

INSTRUCTIONS FOR PETITION AND AFFIDAVIT FOR CHANGE OF NAME OF A MINOR IN WYOMING

Read these instructions carefully.

In Wyoming, a person's name can be legally changed if a Court approves the change. In some situations, the process of getting a name change is very simple, but in other cases it can be complicated. It also might be expensive.

You can learn more about the process and the forms that are involved by reading the Overview of the Process, which is available on the Wyoming Judicial Branch website's Self-Help Forms page at <https://www.wyocourts.gov/self-help-forms/>

The first step in the legal process of changing a child's name is filling out the Petition and Affidavit for Change of Name of a Minor. These instructions can help you fill out that form.

Before You Get Started

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.

These instructions will assume **you** are the Next Friend. The Next Friend will have to sign this form, and the Next Friend can get in serious trouble if the information on the form isn't true. So the Next Friend is expected to fill out the form.

Where Do You Start

Wyoming law has a residency requirement for name change cases. The Minor Child is required to have lived in Wyoming for at least six months immediately before you file the case. If the child hasn't lived in Wyoming for at least six months, you can't start the name change case yet. This is true even if the child used to live here and moved back recently.

You will start this process by filing the Petition and Affidavit with the Clerk of District Court in the county where the child lives. (It's okay if the child hasn't been in that county for six months. If it's the county the child lives in now, it's the right place to file the case.)

The top of the page on the Petition and Affidavit.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). When you file the Petition and Affidavit, the Clerk of District Court can give you this information.

The next blanks are for the name of the Minor Child and the name of the Next Friend. Write the current full legal name of the child on the first blank. (Do not use the new name here, even if it is already the name the child uses.) Write your full name on the second blank.

The next blank is for the Case Number. When you file the Petition and Affidavit, the Clerk of Court will give you the case number. (The Case Number might contain letters.)

Next you will see the title of the document. It's written between the two long bars on the page. The title tells the Court that you are starting a name change case.

Section 1.

This section is your statement that you are the Next Friend and you are an adult.

Section 2.

In this section, you will tell the Court what kind of relationship you have with the child.

Important Note: The information you give must be completely true. If you are a step-parent but you have not legally adopted the child, you should not mark "adoptive parent." If you take care of the child but you have not been legally appointed as the guardian, you should not mark "legal guardian." Use the fourth checkbox and fill in the blank line if the first three options are not true in your situation.

Section 3.

In this section, you will write where the Minor Child was born.

Fill this section in completely. If the child was born in a state that uses Parishes or Townships instead of counties, you can write that information on the line for County. If the child was born in a country that doesn't have states or counties, you can write "does not apply" on those lines.

Section 4.

In this section, write the child's current full legal name.

Section 5.

This section is your statement about why you are starting a name change case.

Section 6.

In this section, write the full name you want the child to have.

Important Note: If you fill in this form by hand, make sure you write very clearly. If there are any punctuation marks in the name, make sure those are also very clear. For example, O'Conner or Diaz-Smith.

Section 7.

In this section, you will tell the Court why you want to change the child's name. On the blank lines, write the honest and clear reason you want to change the child's name.

Section 8.

This section is a statement telling the Court that no one will be harmed by the child having a new name. It's important for the Court to know this because the Judge cannot approve the name change if it will harm someone.

Do not change anything in this section.

Section 9.

Read the choices here carefully. They are about the name that is on the Minor Child's birth certificate now. Mark the checkbox for the correct statement.

Section 10.

If the child was born in Wyoming, mark the first checkbox. Then read the information in the gray box and move to Section 11.

If the child was not born in Wyoming, mark the second checkbox. Then move to Section 12.

Section 11.

If the child was born in Wyoming, read the three options in this section carefully. Choose the option that is right in this situation. Only mark one checkbox in this section. If you choose the third option, write the reasons on the blank lines.

Section 12.

If the child was not born in Wyoming, read this section carefully. Mark the checkbox to tell the Court you understand the information that is written in this section.

Section 13.

If the child is a victim of domestic abuse and you want the child to have confidentiality in this case, mark the first checkbox and carefully read the instructions there.

If the child is not a victim of domestic abuse or you don't plan to request confidentiality in this case, mark the second checkbox. Then write the child's complete home address on the blank lines.

Section 14.

In this section, write the name of the county where the child lives. Then fill in the blanks for the length of time (in years and months) that the child has lived in that county.

Section 15.

Write the length of time (in years and months) that the child has lived in Wyoming.

If the child moved away from Wyoming and then moved back, only count their most recent time in Wyoming.

Section 16.

Wyoming law requires the child to have lived in Wyoming for at least six months immediately before starting the name change case. This is called a residency requirement. This section is how you tell the Court that you understand that rule.

Gray Box: Information About Notice by Publication.

Read the information in the gray box very carefully. Notice by Publication is required in most name change cases.

Section 17.

The four situations described in the gray box will help you understand your options in this section. Mark the checkbox for the option that fits this case. (If you mark the fourth option, make sure you pay attention to the extra checkboxes that go with it.)

The Signature Section.

Do not sign this form until you are in front of the Clerk of Court or a Notary. The Clerk or Notary must witness you signing the form.

By signing the form, you are telling the Court that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Petition and Affidavit.

On the line labelled DATED, write the date you are signing the form.

Sign your name on the signature line.

Print your name neatly. Write in your email address. If it is safe to do so, write your phone number and your mailing address. The Court will use this information to contact you and keep you aware of what is happening in the case.

The Clerk or Notary will fill out the bottom of the page.

Signatures of Other Parents or Guardians.

These pages can be used if other parents or guardians of the Minor Child will be signing this form. There is room for four signatures on two pages. You can use multiple copies of these pages if you need to include more than four signatures. Remember that these signatures must be witnessed by a Clerk or Notary.

Attach all of the signature pages to the Petition and Affidavit when you file it.

(If **all** of the parents and guardians have signed the form, it's a good idea to also take a blank Order on Name Change form and give it to the Clerk when you file the Petition. This

way, the Court will already have the Order form when the Judge is ready to issue it.)

Filing the Petition and Affidavit.

You must file the Petition and Affidavit with the Clerk of District Court.

It's a good idea to take extra copies of the Petition and Affidavit with you. One will be a copy that you keep. If you do not take copies with you, the Clerk can make copies. Important Note: The Clerk's Office will charge you for copies. Expect to pay at least \$1.00 per page.

Summons and Other Forms.

When you go to the courthouse to file this form, you will probably also need to take a few other forms with you. In many cases, the Clerk will need to issue a Summons. It is a good idea to take the Summons to Respondent for Minor Child Name Change with you when you file the Petition and Affidavit. The Summons will also have a page called Affidavit of Service and a page called Return of Service by Sheriff or Deputy.

Fill out as much as you can on the Summons. Don't write anything at the bottom. The Clerk will sign and date the form.

The middle part of the page on the Affidavit of Service or the Return of Service will also need to be filled out. Not everyone needs to use these documents, but they are needed in many minor name change cases.

Read the Instructions for Personal Service to learn how these documents are used.

It might make sense for you to take other forms to the Clerk's Office too. Read the Overview of the Process to figure out which forms you will need for your next steps. You can find the Overview, forms, and instructions on the Wyoming Judicial Branch website's forms page.

Important Things You Need to Know

Who can be a Next Friend?

The statutes (laws) do not give rules for who can serve as a Next Friend. It's usually a parent or legal guardian of the Minor Child. Sometimes another adult in the child's life will serve as the Next Friend.

The Court might decide that you do not have the right to get the child's name changed, but you won't know that until the Judge issues an Order in the case. Do not try to ask the

Clerk whether you are a good choice to serve as Next Friend because the Clerk is not allowed to give you legal advice.

More than one person is going to sign this form. Do we have to change all the sections that say “I”?

No.

The Judge will understand that every person who signs the form agrees to those statements.

What happens after I file my Petition and Affidavit?

You will probably need to file other forms to keep this case moving. Read the Overview of the Process to figure out which forms you will need for your next steps. You can find the Overview, forms, and instructions on the Wyoming Judicial Branch website's forms page.

What is a Notary and where can I find one?

A Notary Public (usually just called “a notary”) is a person who has a license to witness people signing legal papers and to confirm that the signatures are authentic (which means the signatures are real and were done on purpose). **A notary will probably require you to show your driver’s license or some kind of photo ID to prove that you are really you.**

Some notaries charge for their services, but it is usually easy to find a notary who will witness your signature and sign your paper for free. If you have an account at a local bank, you can probably get free notary services at that bank. Most libraries also offer free notary services.

Who can help me with these forms?

It is important for you to know that Court Clerks are not allowed to help you fill out these forms.

Here are some free resources that can help people with limited income and limited assets:

- Legal Aid of Wyoming Hotline. This Hotline gives you an opportunity to talk with a lawyer. 1-877-432-9955.
- Wyoming Free Legal Answers. This website gives you a chance to privately ask questions about your situation and then receive answers from a lawyer.
<https://wyoming.freelegalanswers.org/>
- Volunteer Reference Attorney Program. This program lets you have a short

informational meeting with a lawyer. You can learn about the locations and dates by checking the calendar on the Wyoming Judicial Branch website at <https://www.wyocourts.gov/find-legal-services/>

If you do not qualify for the free services above, you can contact the Wyoming State Bar at 307-432-2107 for referral to Wyoming lawyers. (Those lawyers charge for their services.)

Where can I read the Wyoming laws about name change cases?

These laws are found in Wyoming Statutes Title 1, Chapter 25.

You can read them online by visiting the Wyoming Legislative Service Office website (<https://wyoleg.gov/>) or you can look at statute books at your local library.