

INSTRUCTIONS FOR CHILD'S CHANGE OF NAME

Introduction

A child¹ cannot file a petition to change the child's own name. The petition must be filed by an adult (usually a parent) on the child's behalf, however, the judge must also consider the desires of a child old enough to express an opinion about the proposed new name.

As with an adult name change, the judge must find that the child's name change is not contrary to the public interest. With a child, there is an extra requirement that both parents consent to the name change. The judge can waive (not require) this with good cause (for example, if the non-petitioning parent is deceased, had parental rights terminated, or is absent and cannot be located after a diligent search). The court can also waive this requirement if the petitioner shows proof that the non-consenting parent had notice of (knew about) the name change petition, but chose not to participate in the case. If either parent objects to the name change (either in writing or at the hearing), the court must also find that the name change would be in the best interests of the child before granting the petition.

Before beginning this process, you should consider the following:

- Why do you want to change your child's name? A name change is not an adoption. It does not change any of the legal rights or responsibilities between a parent and a child. It will not give any new rights to a stepparent or deny any rights to an existing parent. The name change cannot be used to avoid debts or disrupt the bond between one parent and the child.
- Is it worth the expense and time involved? A person can use any name for most purposes, although the person's legal name will need to be used for official business. Once turning 18, the child can decide to file on the child's own behalf, if desired.
- Do you have legal authority to ask for the name change? It is rare for the court to allow someone other than a parent (or in some cases, a legal guardian) to ask for a name change on behalf of a child. The court may also deny the name change if one parent objects, regardless of which parent has legal custody.
- If all you want to do is correct a minor error on the child's birth certificate (such as a misspelling of the child's first name), you can file an *Affidavit for Correction of a Record* (form VS-608) with Health Analytics & Vital Records instead of using the court change of name procedure.² The VS-608 form can also be used to add a first name if none was given at birth. The VS-608 correction procedure can be used only to make a record more accurate and complete.³ It cannot be used to make discretionary changes in first or middle names, or any changes in the last name.
- If you do not have the consent of both parents to this change, it may be helpful to talk with an attorney.

¹ A "child" is a person under age 18 who has not been legally emancipated.

² This is only for birth certificates issued in Alaska. Other states may have similar procedures, but you must contact them directly for more information.

³ Attorney General's Opinion in file #J-66-283-80, April 15, 1980.

Safety Note:

The court will normally post a public notice about a change of name request on the Alaska Court System's legal notice website. However, if you have personal safety concerns about this public posting, you can ask the judge to waive (not have to do) this legal requirement. In addition, you can ask that your case be kept confidential or that your name and the child's name not be published in the case listed on the court's public index (CourtView) on the internet. For more information, see Step 2 of these instructions or contact your local court clerk.

Step 1. Fill out the petition form, the consent form, and the vital records report form.

a. *Petition to Change Child's Name* ([CIV-694](#)).

On the "AT" line at the top of the form, write the city where the court you will be filing at is located.

Leave the "CASE NO." line blank. The court clerk will assign the number and fill this in once you file with the court.

On the "A Minor Child" line and in section 1, write the current legal name of the child. Look at the child's original birth certificate to make sure that you are spelling the child's current legal name exactly as it appears on the certificate. Check that any punctuation marks such as dashes and periods are exactly the same also. You may not be able to get a birth certificate with the child's new name from Health Analytics and Vital Records if the current name submitted to the court does not exactly match existing records. If the child does not have a middle name, leave the line blank (do **not** write "N/A" or "none").

On the "Petitioner" line, write your current legal name.

Fill out the rest of the form. Wait to sign the form until you are in front of a notary. A court clerk can provide this notary service for you (at no charge) when you bring the petition to court. You must bring a photo ID with you for the notarization.

b. *Parental Consent from Non-Petitioning Parent* ([CIV-695](#)).

Fill out the form and have the other parent sign it in front of a notary public or court clerk. The other parent will need to bring a photo ID for the notarization.

If the other parent refuses to sign the consent or cannot be located, see Step 8 below.

c. *Application for Legal Name Change* ([VS-405](#)).

Fill in items 1 through 7. Sign and date the form where it asks for applicant's signature and date. The court clerk will fill in items 8 through 11, and also sign and date the bottom of the form.

Step 2. Safety Concerns (form [CIV-709](#)). [Optional.]

If you have concerns about the personal safety of the child if the proposed name change is posted publicly, you can ask the court to waive posting (that is, not require that it be posted). Fill out *Request to Waive Posting in Child's Change of Name Case* (form [CIV-709](#)) and attach it to your petition when you file the case. This form also asks whether you want your case to be confidential or sealed, and whether you want the court to use "Not Published" for your name and/or the child's name on public

CourtView. The form explains in more detail what each of these requests means. Only fill out page 1; page 2 is for the judge. You can get this form notarized at the same time as your petition.

The court may decide the request based only on what you wrote on the form, or the court may schedule a hearing to decide your request(s). At this hearing, the court will only decide whether or not to grant a waiver of public posting and/or grant any requests for confidentiality. This hearing will **not** approve the name change itself.

If you file form CIV-709 at the same time as you open your case, then your case will not be public when it is opened, and the clerk will not post the proposed name change on the court's website, until after the judge makes a decision on your request. If the judge grants your request, the case will stay unavailable to the public and the proposed name change will not be posted. If the judge denies your request, the clerk will wait at least ten days before making your case public. This is to give you time to decide whether you want to withdraw (cancel) your petition for the name change. If you withdraw, the case will be closed and will not be public. If you decide not to withdraw, then after the waiting period, the court clerk will schedule a hearing on the name change, and a notice will be posted on the website.

If you file form CIV-709 after your case is already open, then the case will remain public until the judge makes a decision on your request(s). If the judge grants the request(s), the court clerk will immediately remove it from public view. If the judge denies the request, your case will proceed as usual.

Step 3. Copies.

Make a copy of the petition, the consent form, the vital records form, and any other attachments (such as form CIV-709) for yourself.

Step 4. File in Court.

File the originals of all forms in Step 3 at the nearest superior court filing location (see list on page 8). Pay the filing fee. Fee amounts are listed in [Administrative Rule 9](#). If you cannot afford the fee, ask the clerk for form [TF-920, Request for Exemption from Payment of Fees](#).

Step 5. Order for Hearing.

The court clerk will give or mail to you an *Order for Hearing, Posting, and Additional Service* (form CIV-701). This order will tell you (1) the date of your court hearing, (2) whether the court system will post notice,* and (3) whether or not you must make additional public posting or notify anyone else of your petition. The hearing date must take place at least 40 days after the date of the order.

If you did **not** file a consent form from the other parent (or a copy of that parent's death certificate), you will **also need to get a summons** from the clerk. See Step 8 below for what to do with the summons.

Step 6. Posting Notice on Court's Website. [Unless waived for safety concerns.]

The court will automatically post notice on the Alaska Court System's legal notice website for four consecutive weeks, unless the court waived this requirement in a written order.* After the posting, the clerk will file *Clerk's Certificate of Service of Posting* (form TF-815) to the website.

* See Step 2 for how to request that the court not post notice.

Step 7. Additional Service. [Only if ordered by the court.]

The court may order you to do additional posting or notice. Read your order (form CIV-701) carefully to understand what the court is requiring you to do, including what proof you must provide that you completed it. If you do not follow the court's instructions, the child's name change may be delayed or denied. The following paragraphs describe in detail some common orders you may see, but you should follow the instructions on your order if they are different than the instructions below.

a. Notice to a Person, Agency, or Other Entity.

The order may tell you to give a copy of the notice to a specific person, agency, or entity (such as a corporation). Unless the court gives you a specific method to do this, choose whichever method is likely to give the person actual notice. This could be mailing or emailing it to the person's known work or home address, handing the person a physical copy, posting to a social networking account, or using a process server. If the court orders you to use a specific method, then you must use that method. Whichever method you use, once you have completed it, fill out *Affidavit of Additional Service* (form [CIV-702](#)). The court may require you to provide a specific kind of proof of service, which you should attach to the affidavit. File the original affidavit (and all attachments) with the court before the court hearing, or bring it with you to the hearing.

b. Publication in a Print Newspaper.

Take the order to the listed newspaper and tell the newspaper staff that you need to publish the "Notice of Petition to Change Name" (on page 2 of the order) in the legal notices section of their newspaper, once each week for four consecutive weeks before the date of the court hearing. You will have to pay the newspaper for this service. **Do not wait to do this.** All four publications of the notice must happen **before** the court hearing. After the notice has been published all four times, the newspaper will give you an "Affidavit of Publication" that will contain a copy of the published notice and the dates when it was published. File this affidavit with the court before the court hearing, or bring it with you to the hearing.

c. Posting to an Online Newspaper.

Make copies of the notice and post it in the places listed in the order for the number of days stated in the order. After posting is complete, get an affidavit of publication from the online publication's publisher, manager, foreman, or principal clerk, or by the certificate of the attorney for the party at whose instance the service was made. You must also get a printed copy of the posted notice with the name of the online publication and dates of posting. Attach these documents to *Affidavit of Additional Service* (form [CIV-702](#)). File the original affidavit with the court before the court hearing, or bring it with you to the hearing.

d. Posting in Public Places.

Make copies of the notice and post it in the places listed in the order for the number of days stated in the order. After posting is completed, fill out *Affidavit of Additional Service* (form [CIV-702](#)). File the original affidavit with the court before the court hearing, or bring it with you to the hearing.

Step 8. Serve a Summons. [Only if the other parent did not consent.]

If you are the child's parent, then you must serve (give or send) a summons to the other parent, **unless** at least one of the following is true:

- The other parent signed a consent (form CIV-695) that you filed with the court.
- The other parent is deceased, and you filed the death certificate with the court.
- The other parent's parental rights have been terminated, and you filed a copy of the termination order with the court.

If you are a legal guardian or other non-parent, then you must serve the summons on any parent who is **not** covered by at least one of the bullet points above.

You should have already received the filled-out summons when you filed your petition, but if not, you can ask for one from the court clerk. Serve all of the following documents together:

- *Summons - Child's Change of Name* (form CIV-697)
- a copy of your completed *Petition to Change Child's Name* (form [CIV-694](#))
- a blank *Parental Consent from Non-Petitioning Parent* (form [CIV-695](#)), and
- a blank *Objection to Change of Name* (form [CIV-696](#)).

You must serve all of these documents on the other parent **at least 30 days before** the hearing date. You can do this either (1) by a process server, or (2) by certified mail with restricted delivery. See *How to Serve a Summons in a Civil Lawsuit* (form [CIV-106](#)) for instructions on both these methods.

If you cannot locate the other parent, see section 3 of *How to Serve a Summons in a Civil Lawsuit* (form [CIV-106](#)) (pages 6-7) titled "Service by Posting or Other Alternative Service."

After the documents have been served, you must file proof with the court that you did this.

- If you used a **process server**, the process server will give you a "Return of Service" that lists the documents served, who they were served on, and when they were served. File this original "Return of Service" with the court. Make a copy for yourself.
- If you used **certified mail**, give the court the original green card that you got back from the Post Office, showing that the certified mail was delivered to the other parent. You can attach this green card to *Affidavit of Additional Service* (form [CIV-702](#)). Make a copy of it for yourself.

Step 9. Court Hearing.

The hearing is usually short and fairly informal. The judge will usually first make sure that any required notices and consents were done. Then, tell the judge why you want to change the child's name. If the child is old enough, the judge will ask the child about the name change. There is not a specific age at which this is required under the law, therefore, it is a good idea to bring even very young children to the hearing, in case the judge wants to hear from them. The judge will make sure that both parents agree to the change, and that everyone understands that the name change will not change any of the legal rights or responsibilities of the parents.

If anyone objects to the change, the judge will let you respond to it. If the objection is from a parent, the judge will then decide whether it is in the best interests of the child to allow the name change in spite of the objection.

Step 10. Judgment for Change of Name.

If the judge finds that the name change is not contrary to the public interest and that, if an objection was made, it is in the child's best interest, the judge will sign a judgment allowing the child to take the new name. However, you cannot begin using the new name yet, because the judgment will not be effective until the rest of these steps are completed.

Step 11. Posting Notice of Judgment. [Unless waived for safety concerns.]

The court will automatically post notice on the legal notice website for one week, unless the court waived this requirement in a written order. After the posting, the clerk will file *Clerk's Certificate of Service of Posting* (TF-815) to the website.

Step 12. Additional Service of Judgment. [Only if ordered by the court.]

The judge may order you to do additional posting or notice. See Step 7 of these instructions for more information on this. After you complete what the judge ordered you to do, fill out *Affidavit of Additional Service* (form [CIV-702](#)) and file the original with the court. You must do this **within 20 days** of the date of the clerk's distribution of the judgment.

Step 13. Certificate of Name Change.

Once any requirements in Steps 11 and 12 are complete, the clerk will send you *Certificate of Name Change* (form CIV-705). If the judgment does not require additional service, then the clerk will issue this certificate automatically after the one-week posting on the court's website, without waiting for any proof of posting from you.

You can begin using the child's new name on the date stated in the *Certificate of Name Change*. This date will be at least 30 days after the judgment was distributed. The clerk will give you two copies of the certificate. One will be a free certified copy. If you need additional certified copies, there will be a charge for them. See [Administrative Rule 9](#) for current fees.

Records to Change

After changing the child's name, there are several records you will need to change:

1. Social Security. To avoid tax problems and help assure proper employment credit, you should notify the Social Security Administration of the name change. Toll free telephone number: 1-800-772-1213.
2. Division of Motor Vehicles. If the child has an Alaska driver's license or owns a vehicle registered in Alaska, you must send written notice of the name change to the Division of Motor Vehicles **within 30 days**.⁴ It is **very important** that you do this; the child could receive a citation and have to pay a fine, or even be charged with a crime under certain circumstances, if you fail to do this. Contact a DMV office to find out how the division wants to receive written notice. To get a new driver's license or Alaska ID Card, the child will need to go with you to a DMV office and present a certified copy of the *Certificate of Name Change* (form CIV-705).
3. Vital Records. If you want a new birth certificate for the child, contact the Vital Records office of the state in which the child was born and pay the required fee.
4. Other Records. You may also need to change records at schools, banks, insurance companies, the Alaska PFD Division, etc.

Statutes and Rules

The Alaska Statutes and Alaska Court Rules about name changes for children are:

- Civil Rule 84, which establishes the procedure for changing names.
- Alaska Statute 09.55.010, which gives the superior court the power to hear these cases and sets the standard the court must use in deciding whether to grant a name change.

You can find the rules and statutes at all state courts, court law libraries, and many city libraries.

The court rules are online here: www.courts.alaska.gov/rules/index.htm

The statutes are online here: <https://www.akleg.gov/basis/statutes.asp>

⁴ AS 28.05.071 & AS 28.35.135(b).

SUPERIOR COURT FILING LOCATIONS

ANCHORAGE:	825 West 4 th Avenue, Anchorage, AK 99501-2004
BETHEL:	Box 130, Bethel, AK 99559-0130
CORDOVA:	Box 898, Cordova, AK 99574-0898
DELTA JUNCTION:	Box 401, Delta Junction, AK 99737-0401
DILLINGHAM:	Box 909, Dillingham, AK 99576-0909
FAIRBANKS:	101 Lacey Street, Fairbanks, AK 99701-4765
GLENNALLEN:	Box 86, Glennallen, AK 99588-0086
HOMER:	3670 Lake Street, Building A, Homer, AK 99603-7686
JUNEAU:	Box 114100, Juneau, AK 99811-410
KENAI:	125 Trading Bay Drive, Suite 100, Kenai, AK 99611-7717
KETCHIKAN:	415 Main Street, Room 400, Ketchikan, AK 99901-6399
KODIAK:	204 Mission Road, Room 124, Kodiak, AK 99615-7312
KOTZEBUE:	Box 317, Kotzebue, AK 99752-0317
NAKNEK:	Box 229, Naknek, AK 99633-0229
NENANA:	Box 449, Nenana, AK 99760-0449
NOME:	Box 1110, Nome, AK 99762-1110
PALMER:	435 South Denali Street, Palmer, AK 99645-6437
PETERSBURG:	Box 1009, Petersburg, AK 99833-1009
PRINCE OF WALES:	Box 529, Klawock, AK 99925
SEWARD:	Box 1929, Seward, AK 99664-1929
SITKA:	304 Lake Street, Room 203, Sitka, AK 99835-7759
TOK:	Box 187, Tok, AK 99780-0187
UNALASKA:	Box 245, Unalaska, AK 99685-0245
UTQIAGVIK: (Formerly BARROW)	Box 270, Utqiagvik, AK 99723-0270
VALDEZ:	Box 127, Valdez, AK 99686-0127
WRANGELL:	Box 869, Wrangell, AK 99929-0869

If your nearest court is not on this list, check with that court to find out if a petition for name change can be filed there. Court contact information can be found here:

<http://www.courts.alaska.gov/courtdir/index.htm>.