

INSTRUCTIONS FOR PERSONAL SERVICE FORMS FOR MINOR CHILD NAME CHANGE IN WYOMING

Before You Get Started.

Name change cases for minor children usually require two kinds of notice:

- Notice to the public, which is explained in the instructions for those forms.
- Notice to people who have legal rights to be involved in the child's life, which will be discussed in these instructions.

People who have legal rights to be involved in the child's life are usually the parents (natural, biological, adoptive) and the legal guardians. It's important that you, as the Next Friend, know who all of the people with legal rights are.

If you need help figuring out which people have legal rights in this case, you might choose to hire a lawyer or to request from help from the Legal Aid of Wyoming Hotline (1-877-432-9955) or Wyoming Free Legal Answers (<https://wyoming.freelegalanswers.org/>).

You will probably need to give copies of all the documents from this case to the people who have legal rights to be involved in the child's life. When you give them those copies, it's called Personal Service. These instructions will explain forms that are used for personal service. It's unlikely that you will need all of the forms that are discussed below.

In some situations, there might not be anyone you need to personally serve. If that is the case, you do not need to use any of the forms explained in these instructions.

If you need to do Personal Service, these instructions can help.

Important Note: If the child has been granted confidentiality in this case, you will still need to do Personal Service.

Gather Information.

Make a list of every person who has legal rights to be involved in the child's life. Write down the full current address of each person on the list. If you don't know someone's address, it's important that you try to find out. You might choose to contact relatives or friends of that person. You might choose to send a letter to the last address you have for

that person, and see if you get a response. You might do an internet search. Think carefully about ways you might be able to get the information you need.

Standard Personal Service.

This is usually the easiest way to serve someone. If you have the person's current address, you will be expected to serve that person in this standard way. You will need a Summons to Respondent for Minor Child Name Change (with Affidavit and Return) and a copy of the Petition and Affidavit.

Most likely, the Clerk of Court issued a Summons when you filed the Petition and Affidavit. (You can learn more about this by reading the Overview and the Instructions for the Petition and Affidavit.)

To complete Personal Service, you need to make sure the person you're serving is given the Summons (signed by the Clerk) and a copy of the Petition and Affidavit for Change of Name of a Minor. Giving the papers to the person who has legal rights is called **service**. You can serve the documents yourself (see below), or you can ask or hire someone to do this. That person is called the "process server." The person who serves the documents must be 18 years old or older. If you want to hire somebody to serve the documents, you can ask the Clerk for a list of professional process servers. The process server needs to fill out the Affidavit of Service and get it notarized.

Important Note: You might choose to hire someone from your local sheriff's office to serve the documents. People who work at the sheriff's office have experience serving documents and filling out the required form. If you choose to do that, you will use the Return of Service form instead of the Affidavit of Service.

The completed Affidavit of Service or Return of Service needs to be filed with the Clerk. The process server or sheriff might do this for you. But you are responsible for making sure it gets done. If the process server or sheriff did not file the completed form, you should do it.

Summary of Standard Personal Service:

- The Clerk issues a Summons.
- An adult gives the Summons and a copy of the Petition to the person being served.
- The adult who served the documents completes the Affidavit or the Return.
- The completed Affidavit or Return is filed with the Clerk.

Personal Service by the Next Friend.

If you have a safe and comfortable relationship with the person who needs to be served, you might choose to give them the filed papers directly. If you do this, you should tell the other person about the Acknowledgement and Acceptance of Service form. This form is a way for the person who was served to tell the Court that they have a copy of the Summons and the Petition, 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.

This form should be used if you choose to serve the documents yourself. Include the form with the Summons and the Petition so the person being served can read it. The form needs to be filed, by you or the other person, after it has been signed and notarized.

If the person does not file or give you back the signed, notarized Acknowledgement and Acceptance of Service form, you will need to do Standard Personal Service, which is explained above.

Important Note: Anyone who is planning to sign an Acknowledgement and Acceptance of Service form should read it carefully and be sure they understand what it says. Also, the form must be signed in front of a notary. (You can read the Important Things You Need to Know section below to learn more about notaries.)

Important Note: A person who signed an Acknowledgement and Acceptance of Service form still has the right to take part in the case and to be given copies of all the documents from the case. (This is different from a Consent of Parent form. On that form, a person chooses to give up those rights.)

Alternative (Different) Personal Service.

If there is someone you must serve and you cannot serve them using standard Personal Service, you might need to serve them a different way. The two different ways (which are called alternative methods of service) are to publish the information in a newspaper or to have the Clerk mail the documents.

You can ask the Court for permission to use an alternative method of service if at least one of the following is true:

- You have tried to serve the person, but they have purposely avoided being served.
- The person does not live in Wyoming.

- You do not know the person's address, and you have made a serious attempt to find out what it is.

If at least one of those situations is true, you can file a form called Affidavit to Allow Service by Publication or Service by Registered or Certified Mail. Instructions for filling out that form are below.

If you do know the person's address, you may choose to use Service by Registered Mail instead of publication. If you choose that option, you will still file the **Affidavit to Allow Service by Publication or Service by Registered or Certified Mail**. You will need to give the Clerk of Court materials for mailing the documents. Those instructions are farther below on this sheet.

If you do not know the person's address, you may need to do personal service by publishing a notice in a newspaper. In that situation, you will still file the **Affidavit to Allow Service by Publication or Service by Registered or Certified Mail**. Then you will need to take all the required steps for publication. Those instructions are farther below on this sheet.

Important Note: Doing personal service by publication is similar to giving public notice by publication, but the processes are a little bit different and personal service requires completely different forms.

How to Fill Out the Affidavit

(You will start here for Service by Publication and for Service by Registered Mail.)

Top of the Page.

Fill in the information exactly the way it is on your Petition.

Sections 1 and 2 and 3.

These sections tell the Court who you are and why you are filing this Affidavit.

The only thing you will write in these sections is the full name of the person you need to serve. That person is called the Respondent. Write their name on the blank line in Section 2.

Section 4.

Check the correct box. If you do know the Respondent's address, write it neatly on the lines.

Section 5.

Read the options carefully. Check the box for every statement that is true.

Important Note: You will be under oath when you sign this Affidavit. If the information you include is not true, you could be required to pay a fine and you might be sent to jail. Don't make claims that are not true.

Section 6.

Read the choices carefully.

If you do not know the Respondent's address, you will check the first box and serve the documents using publication. See the instructions below for Service by Publication.

If you do know the Respondent's address, you can choose to do service by publication (check the first box), or you can choose to have the Clerk of Court serve the documents by registered mail (check the second box). See the instructions farther below for Service by Registered Mail.

Signature Section – Important!

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

By signing the form, you are stating 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 Affidavit.

More Instructions: Personal Service by Registered Mail

The following forms are required for Service by Registered Mail:

- Affidavit to Allow Service by Publication or Service by Registered or Certified Mail.

- Order to Allow Service by Registered or Certified Mail.
- Certificate of Mailing for Petition.

Important things to know about Service by Registered Mail:

- There are additional steps. You will need to get mailing materials from a post office and fill them out correctly.
- There are special costs for this process. You will need to provide the Clerk with the correct kind of envelope, with the postage paid.

Process for Service by Registered Mail:

- Fill out the Affidavit to Allow Service by Publication or Service by Registered or Certified Mail, using the instructions above. Check the second box in Section 6.
- Fill out as much as you can of the Certificate of Mailing for Petition. (Don't write anything in the blanks for when the documents were mailed. The Clerk will need to fill that in.)
- Fill out as much as you can on the Order to Allow Service by Registered or Certified Mail.
- Prepare an envelope for "registered mail, restricted delivery, return receipt requested." You can get the correct documents at a post office. This will usually be a colored piece of card paper that sticks to a regular envelope. The envelope will need to be large enough to hold the Petition that you already filed, plus the Summons, plus the Affidavit to Allow Personal Service by Publication or Service by Registered or Certified Mail. You will need to pay the postage costs for this special kind of mailing. Address it to the Respondent with a return address to the District Court Clerk's office.
- File the Affidavit, Order, and Certificate of Mailing with the Clerk of District Court. Give the Clerk the prepared envelope and two copies of the Affidavit.

After you have done the steps above, and after the Clerk has confirmed that their office will mail the documents, your role in the process of Service by Registered Mail is complete. The Clerk will receive and file the return receipt after the Respondent signs it.

Important Note: If you don't get a document from the Clerk showing that the return receipt was received and filed, you will need to follow up with the Clerk's Office to find out what your next steps are.

More Instructions: Personal Service by Publication

The following forms are required for Personal Service by Publication:

- Affidavit to Allow Service by Publication or Service by Registered or Certified Mail.
- 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.

Important things to know about Service by Publication:

- It takes time. The notice must be published once a week for four weeks and, after that, the Respondent (the person you are serving) has 30 days to respond.
- There are additional steps. During the publication process, you will need to make arrangements and provide documents to the correct people at the correct times.
- There are special costs for this process. You will pay the newspaper to publish the Notice, and you may need to provide the Clerk with the correct kind of envelope, with the postage paid, plus copies of the newspaper page.

Process for Service by Publication:

- Fill out the Affidavit to Allow Service by Publication or Service by Registered or Certified Mail, using the instructions above. Check the first box in Section 6.
- Fill out the top (above the title) on the Order on Personal Service by Publication.
- Fill out as much as you can on the Notice to Respondent by Publication.
- Fill out as much as you can on the Notice to Respondent of Publication.
- Fill out the top (above the title) on the Certificate of Mailing for Notice to Respondent.
- File those forms with the Clerk of District Court. The Clerk will make copies of the signed Notice to Respondent by Publication. (There will probably be a fee for the

copies.)

- The Clerk will give you a filed Notice to Respondent by Publication. You must make arrangements with a local newspaper to publish the Notice. Publishing notices is a regular part of what newspapers do so they will already have a process in place. Follow their instructions to provide them with the filed Notice and to pay their fees.
 - The newspaper you use must publish at least once per week, and they must publish in the county where you filed the Petition. If there is no newspaper published in that county, you must use a newspaper that is published in Wyoming and that is usually sold and read in that county. Your Notice must be published once per week for four consecutive weeks (four weeks in a row).
- After the Notice is published the first time (Week 1), there is another step you must take if you know the Respondent's address. If you know the address, you will take two copies of the **published** Notice to the Clerk. (Cut it out directly from the newspaper, or photocopy the newspaper page and cut the Notice out of the copy.) You will also need to take the Clerk an envelope for "registered mail, restricted delivery, return receipt requested." You can get the correct documents at a post office. This will usually be a colored piece of card paper that sticks to a regular envelope. You will need to pay the postage costs for this special kind of mailing and address it to the Respondent with a return address to the District Court Clerk's office.
- After the Notice is published the last time (Week 4), the newspaper will send you an Affidavit of Publisher. This is the newspaper's own form. It will probably have a copy of the Notice attached to it. The Affidavit of Publisher documents the newspaper's role in publishing the Notice, and it shows which dates the Notice was published in the newspaper. Keep the Affidavit of Publisher. You will need it soon.
- When 30 days have passed since the last publication (Week 4), you will need to file the Affidavit Following Service by Publication. Fill out the Affidavit completely and honestly. You will sign it in front of a Notary. When you file the Affidavit Following Service by Publication, you will attach to it the Affidavit of Publisher that the newspaper sent you.

After you have done all of the needed steps above, the process of Service by Publication is complete.

Important Things You Need to Know

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.

Do I have to serve these forms to other people?

Maybe.

This will depend on your situation. Generally, every parent and legal guardian needs to be given copies of all the documents in the case. If the child has legal guardians or parents who did not sign a Consent of Parent form, you will probably need to give (serve) copies of all the documents to them.

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.