

## INSTRUCTION FOR NAME CHANGE

### CAO NC INSTRUCTION 1

To petition (ask) for a name change in Idaho as an adult, you will need the following forms

- ☐ NCA 1-1 Unredacted Petition for Name Change
- ☐ NCA 1-1 Redacted Petition for Name Change
- ☐ NCA 1-2 Notice of Hearing
- ☐ General Civil Case Information Sheet
- ☐ NCA 8-1 Judgment for Name Change
- ☐ NC 1-3 Name Change Letter for Publication

#### Step 1. Obtain and Complete the Required Forms

Complete the forms listed above by typing or neatly and legibly printing in **black ink**. Fill in your full current name, address, telephone number, and email address (if you have one) on the lines provided at the left-hand corner of page 1 of each form. Fill in the judicial district and your county in the heading in capital letters (for example, "IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT IN AND FOR THE COUNTY OF LATAH"). Fill in your full legal name on the line after "In RE" in the caption. Fill out the remainder of each individual form, providing the information requested. If a section of a form does not apply to you, write "none" or "N/A". To complete the Petition, you must fill in the name of the newspaper that your county has designated for publishing the name change hearing notice. Go to this website to find the appropriate newspaper for your county: <https://courtselfhelp.idaho.gov/Forms/name>. Sign and date the Petition certifying that the information is true and accurate, subject to the penalty of perjury if it is not.

#### Step 2. Make Copies and File With the Clerk

Make a copy of your Petition and two copies of your Notice of Hearing. Place the copies underneath each completed form.

Go to the window in the Clerk's Office in the county where you live. Give the Clerk the following:

- ☐ Filing fee payable in cash or money order, not by personal check (visit <https://isc.idaho.gov/main/idaho-court-rules> for current filing fees), or a Motion and Affidavit for Fee Waiver, FW 1-9, and a proposed Order Re: Fee Waiver, FW 1-10.
- ☐ The original General Civil Case Information Sheet
- ☐ The original plus one copy of the Redacted and Unredacted Petition for Name Change (NCA 1-1)
- ☐ The original plus two copies of the Notice of Hearing (Name Change) (NCA 1-2)

Ask the Court Clerk to set your hearing at least six weeks later. The Court Clerk will issue the Notice of Hearing when your filing fee is paid or when a judge approves your fee waiver. Some Court Clerks keep the original Notice of Hearing and give you only the two copies (one for you and one for the newspaper). Other Court Clerks will give you back the original and the copies. The original will have to be in the court file for your hearing. Be sure to keep it safe.

#### Step 3. Have the Notice of Hearing published in the newspaper.

Sign the Letter for Publication and send it, along with a copy of the Notice of Hearing, to the designated newspaper for your county. The Notice must be published once a week for (4) four successive weeks. The newspaper will send you the Affidavit of Publication. Take (or mail) the

Affidavit of publication to the Court Clerk at the Courthouse for filing. If you were given the original Notice of Hearing, return it to the Court Clerk with the Affidavit of Publication.

#### **Step 4. Attend the Hearing**

Idaho Code §7-804 requires the Petitioner appear at the hearing. If you have not filed your Affidavit of Publication, do so before the hearing. Bring the original Judgment, plus as many copies of the Judgment as you will need to have certified (for social security, driver's licensing, payroll, etc.). The judge may require that you be examined under oath at the hearing, or the judge may sign the Judgment without testimony if no one appears at the hearing to object.

Sample testimony is: "My name is \_\_\_\_\_. I was born on \_\_\_\_\_. I am not being sued by any creditors. I am not considering filing a bankruptcy. I have never been convicted of a crime (or an explanation of the circumstances). I want to change my name because: \_\_\_\_\_."

After the judge signs the Judgment, you can obtain certified copies from the Court Clerk's office. A certified copy will cost you \$.50 a page plus \$1.00 for the seal, since you provided the copies. If you forgot copies, the charge will be \$1.00 a page plus \$1.00 for the seal.

#### **Minor name change**

If you are petitioning (asking) to have a minor's name changed you follow the same steps described above, but use some different forms: the Redacted and Unredacted version of NCM 1-1 or NCM 1-4 for the petition; NCM 1-2 or NCM 1-5 for the notice of hearing; and NCM 8-1 or NCM 8-2 for the judgment, (the letter of publication to the newspaper is the same for adults and minors). The parent(s) or guardian will be the petitioner in the action. The child/ren's current legal name(s) is (are) used in the "In Re:" section of the documents.

The Petition can be filed by one or both parents. If only one parent signs the petition the other parent must either sign the Parental Consent to Name Change (NCM 2-1), or be served with a copy of all documents at least 30 days before the hearing. An Affidavit of Service must then be filed with the court (NCM 2-2 or NCM 2-3) showing how the other parent was served.

When a guardian is filing the Petition the guardian must provide notice to the child/ren's living parents at least 30 days before the hearing. If both parents are deceased or their addresses are unknown, the guardian must serve the child/ren's living grandparents at least 20 days before the hearing.

**Note:** For more than one child, you will need to use a separate parental consent form NCM 2-1 for each child. You can check with your local Court Assistance Office to find out if you will need to use one of these additional forms to process the child/ren's name change/s.