,

DOB \_\_\_\_/\_\_\_\_/\_\_\_\_, respectfully petitions the court to grant an Order to change the  
name of the minor child from:

\_\_\_\_\_ to:

\_\_\_\_\_

Petitioner states the following as the basis for-the name change:

1. Petitioner and minor child have resided within the exterior boundaries of the Spirit Lake Nation, County of Benson, State of North Dakota, for not less than six (6) months prior to filing this petition with the court.
2. The complete and present legal name of the minor child is that of:  
\_\_\_\_\_
3. The petitioner requests a name change for the above-named minor child for the following significant reasons to wit: (State your reasons on the next page)

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4. A copy of the minor child's birth certificate and tribal enrollment certificate shall be submitted to the court along with' this petition.
5. The Notice of Petition for Name Change of a Minor shall be served upon the non-custodial parent/legal guardian, if applicable, by U, S. First Class Certified Mail.
6. In the event Notice to the non-custodial parent/legal guardian cannot be-made by U, S. First Class Certified Mail, a Notice of Petition for Name Change of a Minor shall be shall be published in a local newspaper that serves the Spirit Lake Nation and surrounding area for a period of once a week for three consecutive weeks, to wit: The Devils Lake journal or \_\_\_\_\_, and that an Affidavit of Publication from the above-named newspaper shall be submitted to the court prior to a scheduled court hearing as proof that notice was given to the non-custodial parent/legal guardian, if applicable, of the name change of the minor child named above,

7. An Affidavit of Consent, signed by the non-petitioner parent/legal guardian of the minor child, shall be submitted to the Court prior to a scheduled court bearing.
- 8.. The Affidavit of Consent may be waived if the court finds that the non-petitioner parent has abandoned the minor child as defined in the Spirit Lake Children's Code, Chapter 3, Section 1-101(18)

THEREFORE, Petitioner requests the court to grant an Order changing the name of:

\_\_\_\_\_, a minor, to  
\_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PETITIONER

Subscribed and sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

SPIRIT LAKE TRIBAL COURT )  
SPIRIT LAKE NATION ) :ss  
SPIRIT LAKE RESERVATION )

IN CIVIL COURT  
IN GENERAL SESSION

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IN THE MATTER OF: \_\_\_\_\_,  
DOB \_\_\_\_/\_\_\_\_/\_\_\_\_, A Minor.

Submitted to the Court by:

AFFIDAVIT OF CONSENT

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\_\_\_\_\_  
Petitioner/Parent or Legal Guardian of  
Minor child.

Civ.# \_\_\_\_\_

COMES NOW, \_\_\_\_\_,

the non-petitioner parent/legal guardian of the above-named minor child,

DOB \_\_\_\_/\_\_\_\_/\_\_\_\_, hereby voluntarily authorize and consent to the Petition to

Change the Name of a Minor, submitted to the Spirit Lake Nation Tribal Court by the Petitioner in  
the above-entitled matter.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
PARENT/LEGAL GUARDIAN

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

SPIRIT LAKE TRIBAL COURT )  
SPIRIT LAKE NATION ):ss  
SPIRIT LAKE RESERVATION )

IN CIVIL COURT  
IN GENERAL SESSION

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IN THE MATTER OF: \_\_\_\_\_,  
DOB \_\_\_\_/\_\_\_\_/\_\_\_\_, A Minor.

Submitted to the Court by:

NOTICE OF PETITION FOR  
NAME CHANGE OF A MINOR

\_\_\_\_\_  
Petitioner/Parent or Legal Guardian of  
Minor child.

Civ.# \_\_\_\_\_

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TO WHOM IT MAY CONCERN:

Notice is hereby given that the undersigned will apply to the Spirit Lake Nation Tribal Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ AM/PM, in the courtroom of the tribal courthouse at Fort Totten, County of Benson, State of North Dakota, for an Order to change the legal name of \_\_\_\_\_, a minor, DOB \_\_\_\_\_, to \_\_\_\_\_,

\_\_\_\_\_  
(Petitioner's Name)

\_\_\_\_\_  
(City, State, Zip)

**NOTE TO NEWSPAPER:** Please print the above notice under LEGAL PUBLICATIONS. This notice is to be published once a week for three consecutive weeks. Please provide an Affidavit of Publication, along with the newspaper clipping of the Notice to the person requesting publication upon completion of publication.

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Note to Petitioner: Publication of this Notice is to be made upon failure to notify the non-petitioner parent/legal guardian by U.S. First Class Certified Mai of the Petition to Change the Name of a Minor.

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The following information is needed in for you to file a Civil Action, We must know this information in order to begin a file on your case. We need to know how to reach you and the Opposing party for purpose of court hearing dates, verbal communication related to your case and for purpose of locating the parties for service of legal documents. YOU MUST PROVIDE THIS INFORMATION. Without this information provided, we cannot proceed with your case.

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**CIVIL INFORMATION SHEET**

**Plaintiff/Petitioner**

Name: \_\_\_\_\_

Place of Residence: (District and/or Unit #) \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

Home Phone Number and Cell Phone Number: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Do you have an Attorney? If so, Name and Address: \_\_\_\_\_

\_\_\_\_\_

**Defendant/Respondent**

Name: \_\_\_\_\_

Place of Residence: (District and/or Unit Number): \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

Home Phone Number and Cell Number: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Do you have an Attorney? If so, Name and Address: \_\_\_\_\_

\_\_\_\_\_