

NAME CHANGES FOR MINORS IN North Dakota



What are the legal requirements?

File a petition in the district court of the county in which the minor is a resident. *ND Century Code Chapter 32-28-02*

Where should I file the petition?

File the petition in the North Dakota District Court for the county in which the minor is a resident, and in which the minor has been a resident for at least six months. You can find an interactive map of all District Courts by county here:

<http://www.ndcourts.gov/court/Counties/COUNTIES.htm>

What is the process and what forms should I use?

The North Dakota courts have editable pdf forms of the following documents on their website:

- Petition for Name Change of a Minor Child:
<http://www.ndcourts.gov/ndlshc/forms/pdf/petition%20name%20change%20of%20child%20Fillable.pdf>
- Affidavit for Name Change of a Minor:
<http://www.ndcourts.gov/ndlshc/forms/pdf/affidavit%20name%20change,%20child%20Fillable.pdf>
- Confidential Information Form:
<http://www.ndcourts.gov/ndlshc/forms/pdf/confidential%20info%20form,%20child%20Fillable.pdf>
- Notice of Petition:
<http://www.ndcourts.gov/ndlshc/forms/pdf/notice%20of%20petition,%20child%20Fillable.pdf>
- Order of Name Change:
<http://www.ndcourts.gov/ndlshc/forms/pdf/ORDER%20name%20change%20child%20Fillable.pdf>
- Affidavit of Service by Mail:
<http://www.ndcourts.gov/ndlshc/forms/pdf/Affidavit%20of%20Service%20by%20Mail%20-%20name%20change%20child%20Fillable.pdf>

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

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Does the process require parental consent?

This process does require parental consent.

Does the process require publication?

This process does require publication, but an applicant can petition the court to waive the publication requirement. *ND Century Code Chapter 32-28-02*

What will the judge consider?

The judge in the district court must be satisfied that there is just and reasonable cause for changing the name of the minor. *ND Century Code Chapter 32-28*

Judges have a lot of discretion in granting name changes. Some may have lots of questions and want to see lots of evidence regarding the name change of the child, others may grant a name change as long as there are no objections. The judge may consider whether to grant a name change for a minor according to what is in the ‘best interests of the child’. They typically evaluate the best interest of the child by looking at a variety of factors, which may include the child’s preference (taking into consideration their age and experience), the length of time a child has used that name, the difficulties, harassment, or embarrassment a child may experience from the present or proposed name, and the motives or interests of the parent.

To demonstrate that the name change is in the best interests of the child, along with the name change petition you may want to submit evidence showing the judge why this is in the child’s best interest. Examples of such evidence would be letters from teachers, family, or friends confirming their use of preferred name, letters from providers confirming the child’s gender identity, etc.