

## **Changing the Name of a Minor Child in Wyoming: Overview of the Process**

This guide explains the steps you will take if you are an adult who wants to legally change the name of a child.

It's important to know that a person under the age of 18 (a minor child) cannot ask a court for a name change unless that child is helped by an adult. The adult is called a Next Friend. Usually, a parent or guardian of the child serves as the Next Friend, but sometimes it's another adult in the child's life.

Wyoming laws about name changes include a residency requirement: The child is required to reside in Wyoming for six months before asking for a name change. If the child used to live in Wyoming, or moved away and just came back, the name change won't be allowed.

If you're ready to start the process of asking a Court to legally change the child's name, keep reading to learn about the forms you might use and the steps you will take.

Here are two important notes:

1. When this guide talks about "parents and guardians" that means natural parents, adoptive parents, and legal guardians of the child. Natural parents are biological parents, but this does not include people who haven't been established as legal parents or people who had their parental rights terminated by a court.
2. When someone is trying to change a child's name, they generally have to tell the public about it **AND** they have to tell the child's parents and guardians about it. Telling the public is called giving "public notice." Telling the parents and guardians is called "personal service." When you read about the forms, keep in mind that some of them are for public notice and some others are for personal service.

## **A Quick Look at the Process and Forms**

Only the two forms with underlined names will be used by everyone. The other forms will be used in some cases, but not all.

### **Getting Started**

- ☐ Petition and Affidavit for Change of Name of a Minor
- ☐ Summons (with Affidavit and Return)
- ☐ Consent of Parent

**Confidentiality:** These forms will only be used if the Minor is a victim of domestic abuse.

- ☐ Motion for Grant of Confidentiality
- ☐ Affidavit Supporting Motion for Grant of Confidentiality
- ☐ Order Regarding Confidentiality

**Notice to the Public:** These forms will be used to give the public information about the name change OR to ask for permission to skip that step.

- ☐ Notice by Publication
- ☐ Motion and Affidavit for Waiver of Notice by Publication
- ☐ Order on Motion for Waiver of Notice by Publication

**Personal Service:** These forms will be used for the process of giving parents and guardians information about the name change.

- ☐ Acknowledgment and Acceptance of Service
- ☐ Affidavit to Allow Personal Service by Publication or Service by Registered or Certified Mail
- ☐ Order to Allow Service by Registered or Certified Mail
- ☐ Certificate of Mailing for Petition and Affidavit and Summons
- ☐ Order on Personal Service by Publication
- ☐ Notice to Respondent by Publication
- ☐ Notice to Respondent of Publication
- ☐ Certificate of Mailing for Notice to Respondent
- ☐ Affidavit Following Service by Publication

### **Final Steps**

- ☐ Request to Set Hearing on Name Change
- ☐ Order Setting Hearing
- ☐ Order on Name Change

## Getting Started

Name of the Form:	<b>Petition and Affidavit (form 8)</b>
When is it used?	At the very beginning of the process.
Who uses it?	The Next Friend.
What is it used for?	A Petition is used to ask a Court to do something. An Affidavit is used to tell the Court important facts about the situation. The Petition and Affidavit can be two separate documents, but the Wyoming Judicial Branch forms use a combined <u>Petition and Affidavit</u> . This will be the first form you complete and file to start the name change process.
Other important information:	The Next Friend fills out and files this form, but any of the child's parents or guardians can sign it if they all want the name change to happen. If all the parents and guardians sign the Petition and Affidavit, you will be able to skip several steps in the process.
Read the <u>Instructions for Petition and Affidavit for Change of Name of a Minor</u> for help with this form.	

Name of the Form:	<b>Name of the Form: Summons (with Affidavit and Return) (form 9)</b>
When is it used?	Early in the process.
Who uses it?	The Clerk of Court and the Process Server.
What is it used for?	Certain people – usually other parents or guardians of the child – have a legal right to be included in the name change process. The Summons is how the Court gives the other parents or guardians instructions for responding to your Petition and Affidavit.
Other important information:	If the Court needs to issue a Summons, it may be necessary to ask or pay another person (a sheriff or other process server) to give the documents to the parent or guardian. You also might choose to do this yourself. The Affidavit of Service or the Return of Service will be used as proof that a copy of the Summons and a copy of the Petition and Affidavit were given to the necessary people. If all of the child's parents or guardians have signed the Petition and Affidavit or filed Consents, it probably won't be necessary to use a Summons.
Read the <u>Instructions for Petition and Affidavit for Change of Name of a Minor</u> and the <u>Instructions for Personal Service</u> for help with these forms.	

Name of the Form:	<b>Consent of Parent (form 10)</b>
When is it used?	At the beginning of the process if possible, but it can be used later too.
Who uses it?	A parent who approves of the name change but didn't sign the Petition and Affidavit.

What is it used for?	A parent can use this form to tell the Court that they approve of the name change.
Other important information:	Anyone who wants to file a Consent of Parent should read the form carefully. In addition to telling the Court that they agree to the name change, the Consent form also tells the Court that the consenting parent gives up the right to be involved in the legal name change process. A parent should consider this carefully before deciding whether to sign the form.
Read the <u>Instructions for Consent of Parent to Minor Child Name Change</u> for help with this form.	

### **Confidentiality for Victims of Abuse**

Name of the Form:	<b>Motion for Grant of Confidentiality (form 11)</b>
When is it used?	Early in the process.
Who uses it?	The Next Friend.
What is it used for?	If the child has been a victim of abuse, the Court might need to issue an Order to keep the child's address and phone number confidential (which means the public won't be able to see that information). You can file this form to tell the Court about the child's situation.
Other important information:	Wyoming law allows a child's information to be kept confidential in a name change case for two reasons. These reasons are both about domestic abuse and possible danger to the child. Read the instructions and form carefully if you think the child might need this protection.
Read the <u>Instructions for Confidentiality Forms</u> for help with this form.	

Name of the Form:	<b>Affidavit Supporting Motion for Grant of Confidentiality (form 12)</b>
When is it used?	Early in the process.
Who uses it?	The Next Friend.
What is it used for?	If you are filing a Motion for Grant of Confidentiality (discussed above), you might need to also file an Affidavit Supporting the Motion. This Affidavit is how you tell the Judge details about the abuse that happened to the Minor and why you think more abuse may happen.

Other important information:	You can use this form if the Minor has been a victim of domestic abuse but the Minor does <u>not</u> have a current order of protection (also called a protective order or restraining order). This Affidavit can be used if the Minor never had an order of protection <b>or</b> if the Minor used to have one but that order has expired. You do <u>not</u> need to use this form if the Minor has a current order of protection that has not expired.
Read the <u>Instructions for Confidentiality Forms</u> for help with this form.	

Name of the Form:	<b>Order Regarding Confidentiality</b> (form 13)
When is it used?	Early in the Process.
Who uses it?	The Judge.
What is it used for?	This is how the Court will tell you whether confidentiality has been granted (approved) for the name change case.
Other important information:	If the Minor is granted confidentiality for this case, you will not need to give Notice by Publication to the public. You will still need to complete personal service on parents or guardians who are not already involved in the case. If confidentiality has been granted, do not write the Minor's address or phone number on any documents for this case.
Read the <u>Instructions for Confidentiality Forms</u> for help with this form.	

### **Notice to the Public**

Name of the Form:	<b>Notice by Publication</b> (form 14)
When is it used?	Early in the process.
Who uses it?	The Next Friend.
What is it used for?	In many name change cases, there is a requirement to let the public know that someone has requested a new name. The Notice by Publication has to be printed in a local newspaper. Anyone who reads the paper will be able to see the child's current name and the new name you're asking for. This law helps prevent people from changing names for reasons that aren't allowed (for example, to avoid paying money they owe or to hide a child from family members who have visitation rights).

Other important information:	Giving notice to the public is not required in all cases. In some situations, the Court <u>must</u> let the Next Friend skip the publication step. In some other situations, the Court can decide whether to let the Next Friend skip the publication step. You'll read more about that later in this guide.
Read the <a href="#">Instructions for Notice to the Public Forms</a> for help with this form.	

Name of the Form:	<b>Motion and Affidavit for Waiver of Notice by Publication (form 15)</b>
When is it used?	Early in the process.
Who uses it?	The Next Friend.
What is it used for?	If you think you have an important reason to <u>not</u> publish information about this case in the newspaper, you can file this form to tell the Court about your situation.
Other important information:	In many name change cases, there is a requirement to let the public know that someone wants a new name. Information about the case has to be printed in a local newspaper. However, in certain situations, the Court must let you skip the publication step. And, in other situations, the Court can consider your circumstances and decide whether it is appropriate to let you skip the publication step. If you think you have a good reason to not publish information in the paper, read the Instructions for Notice to the Public Forms to learn more. This is especially important if you think that publishing information might put the child in danger.
Read the <a href="#">Instructions for Notice to the Public Forms</a> for help with this form.	

Name of the Form:	<b>Order on Motion for Waiver of Notice by Publication (form 16)</b>
When is it used?	Early in the process.
Who uses it?	The Judge.
What is it used for?	This is how the Court will tell you whether you do or do not have permission to skip the step of giving notice by publication.
Other important information:	If you file a Motion and Affidavit for Waiver of Notice by Publication, you should also give the Clerk a blank Order on Motion for Waiver of Notice by Publication. The Judge will read your Motion and Affidavit and determine whether you can skip the publication step. Then the Judge will issue an Order to tell you if the permission is granted or denied.
Read the <a href="#">Instructions for Notice to the Public Forms</a> for help with this form.	

## Personal Service

Name of the Form:	<b>Acknowledgement and Acceptance of Service (form 17)</b>
When is it used?	Early in the process.
Who uses it?	A person who didn't sign the Petition and Affidavit and didn't file a Consent.
What is it used for?	A parent or guardian can use this form to tell the Court that they have a copy of the Summons and the Petition and Affidavit, that they understand how they can take part in the process, and that they understand the process will go on without them if they choose not to take part.
Other important information:	Nobody is required to use this form. It can be useful if the Next Friend has a safe and comfortable relationship with a parent or guardian of the child. Instead of paying someone else to deliver the Summons and Petition and Affidavit to the parent or guardian, the Next Friend can give the documents and a blank Acknowledgement and Acceptance of Service to the parent or guardian.
Read the <u>Instructions for Personal Service</u> for help with this form.	

Name of the Form:	<b>Affidavit to Allow Personal Service by Publication or Service by Registered or Certified Mail (form 18)</b>
When is it used?	In the early or middle part of the process.
Who uses it?	The Next Friend.
What is it used for?	In certain situations, it can be difficult to give the Summons and Petition and Affidavit to a parent or guardian of the child. The Next Friend might need to make different plans to get those documents to the parent or guardian. The different plans are called <u>alternative service</u> . The Next Friend can use this form to tell the Court that alternative service may be necessary.
Other important information:	If you know where a parent or guardian of the child lives but they have avoided receiving the documents, you might ask the Court to send the documents to them through the mail using a special kind of delivery. Another option, which is most common when the Next Friend doesn't know where the parent or guardian lives, is to publish a second notice in the newspaper. The second notice will have the parent's or guardian's name on it; it is different from the notice to the public. <u>Personal service by publication</u> and <u>service by registered or certified mail</u> are two kinds of alternative service.
Read the <u>Instructions for Personal Service</u> for help with this form.	

Name of the Form:	<b>Order to Allow Service by Registered or Certified Mail (form 19)</b>
When is it used?	In the middle part of the process.
Who uses it?	The Judge.
What is it used for?	This is how the Court will tell you whether you do or do not have permission to use registered mail for personal service.
Other important information:	If you file an <u>Affidavit to Allow Personal Service by Publication or Service by Registered or Certified Mail</u> and you want to do service by registered mail, you should also give the Clerk a blank Order to Allow Service by Registered or Certified Mail. The Judge will read your Affidavit and decide whether to give you permission to serve the parent or guardian by mail. Then the Judge will issue an Order to tell you and the Clerk if the permission is granted or denied.
Read the <u>Instructions for Personal Service</u> for help with this form.	

Name of the Form:	<b>Certificate of Mailing for Petition and Affidavit and Summons (form 20)</b>
When is it used?	In the middle part of the process.
Who uses it?	The Clerk of Court.
What is it used for?	This form is used like a note in the Court's records to document that the Petition and Affidavit and Summons were mailed to the Respondent to accomplish personal service.
Other important information:	You should give a blank copy of this form to the Clerk for them to use.
Read the <u>Instructions for Personal Service</u> for help with this form.	

Name of the Form:	<b>Order on Personal Service by Publication (form 21)</b>
When is it used?	In the early or middle part of the process.
Who uses it?	The Judge.
What is it used for?	This is how the Court will tell you whether you do or do not have permission to use publication for personal service.
Other important information:	If you file an Affidavit to Allow Personal Service by Publication or Service by Registered or Certified Mail and you want to do service by publication, you should also give the Clerk a blank Order on Personal Service by Publication. The Judge will read your Affidavit and decide whether to give you permission to serve the parent or guardian by publication. Then the Judge will issue an Order to tell you if the permission is granted or denied.
Read the <u>Instructions for Personal Service</u> for help with this form.	



Name of the Form:	<b>Notice to Respondent <u>by</u> Publication</b> (form 22)
When is it used?	In the early or middle part of the process.
Who uses it?	The Next Friend.
What is it used for?	This Notice will be published in a local newspaper. It's intended to give the Respondent (usually a parent or guardian) another way to know about the name change you're asking for.
Other important information:	The Notice to Respondent is used to accomplish personal service to the Respondent. This is different from the public notice that is accomplished with Notice by Publication earlier in the name change process. Doing personal service on a Respondent using publication can be complicated and expensive. Fortunately, it isn't necessary in most cases.
Read the <u>Instructions for Personal Service</u> for help with this form.	

Name of the Form:	<b>Notice to Respondent <u>of</u> Publication</b> (form 23)
When is it used?	In the middle part of the process.
Who uses it?	The Clerk of Court.
What is it used for?	This form is used to tell a Respondent (usually a parent or guardian of the child) that they were given notice of the name change case.
Other important information:	If you get permission to do personal service by publication <u>and</u> you know the address of the Respondent, the Clerk will mail a Notice to Respondent of Publication. You should give this form to the Clerk for them to use.
Read the <u>Instructions for Personal Service</u> for help with this form.	

Name of the Form:	<b>Certificate of Mailing for Notice to Respondent</b> (form 24)
When is it used?	In the middle part of the process.
Who uses it?	The Clerk of Court.
What is it used for?	This form is used like a note in the Court's records to document that the Notice to Respondent of Publication was mailed to the Respondent.
Other important information:	You should give this form to the Clerk for them to use.
Read the <u>Instructions for Personal Service</u> for help with this form.	

Name of the Form:	<b>Affidavit Following Service by Publication</b> (form 25)
When is it used?	In the middle part of the process.
Who uses it?	The Next Friend.
What is it used for?	This form is how the Next Friend tells the Court that personal service by publication was done and done correctly.

Other important information:	After the publication process is finished, the Next Friend will fill out this form and file it with the Clerk. It's important to note that this form is for <u>personal</u> service on a Respondent. You do not need to fill out this form if you only used publication to give <u>public notice</u> .
Read the <u>Instructions for Personal Service</u> for help with this form.	

### **Final Steps**

Name of the Form:	<b>Request to Set Hearing on Name Change</b> (form 26)
When is it used?	Usually near the end of the process.
Who uses it?	The Next Friend.
What is it used for?	This form is used to tell the Court that this case is ready for a hearing. A hearing is a kind of meeting with the Judge.
Other important information:	You need to complete all other necessary steps – for example, notice to the public and personal service – before you request a hearing. Judges do not always hold hearings in name change cases: You request a hearing when the case is ready to be heard, but the Judge might make a decision without holding a hearing. If there is a hearing, the parents and guardians will be invited to attend, unless they signed a consent form and waived (gave up) their right to be included in the hearing.
Read the <u>Instructions for the Final Steps</u> for help with this form.	

Name of the Form:	<b>Order Setting Hearing</b> (form 27)
When is it used?	Usually near the end of the process.
Who uses it?	The Judge.
What is it used for?	This form is how the Court will tell the Next Friend, the parents and guardians, and maybe other Respondents about a hearing.
Other important information:	The Court may issue an Order Setting Hearing after the Next Friend <u>or</u> a Respondent requests a hearing. There might be a specific issue that the Judge wants to learn more about before making a decision. If the Court sends you an Order Setting Hearing, read it carefully and make sure you understand the information.
Read the <u>Instructions for the Final Steps</u> for help with this form.	

Name of the Form:	<b>Order on Name Change</b> (form 28)
When is it used?	At the end of the process.
Who uses it?	The Judge.
What is it used for?	This form is how the Court will officially grant or deny the name change.
Other important information:	When you receive this Order, read it carefully. If the change was granted, the Order will show the Minor's new legal name. If the Minor was born in Wyoming, the Order will also have information about requesting a new birth certificate. It will be important to keep copies of the Order because that will be proof of the Minor's legal name. Talk to the Clerk of Court about getting <u>certified</u> copies of the Order.
Read the <u>Instructions for the Final Steps</u> for help with this form.	

### **After a Name Change is Granted**

If you receive an Order granting (approving) the Minor's name change, there may be important steps to take to tell others about the new name. Who takes responsibility for these steps might depend on your relationship with the child and the child's age.

Below is a list of recommendations to consider.

**Important Note:** You may be required to submit (mail or turn in) a certified copy of the Order on Name Change if you notify people and places about the child's new name. The Clerk of Court can make certified copies for you. There may be a fee.

### **Recommended Steps:**

#### 1. Get new government-issued identification documents.

After a name is changed, it's important to get new identification cards. Each organization will have its own process for updating records. It's a good idea to start by updating the Social Security card and the driver's license or State I.D. card. When you have those cards with the new name on them, you can use those cards and the certified copies of the Order on Name Change to ask other businesses, agencies, and entities to update the name in their files.

To update the identification documents, you may need to call or visit:

- Social Security Administration (Social Security Card)
- Wyoming Department of Transportation (driver's license or State I.D. card)
- U.S. State Department (passports)

2. Notify other agencies and organizations, such as:

- Employers.
- Schools.
- Insurance companies.
- Doctor, dentist, pharmacist.
- Banks and other financial institutions.
- State and federal tax authorities.
- Social services or benefit programs.

3. Update important papers.

You should also think about important papers that have the Minor's name on them. For example, titles to motor vehicles or real estate, wills, health care directives, or power of attorney forms. You may want to update those documents with the child's new name to avoid any confusion in the future.

4. Encourage your loved ones to update their important papers.

If the child is listed by name in other people's wills, insurance policies, or other important papers, it's a good idea to encourage the child's family and friends to update those documents with the new name.

### **Changing the Minor's Birth Certificate**

You are not required to change the Minor's birth certificate. But, if the child was born in Wyoming, you will have the option to request a birth certificate with the new name.

- When you fill out the Petition and Affidavit: Pay careful attention to the choices you have for a birth certificate.
- When you get a signed Order: Read it carefully to find out what the Judge decided.
- If you want to request a changed birth certificate: Use the Vital Statistics Form and follow its instructions. The form is available on the Wyoming Judicial Branch website forms page and on the Wyoming Department of Health website.

The Court can order a birth certificate to be changed but only Vital Statistics Services can issue a birth certificate.