

## NAME CHANGE PROCEDURES – MINOR CHILD

### Step 1. Complete the Petition and other forms.

- Completely fill out the petition and summons. Check all applicable boxes.
- Leave the case number blank. The case number will be provided by the Court Clerk.
- Both parents must agree to the name change, or the other parent must be given notice and the opportunity to be heard about the name change proceeding. There is an exception discussed in Step 2.
- *Request for Closed Hearing and Sealed File – Name Change.*  
Only use this form if you are requesting a closed hearing and for the court file to be sealed.

### Step 2. Sealing the file and Notice to the Other Parent

#### 1. Sealing the court file.

The Lummi Code provides that, if you or your child are a victim of domestic violence, and you fear for your safety of your or your child if the name change is part of a public file, you may request that the Court seal the court file involving this request for a name change. LCL 11.07.010(e). If this is requested, use the form *Request for Closed Hearing and Sealed File*.

#### 2. The other parent of the child must be given notice and the opportunity to be heard about the child's name change, unless the Court finds a reasonable basis that the name change would assist in protecting the child or the child's parent from physical harm. If the petitioning parent is requesting that the other parent not be given notice of the name change, the petitioning parent must request a hearing before the court on that specific request.

#### 3. Contact Information Form

If you are requesting confidentiality, fill out the Request for Closed Hearing and Sealed File – Name Change.

### Step 3. Filing Your Documents with the Court

- You must file your documents at the Lummi Tribal Court Clerk's Office located at 2665 Kwina Road, Bellingham, WA.
- You must pay the \$50.00 filing fee or submit a filing fee waiver. A request for a filing fee waiver can be obtained on the Lummi Tribal Court website in the Court Fees tab, or from the Lummi Tribal Court Clerk's Office.

### Step 4. Schedule a Court Hearing

- Ask the Court Clerk for a date for your court hearing and for a Notice of Hearing. The Notice of Hearing will have the date and time of the hearing for the name change.
- Hearings for name changes are scheduled on Mondays on the 9:00 am calendar.

- The Clerk will also give you a promise to appear with the date and time of the hearing.

### **Step 5. Serving Petition, Summons, and Notice of Hearing on the Other Parent**

The other parent must be given notice and the opportunity to be heard about the name change. The exception is discussed in Step 2. You must first obtain the court order that grants the exception. Ask the Court Clerk for a hearing date and time to seek an exception to giving notice to the other parent.

- If the other parent does not sign the consent to the name change, then it is the responsibility of the petitioning party to serve the other parent with the petition, summons, and notice of hearing.
- Service may be accomplished by certified mail, return receipt requested, or by personal service by any person over the age of eighteen (18) years who is competent to testify and is not a party to the action, or by publication. If you are seeking service by publication, please contact the Court Clerk's office for the forms needed for publication.
- If service was made by certified mail, the return receipt, signed by the other parent, is proof of service.
- If the other parent is served by personal service, then the person that delivered the copy of the petition, summons, and notice of hearing must fill out a Declaration of Service form that will need to be filed at the Court Clerk's office.
- File the Declaration of Service with the Court Clerk's office.

### **Step 6. Hearing**

- Appear at the time and date for your hearing. Bring the child to the hearing.
- Bring copies of your documents and any supporting information.
- The judge will swear you in and take your testimony to confirm the information provided in the petition.
- The Court needs to determine whether the petition for name change meets the requirements of the Lummi Code. If the parents disagree as to the name change, the Court will consider the best interests of the child in determining whether to grant the petition. The judge will then complete the order.
- If the evidence satisfies all the requirements of the Lummi Code of Laws for a Name Change (See Lummi Code of Laws 11.07), the judge will grant the name change request.
- Obtain a copy of the order from the Clerk's Office after it is signed by the judge.

### **Step 7. Change of Birth Certificate and Other Documents**

- It is your responsibility to arrange for changing the child's birth certificate. Obtain a certified copy of the name change order from the Court Clerk's office. Consider other agencies that may need to be informed of the name change, such as the Bureau of Indian Affairs, the Lummi Enrollment Department, and the Social Security Administration.