

INSTRUCTION FOR MINOR NAME CHANGE NC INSTRUCTION 1

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

- NCA 1-1 Petition for Name Change
- NCA 1-2 Notice of Hearing
- NCA 8-1 Order 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, and telephone number 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 FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF ADA"). Fill in your full legal name on the line after "In RE" in the caption, and your date of birth. 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 a newspaper of general circulation in the county where you live. This is the newspaper you will use to publish the notice of hearing. It must be a newspaper that publishes legal notices at least once a week. The Petition must be signed in front of a Notary Public.

If you have questions about the information requested, you may want to read the procedure for a Name Change found in Title 7 of the Idaho Code, §7-801-§7-804. You can search the Idaho Code on the Internet at <http://www3.state.id.us>. Help getting copies of those statutes or accessing the Internet is available at some Court Assistance Offices.

Step 2. Make Copies and File With the Clerk

Make a copy 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 (\$88.00 as of July 1, 2006), or a Motion and Affidavit for Fee Waiver, FW 1-9, and a proposed Order Re: Fee Waiver, FW 1-10.
- The original plus one copy of the Petition for Name Change (NCA 1-1)
- The original plus two copies of the Notice of Hearing (Name Change) (NCA 1-2)
- A Self-Addressed Envelope with Postage**

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 newspaper you selected. The Notice needs to 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 Order, plus as many copies of the Order 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 Order 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 Order, 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: 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 order, (the letter of publication to the newspaper is the same for adults and minors). The parent 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. One parent must sign the petition and appear at the hearing. Judges will require the other parent to be served with the Petition for Name Change and Notice of Hearing (and an Affidavit of Service be filed with the court [NCM 2-2 or NCM 2-3]) or that the other parent sign a form for Parental Consent to Name Change (NCM 2-1). 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.