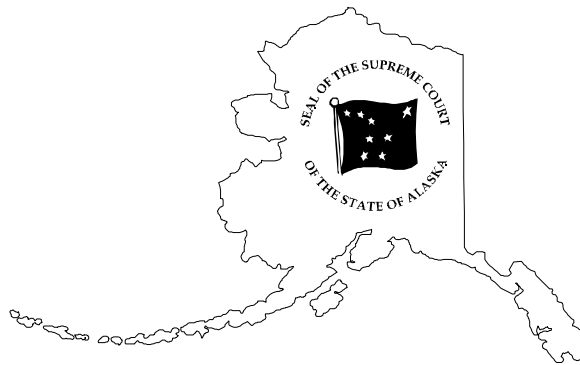


# CHANGE OF NAME

Answers to Some Common Questions



Administrative Office  
of the Alaska Court System

## **WHAT IS A CHANGE OF NAME PROCEEDING?**

A change of name proceeding is a court procedure through which a person can change his or her legal name.

## **DOES THIS PROCEDURE COST ANY MONEY?**

Yes.

The person who wants the name change (called the petitioner) must pay a \$100.00 filing fee to the court to start the court case.

Also, the petitioner must pay for certain legal notices (described below) to be published in a newspaper designated by the court. (The petitioner pays the newspaper directly for this service.)

## **IS THERE ANY OTHER WAY TO FORMALLY CHANGE A LEGAL NAME?**

Yes. A person's prior name may be restored or a person may change his or her name to a new one in a divorce or dissolution of marriage. No extra fee is required for a change of name upon divorce or dissolution. However, the name change must be requested in the complaint for divorce or the petition for dissolution. The procedure will be almost the same as the procedures described in this pamphlet for a formal name change. If a person does not request a name change in the divorce or dissolution case and then decides later to seek a name change, the person must follow the formal change of name procedures.

## **ARE THERE COURT FORMS AVAILABLE FOR A CHANGE OF NAME CASE?**

Yes. The clerk's office will provide a person with a packet of forms which can be used for this kind of case.

**IMPORTANT NOTICE:** Court employees, including law library employees, are expressly prohibited from helping people with their lawsuits. If you do not understand how to use the forms provided, or if you have any questions about the legal consequences of this kind of case, you should consult a lawyer. The Alaska Bar Association provides a lawyer referral service if you want to hire a lawyer but you don't know who to contact.

**LAWYER REFERRAL SERVICE:**

In Anchorage: 272-0352

Outside Anchorage: 800-478-9999 (toll free)

**IS THERE ANY REASON WHY A PERSON MIGHT NOT BE ABLE TO CHANGE HIS OR HER NAME?**

Yes. The court must find that the requested name change is consistent with the public interest. A person is not allowed to change a name to avoid judgments or legal actions against him or her, or to avoid debts and obligations. A person cannot change a name to defraud any person.

**CAN A CHANGE OF NAME BE DONE IN ANY COURT IN ALASKA?**

No. A change of name must be handled by a superior court. District courts do not generally handle these types of cases. A list of superior courts is provided on the back of this pamphlet. (NOTE: Some rural district courts may be specially designated to handle these cases. Check with your local district court.)

**HOW DOES THE CASE START?**

The petitioner must prepare a verified petition (that is, a document which the petitioner signs and swears under oath that it is true) showing the name the petitioner wants to take as his or her new name and giving the reasons for the change of name request.

Form CIV-700 is a petition form which a person can complete and use.

The completed petition must be given to the court clerk with the filing fee of \$100.00. (The court clerk can notarize the signature on the petition at no charge.) If the petitioner wants his/her birth certificate changed, the petitioner should also fill out a vital statistics form, "Application or Report of Change of Name," and give this form to the court clerk. (This form is available in the clerk's office). When the case is over, the court will send this completed form to the Alaska Department of Health and Social Services, Bureau of Vital Records. The Bureau charges a fee of \$15.00 to correct or amend a record. This fee also covers the cost of a certified copy of the corrected record provided by the Bureau to the petitioner.

**NOTE:** Please type or print neatly in black ink when filling out this and all other forms. Press hard. Be careful not to cross out any information you write on this form.

The court clerk will then prepare (1) an order setting a time for a hearing at least 40 days from the date the order is prepared and (2) a legal notice that the petition has been filed and showing the time that the hearing has been scheduled.

The court clerk will give or mail to the petitioner a copy of the notice (form CIV-702). The petitioner must take this notice to a newspaper designated by the court (the order setting time for a hearing will list a designated newspaper or newspapers) and arrange for publication. The petitioner must pay the newspaper directly for the publication. Publication of the notice shall be made once each week for four consecutive calendar weeks prior to the date of the hearing. (In some cases, the court may also require that the notice be posted in certain places in designated communities. If posting is required, the person doing the posting must prepare and file an "Affidavit of Posting," which is court form CIV-703.)

After the publication has been completed, the newspaper will give the petitioner an "Affidavit of Publication" which will contain a copy of the published notice and the dates when publication occurred. The petitioner must file this affidavit with the court clerk prior to the hearing date.

#### **WHAT HAPPENS AT THE HEARING?**

The hearing is usually short and fairly informal. The petitioner must tell the judge why he or she wants to change his or her name, and assure the judge that the name change is not being sought for an illegal reason.

If the judge is satisfied that there is no reasonable objection to the petitioner's request for name change, the judge will sign a judgment allowing the petitioner to take the new name after a specified period of time, which will be at least 30 days.

The petitioner is given a copy of the judgment signed by the judge, and the petitioner must take this copy to the designated newspaper and arrange to have it published once. The publication must take place within 10 days of the date the clerk distributed copies of the judgment. (This date is usually one or two days, at most, after the judge signs the judgment. This date is indicated on the "certificate of distribution" on the judgment.)

Within 20 days after the date shown in the clerk's certificate of distribution on the judgment, the petitioner must obtain proof of publication from the newspaper and give it to the court clerk.

The clerk may then issue a Certificate of Change of Name (CIV 705) which states that the judgment has been entered and that all required publications have occurred. The petitioner may obtain a certified copy of this certificate for his or her records.

## **WHEN CAN THE PETITIONER START USING THE NEW NAME?**

After the court clerk has issued the Certificate of Change of Name, the case is over and the petitioner can begin using the new name.

The petitioner can use a certified copy of the certificate to show the legal name change so that other records can be appropriately changed.

**IMPORTANT NOTE:** If you have an Alaska driver's license or if you own a vehicle registered in Alaska, or if you have been issued any other license or permit by the Alaska Department of Public Safety, state law requires that you notify the department in writing of your change of name within 30 days. Send notification to:

Division of Motor Vehicles  
P. O. Box 20020  
Juneau, Alaska 99811-0020

To get a new driver's license, you will need to go to a DMV office and present a copy of the court order changing your name.

## **ARE THERE COURT RULES AND STATUTES ABOUT CHANGE OF NAME CASES?**

Yes.

Rule of Civil Procedure 84 sets out the procedures for change of name cases.

Alaska Statute 09.55.010 gives the superior court the power to hear these types of cases.

Alaska Statute 25.24.165 describes the procedure for changing a person's name (to a name other than a prior name) in a divorce or dissolution of marriage.

The Alaska state law libraries have copies of the Alaska Statutes and the Alaska Rules of Court.

### **CAN A PARENT CHANGE HIS OR HER CHILD'S NAME?**

Yes, but the procedure can be more complicated.

The court does not provide forms for a change of name action on behalf of a child. (NOTE: In Alaska, a child is a person under 18 years of age.) A parent who wants to get a name change for his or her child may want to hire an attorney to prepare the court papers.

If both parents agree that the child's name should be changed, and the name change is in the child's best interest, the procedure may be relatively simple.

However, often only one parent will be seeking a name change for a child. For example, a mother may want to change the name of her child, who lives with the mother and the mother's new husband, so that the child's legal surname is the stepfather's surname. The court will require the parent seeking the name change to give legal notice to the other parent (with whom the child does not live) of the proposed name change for the child. The other parent may decide to object to the proposed name change for the child, and the court would consider the arguments on both sides before making a decision. In this situation, each parent may find it helpful to consult a lawyer about the case.

**SUPERIOR COURT LOCATIONS**

- ANCHORAGE: 825 West 4th Avenue, Anchorage, AK 99501-2005 (264-0442)
- BARROW: Box 270, Barrow, AK 99723-0270 (852-4800)
- BETHEL: Box 130, Bethel, AK 99559-0130 (543-2196)
- FAIRBANKS: 604 Barnette St, Room 342, Fairbanks, AK 99701 (452-9260)
- JUNEAU: P. O. Box 114100, Juneau, AK 99811-4100 (463-4700)
- KENAI: 125 Trading Bay Drive, Suite 100, Kenai AK 99611 (283-3110)
- KETCHIKAN: 415 Main Street, Rm 400, Ketchikan, AK 99901-6399 (225-3195)
- KODIAK: 204 Mission Road, Rm 10, Kodiak, AK 99615-7312 (486-1600)
- KOTZEBUE: Box 317, Kotzebue, AK 99752-0317 (442-3208)
- NOME: Box 1110, Nome, AK 99762-1110 (443-5216)
- PALMER: 435 S. Denali, Palmer, AK 99645-6437 (746-8106)
- PETERSBURG: Box 1009, Petersburg, AK 99833-1009 (772-3824)
- SITKA: 304 Lake Street, Room 203, Sitka, 99835-7759 (747-3291)
- VALDEZ: Box 127, Valdez, AK 99686-0127 (835-2266)
- WRANGELL: Box 869, Wrangell, AK 99929-0869 (874-2311)



BUREAU OF VITAL RECORDS  
P. O. BOX 110675  
JUNEAU, ALASKA 99811-0675  
(465-8601)