



Changing Your Child's Name

Note: Use these instructions and forms to change your child's 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 Child's Name?

One of the child's parents will need to fill out and file these forms. If both of the child's parents are dead, the child's guardian may fill out these forms.

- Petition for Name Change (Child)
- Consent to Name Change of Minor Child
- Order Setting Hearing
- Notice of Hearing on Name Change of Minor Child (only if both parents do not consent to the change)
- Order for Name Change
- Affidavit of Inability to Pay (only if you cannot afford filing fees)

The **Petition** asks the court to change the child's name and schedule a hearing.

A **Consent to Name Change of Minor Child** tells the court that the parents agree that the child's name should be changed. Both of the child's parents should fill out one of these forms. If the child has any legal guardians, the legal guardians will need to fill out this form too. If both parents do not consent to the

child's name change, you will need the Notice of Hearing on Name Change of Minor Child.

The **Order Setting Hearing** will be filled out by the judge and will tell you when and where your hearing will be held.

The **Notice of Hearing on Name Change** will be filled out by the judge or the clerk of district court. If both parents do not consent to the name change for the child, 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 legally change the child's name and may order changes to the child's 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?



Minor Child- A minor child is a person who is under 18 years old.

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

Who Can Use the Form?

You can use these forms if:

- You want to change your child's name;
- The child is under 18 years old;

- You are one of the child’s parents. Or, if both of the child’s parents are dead, you are the child’s guardian;
- Both of the parents and any legal guardians of the child agree to the name change.
- You are not changing your name in order to avoid debt, hide a criminal record, or for any other improper reason.

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.
- Have both of the child’s parents fill out and sign a Consent to Name Change of Minor Child. The forms must be signed in front of a Notary Public. If the child’s parents or guardians do not agree to the name change, you must file the Notice of Hearing on 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:

<p>Montana _____ Judicial District Court <i>Number of the judicial district where you are filing</i></p> <p style="text-align: center;">_____ County <i>Name of the county where you are filing</i></p>	
<p>In the Matter of the Name Change of _____: <i>Your child's name now</i></p> <p>_____ <i>Petitioner (your name)</i></p>	<p>Cause No.: _____ Dept. No.: _____ <i>Filled out by Clerk of District Court</i></p> <p>Name of Form</p>

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, Consent to Name Change of Minor Child, Order Setting Hearing, and Notice of Hearing on Name Change of Minor Child. Also give your copies to the Clerk and ask the Clerk to conform them for your records. The copies of the Order and the Notice will be conformed and mailed to you once the hearing has been set.



- 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. The Clerk will use this to mail the conformed copies of the Order and Notice after the hearing has been set. 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. Make a copy

of the Order and Notice you got in the mail and take them to the newspaper for publication.

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 changes the child's name, s/he will sign the Order after your hearing
- Make one copy of your filled in Order for Name Change and keep it with the rest of your court forms.

6 Go to Your Hearing

- Bring your stamped copies of the documents you filed with the court. Also bring your original and copy of the Order for Name Change. In some counties this order may need to be submitted before your hearing. Check with the Clerk of Court where you filed.
- Bring the minor child with you to the hearing, the judge may ask the child some questions.



- 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 child's 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 for your child.



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=fCBhbJj4MdOWw_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

Child's full name now

Petitioner (your name),

on behalf of

Minor Child (child's name now).

Cause No.: _____

Dept. No.: _____

Petition for Name Change (Child)

I would like this court to change a minor child's name. (*Montana Code Annotated 27-31-101*)

1 Your Relationship to the Child (*Choose one*)

- I am the Mother **or** Father of the minor child.
- Both of the parents of the child are dead. I am the child's guardian.
- Both of the parents of the child are dead. There is no legal guardian of the child. I am a near relative **or** friend of the child.

2 Child's Current Name

First Middle Last

3 Child's New Name

First Middle Last

4 Child's Address

Street Address

City State

5 Child's Place of Birth

City County State

6 Child's Date of Birth

The child was born on (date) _____. The child is ____ years old.
mm/dd/yyyy

7 Child's Close Relatives

Choose one:

One or both of the child's parents are still alive. (*Skip to Number 8.*)

or

Both of the child's parents are dead. The child's closest relatives are:

Name: _____

Home: _____

Street Address

City State

Name: _____

Home: _____

Street Address

City

State

8 Reason for Name Change

(Why do you want to change the child's name?)

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

9 Consent or Notice *(Check One)*

- All parents and legal guardians of the child have agreed to the name change. Each parent and/or guardian of the minor child has filed a written consent to the name change, filed separately from this Petition. Publication of this name change is not required.
- I will put a notice of the hearing for the minor child's 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 the child's 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 stating 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: _____

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

Child's full name now

_____,
Petitioner (your name),

on behalf of

_____,
Minor Child (child's name now).

Cause No.: _____
Dept. No.: _____

**Consent to Minor
Child's Name
Change**

STATE OF MONTANA)
) : ss
COUNTY OF _____)
County you're in now

I, _____, being first duly sworn upon oath depose and say that:
Your full name

1. I am the Mother/ Father/ Guardian of (*child's current full name:*)

First *Middle* *Last*

2. I agree that the child's name should be change to (*child's new full name:*)

First *Middle* *Last*

Date: _____
mm/dd/yyyy

Signature: _____
Sign here

Print Name: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

(Seal)

Name (*printed*): _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

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

_____:

Child's full name now

_____,'

Petitioner (your name),

on behalf of

_____,'

Minor Child (child's name now).

Cause No.: _____

Dept. No.: _____

**Order Setting
Hearing**

This Court orders:

Minor Child Name Change Hearing

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

- Date: _____
- Time: _____
- Place: the _____ County Courthouse

Notice of Hearing

Choose One:

- The Petitioner does not need to publish notice of this hearing. Both parents and all guardians have consented to the name change of the minor child.
- 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.
- 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

Child's full name now

Petitioner (your name)

Cause No.: _____

Dept. No.: _____

**Notice of Hearing on
Name Change of
Minor Child**

This is notice that Petitioner has asked the District Court to change a child's name from

(Child's name now:) _____
First Middle Last

to (Child's new name:) _____
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 Judicial District where you are filing

_____ County

Name of the county where you are filing

In the Matter of the Name Change of

_____:

Child's full name now

_____,
Petitioner (*your name*),

on behalf of

_____,
Minor Child (*child's name now*).

Cause No.: _____

Dept. No.: _____

**Order Changing
Name (Child)**

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 Child's Name

The minor child's current name is (*child's name now*)

First *Middle* *Last*

The Petitioner wishes to change the minor child's name to (*child's new name*)

First *Middle* *Last*

2 Minor Child’s Place of Birth

The child was born in

City

County

State

3 Minor Child’s Date of Birth

The minor child 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 (Check one)

- Both parents and all guardians have consented to the name change of the minor child in writing. Publication or posting of the hearing was not required.
- The Petitioner published notice of the hearing in a newspaper in this county. The notice was published for four weeks in a row.
- 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 minor child’s name change is allowed under Montana law. Montana Code Annotated 27-31-101 to 205.
2. The Petitioner was not required to publish notice of this hearing. Montana Code Annotated 27-31-201(2).

Order:

This Court orders that:

1 Name Change

The minor child'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 child'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 child's new name. MVS will put the old birth record in a sealed file which can only be opened by court order.

or

The child was not born in Montana.

DATE: _____

District Court Judge