

Changing a Minor Child's Name

Waiver: These instructions and forms are just information. They are not legal advice. Legal advice depends on the specific circumstances of each situation. The information contained in this document is not guaranteed to be up to date. The information cannot replace the advice of an attorney licensed to practice law.

What forms will I need to change a minor child's name?

You will need to fill out and file the following forms to change a child's name:

- Petition for Name Change (child); and
- Consent to Name Change or Notice of Hearing on Name Change Petition

The **Petition for Name Change** asks the Court to change the minor child's name.

The **Consent to Name Change** tells the Court that the other parent agrees that the child's name should be changed. The child's other parent should fill out one of these forms. If the other parent does not consent to the child's name change, you will need the **Notice of Hearing on Name Change Petition**.

The **Notice of Hearing on Name Change Petition** will be filled out by the Clerk of Tribal Court when you file the Petition. If the other living parent of the child does not consent to the child's name change, you will need to publish this Notice in the CharKoosta for four weeks in a row.

What words do I need to know?

Petitioner- A Petitioner is someone who files an action in Court. You will be the Petitioner in this case.

Notice of Hearing- As the Petitioner, you will be required to give the public notice of the hearing on the child's name change only if the other parent of the child does not agree to fill out a consent form. If the other parent of the child refuses to fill out a consent form, you must publish notice of the hearing in the CharKoosta for four weeks in a row. You must bring the Court a receipt or some other proof that you gave notice before a hearing can be held on the child's name change.

Who can use the forms?

You can use these forms if:

- You want to change a child's name;
- The child is under 18 years old;
- You are one of the child's parents;
- The other parent of the child agrees to the name change, or you publish notice of the name change in a newspaper for four weeks in a row; and
- You are not changing the child's name to avoid debt, hide a criminal record, or for any other improper reason.

What do I do with the forms?

1 Fill out the forms

- Fill out all the blanks on the Petition for Name Change (child).
- Sign and date the Petition in front of a Notary Public.
- Have the child's other parent fill out and sign a Consent to Name Change. The form must be signed in front of a Notary Public. If the other parent does not agree to the name change, you must fill out the top part of the Notice of Hearing, but leave the rest blank for the Clerk of Tribal Court to fill out.

2 Make copies

- Make one copy of each form after you have filled them out.

3 File forms at the Tribal Court

- Go to the Clerk of Tribal Court's office. File your original Petition for Name Change and the Consent to Name Change forms with the Clerk. If the other parent does not agree to the name change, ask the Clerk to fill out the Notice of Hearing form.
- If you cannot afford the filing fees, ask the Clerk for a fee waiver application.
- Give your copies to the Clerk and ask her to stamp them as 'Filed.' Keep your copies in a safe place.

- 4 Publish the Notice of Hearing (only if the other parent will not consent)
- After the Clerk fills out the Notice of Hearing, take it to the CharKoosta office and ask them to publish the body of the document for four weeks in a row. There will be a fee for publication.
 - Get a receipt or other proof that the Notice of Hearing was published. You will need to show this proof to the Court at the hearing.
- 5 Go to your hearing
- Bring your stamped copies of the papers you filed with the Court.
 - Arrive at Court at least 15 minutes before your scheduled hearing and check in with the Clerk. Dress like you were going to an important job interview.
 - Be prepared to tell the judge why you want to change the child's name.
 - Important:** Immediately after your hearing, go to the Clerk of Tribal Court's office. Ask the Clerk for **certified copies** of the Court's Order. You will need the certified copies to get a new driver's license, birth certificate, and social security card for the child.

Where can I get more information?

The Laws of the Confederated Salish and Kootenai Tribes contain the law on changing your name. The law related to changing a child's name can be found in Title III, Chapter 1, Section 112. CSKT Laws Codified can be found online at www.cskt.org/gov/court-triballawcode.htm

Your Name

Your Mailing Address

City State Zip

Your Telephone Number

Petitioner Pro Se

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

IN RE THE NAME CHANGE OF:)

_____,)
(*child's name now*) A Minor Child,)

_____,)
Petitioner.)

Cause No. _____

PETITION FOR NAME CHANGE (child)

I would like this Court to change my minor child's name. The minor child is an enrolled member of a federally recognized tribe and has lived on the Flathead Indian Reservation for more than 90 (ninety) days before the filing of this Petition.

1. Your Information

A. Your Name: _____

B. Address: _____

C. Relationship to Child: _____

D. Tribal Affiliation: _____

E. Enrollment Number: _____

2. Child's Information

A. Child's Name Now: _____

- B. Date of Birth: _____
- C. Birthplace (*City and State*): _____
- D. Address: _____

- E. Tribal Affiliation: _____
- F. Enrollment Number: _____
- G. Social Security Number: _____

3. Child's New Name

I would like this Court to change the minor child's name from (*child's name now*):

to (*child's new name*):

_____.

4. Reason for Name Change

I would like this Court to change the child's name because: _____

_____.

I am not changing the child's name to avoid debt, hide a criminal record, or for any other improper reason.

5. Consent or Notice (*Check one*)

Both parents of the child have agreed to the name change. The other parent of the minor child has filed a written consent to the name change, filed separately from this Petition. Publication of this name change is not required.

I will provide notice to the public of the minor child's name change by publishing the Notice of Hearing on the Petition for Name Change for four weeks in a row in the CharKoosta News, a newspaper printed in Lake County, Montana on the

Flathead Indian Reservation. After publication, I will provide proof to the Court that the Notice was published.

6. Changes to Birth Certificate (*Check one*)

- I would like to have the minor child's Montana birth certificate changed to reflect this name change.
- The minor child was not born in Montana.

I respectfully ask this Court to:

1. Change the child's name as requested above;
2. Schedule a hearing to decide this matter;
3. Direct the Clerk of Court to send certified copies of the Order for Name Change to the Bureau of Indian Affairs, the Records Manager for the Confederated Salish and Kootenai Tribes (*if child is enrolled CSKT*), and the Bureau of Vital Statistics for the State of Montana (*if child was born in Montana*);
4. If the child was born in Montana, direct the Bureau of Vital Statistics for the State of Montana to change the name on the child's birth certificate from (*child's name now*) _____ to (*child's new name*) _____; and
5. For such other and further relief that the Court may deem just and proper.

DATED this _____ day of _____, 20____.

Petitioner

Your Name

Your Mailing Address

City State Zip

Your Telephone Number

Petitioner Pro Se

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

IN RE THE NAME CHANGE OF:)

) Cause No. _____

_____,)

(*child's name now*) A Minor Child,)

)

) **CONSENT TO NAME CHANGE** (child)

_____,)

Petitioner.)

)

STATE OF MONTANA)

: ss

County of _____)

I, _____, being first duly sworn upon oath depose and say that:
(*Your full name*)

1. I am the mother/ father of (*child's current full name*):

_____.

2. I agree that the child's name should be changed to (*child's new full name*):
_____.

DATED this _____ day of _____, 20____.

Signature

Print Name

SUBSCRIBED AND SWORN to before me this _____ day of _____,
20_____.

(Seal)

Name (*printed*): _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

**IN THE TRIBAL COURT OF THE CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, PABLO, MONTANA**

IN RE THE NAME CHANGE OF:)
) Cause No. _____
)
_____,)
(your name now))
)
)
_____,) **NOTICE OF HEARING ON NAME**
) **CHANGE PETITION (child)**
)
Petitioner.)
)
)

In the Tribal Court of the Confederated Salish & Kootenai Tribes, Pablo, Montana

In re the Name Change of: _____

Cause No.: _____

Notice is given that a hearing will be held in the above Court on _____, 20____
at _____ a.m./ p.m. on petition of _____
to change the child's name to _____.

At any time before the hearing, written objections may be filed with the Court by any person.

DATED _____, 20____.

Clerk of Court

Petitioner's Name: _____
Address: _____
