

Name Change

Introduction

In Washington State, any person over eighteen years of age can choose and use any name he or she wishes as long as the purpose of the change in the name is not to defraud another. For example, it is not legal to change names to avoid creditors or to escape obligations such as child support. Changing your name is legal and relatively easy to accomplish.

There are three ways to change names in Washington State: (1) through marriage and divorce proceedings; (2) petitioning a court for a name change; and (3) by common law. Special provisions apply for changing a child's name. Each of these categories are discussed below.

Adult Name Change at Marriage and Divorce:

Use of the husband's surname (last name) at marriage is a matter of custom, not law. If you wish to use your new husband's name at marriage, simply sign all documents except the marriage license using his last name. If you wish to retain your name rather than to adopt your new husband's name, sign the marriage license and related documents using your own name. No other action is needed because your name is not being changed, but is staying the same despite a contrary custom. The same procedures apply to men.

Upon dissolution of a marriage, many women desire to return to the use of their name before marriage. If you are a woman who has used her husband's name during marriage and wish to resume the use of your own name after the divorce, you or your attorney can simply include the name change request in the petition for dissolution of marriage. The request to take back your former name will be granted by the court in the decree of dissolution. The same procedures apply to men.

A child's surname may not be changed in a divorce proceeding unless the change is being requested by a person subject to domestic violence for safety reasons (see domestic violence exception below). Only the name of the wife or husband may be changed through a divorce. To change the surname of a child, a separate proceeding must be started in district court. (See Court Ordered Name Change for Children)

Court Ordered Name Change:

Statutory procedures provide a way to change your name by court order. This method is more expensive, but the result of the procedure is a court order granting the name change. You may need a court-ordered name change because some offices refuse to accept an affidavit as proof of a name change (see Common Law Name Change)

To get a court-ordered name change for yourself, you must:

1. File a Petition in the district court of the judicial district in which you reside along with the filing fee. You will also need to complete an Order for Name Change for the judge to sign. Photo ID may be required. You need to call the district court for the district in which you reside to determine the amount of the filing fee because the filing fees vary. (A listing of the district courts is found in the blue pages of the phone book.) In King County, for example, the filing fee is \$100.00, which includes the \$53 filing fee, a \$10

administrative fee, a \$32 recording cost per named individual and one certified copy. Additional certified copies are \$5 per copy. Name change fees may vary from this depending on the number of persons named on the Petition. The clerk may want two separate checks.

The Petition, an example of which is attached, must state your current name, the new name you want and the reasons for the name change. The Petition should also state that you are not changing your name for fraudulent purposes and that changing your name will not be detrimental to the interests of any other person. A case number will be assigned when you file. The court keeps track of the case by the case number. Although a sample petition is included in this publication, each district court will require that their forms be used. Therefore, you should contact the district court clerk to obtain forms if available.

2. Schedule a court date. The court clerk will schedule a date when you will appear before a judge or a court commissioner. In some district courts, an appearance can be made on the same day. Each court has a different schedule and procedure for hearing these petitions. For example, in the Seattle District Court, your appearance before a judge may not be required. The case may be presented to a judge for approval and signature. In counties where an appearance is necessary, you will appear at the hearing time scheduled and explain to the judge or the court commissioner why you want to change your name. Name change requests are usually granted routinely. The Order that you have prepared in advance with the petition granting the name change will then be signed by the judge or court commissioner.

This Order should be filed in the clerk's office. Obtain certified copies of this order for \$5.00 a copy and send copies to all institutions or persons who require documentation of the name change. You will want to retain a certified copy for your own files. In some counties, such as King County, the court will record your Order with the Auditor. The recording process generally takes six to eight weeks in King County and a copy with the Recorder's Number will be returned to you.

If you were born in Washington State and wish to change your birth certificate, send certified copies of all paperwork to: Department of Health, Center for Health Statistics, P.O. Box 9709, Olympia, WA 98507-9709.

3. Record your Order. In counties where the court records your Order, the recording fee will be collected together with your filing fee. In counties in which the court does not record your Order, you will need to record it with the County Auditor since District court records are only kept for 10 years. Call the district court clerk about the procedure to record your name change as each district court may have slight differences in their name change procedures. There is usually a small filing fee to file a name change with the County Auditor.

Court-Ordered Name Change For Children

Changing a minor child's name is more difficult than changing your name as an adult. You must follow the procedures outlined above; however, the parents must be given notice. One parent may file the petition and must give notice to the other parent who will have an opportunity to contest the change. Each parent has an equal right to have the child have his or her last name,

but when there is a dispute the deciding factor is the child's best interest. The court will decide whether it is better for the child to have her or his mother's or father's surname. Factors that the court will consider are:

1. The child's preference;
2. Effect of the change of the child's surname on the child's relationship with each parent;
3. The length of time the child has had a given name;
4. Degree of community respect associated with the present and proposed surname or any difficulties, harassment or embarrassment that the child may experience from having the present or proposed name.

Children ages 14 and older also must give their permission to change their own names. If both parents agree to the change or if the notified parent fails to appear at the hearing to contest the change, then the name change will generally be granted.

Name changes requested during formal adoption proceedings are generally permitted because the absent natural parent has given up his or her parental rights to the child when they consented to the adoption. Name changes in those cases are normally accomplished as part of the adoption proceedings; a separate action is not required.

Domestic Violence Exception to Action Filed In District Court

Because name changes are recorded as public record, there is a different procedure to use if you want to keep your new name confidential for safety reasons. A person who is a victim of domestic violence and who wants to have the record sealed due to a "reasonable fear" for safety may petition the superior court to change his or her name and/or a child's name. The court will seal the file if the court believes that safety warrants sealing the file. This means that there is no public access to any court record of the name change filing even if it is not granted. Please contact the Northwest Women's Law Center at (206) 621- 7691 or any domestic violence program in your county for assistance in obtaining this petition packet. You can also obtain numbers to domestic violence programs in your county by calling the Domestic Violence Hotline at 1-800-562-6025. A name change for victims of domestic violence can also be asked for as part of a divorce or parentage case. It is the only time that a child's name will be allowed to be changed in superior court in a divorce action; however, the records will not be sealed in these cases.

Common Law Name Change:

Common law name change results by simply using the new name consistently and exclusively for all purposes. This is legal because a person has a common law right to use any name he or she chooses. No legal proceedings or attorneys fees are involved in this type of name change. The common law method has disadvantages because many governmental institutions may require documentation proving that a valid name change has been made. Since you have not gone to court and acquired a court order for your name change, you will need some other document to satisfy this requirement.

Most offices will be satisfied with an affidavit of name change. An affidavit is a written statement explaining that you have changed your name for all purposes and that you have not

made the change for fraudulent purposes. The affidavit must be sworn to and signed before a notary public and sent to the appropriate office. A form affidavit is attached as an example.

Notification of Name Change

Once a name has been changed, you should notify all creditors, insurance companies, banks, employer(s), your children's daycare, schools, doctors, dentists and teachers, the Social Security Administration and the Internal Revenue Service. You will need to send written notification to the Department of Licensing to have your driver's license change, and change car registration, real estate deeds or mortgages and other documents reflecting ownership of other assets, such as stocks and bonds.

Some of these entities will accept a letter or verbal statement that you have changed your name. Others will require a formal document as proof of your name change. Examples of the documents which may be required are: (1) a certified copy of your dissolution decree if you changed your name in divorce proceedings; (2) sworn and notarized affidavit if you used the common law method; or (3) a certified copy of the court order if you go through the formal name change proceedings.

Special Notice Requirements for Convicted Felons

If you are a felon under the jurisdiction of the Department of Corrections at the time that you file for a name change, you must give written notice to the Department of Corrections five days before the hearing on the name change. RCW 4.24.130(2). If you are a convicted sex offender, you must give notice to the county sheriff, for the county in which you reside, as well as the state patrol five days before the hearing to change your name. RCW 4.24.130(3); RCW 9A.44.130(7). Certain restrictions apply to name changes for convicted sex offenders. You must also provide a copy of the Order Changing Name to the county sheriff, for the county in which you reside, as well as to the state patrol within five days of obtaining the order. Failure to comply with these requirements is a Class C felony.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, November 2006.

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Sample Petition - Do Not File

DISTRICT COURT OF WASHINGTON
COUNTY OF KING

In re the Name Change of:

LISA SMITH,

Petitioner.

NO.

PETITION FOR NAME CHANGE

COMES NOW Lisa Anne Smith and petitions the above-entitled Court for an Order changing her name to Anne Smith and shows the Court as follows:

1. Petitioner was born on the 28th day of January, 1973 in Clark County, State of Washington; is a resident of King County, Washington; and is a citizen/legal resident of the United States of America.

2. Petitioner has been known as Anne Smith for a period of 20 years and requests this court change her name to Anne Smith for the reason that:

I have been called by my middle name, Anne, by friends and family since I was a child. I would like to officially change my name to Anne Smith.

3. This petition is not made to avoid creditors or for any illegal or fraudulent purpose, but for the bona fide purpose of changing Petitioner's name to the name by which she has been and prefers his/her name to be referred.

WHEREFORE, Petitioner prays that his/her name be changed by Order of this Court from:

Lisa Anne Smith to Anne Smith and that the latter be in place of the former.

Lisa Anne Smith
Petitioner

STATE OF WASHINGTON)

County of KING)s.s.
)

Lisa Anne Smith, being first duly sworn, upon oath, deposes and says that: I am the Petitioner above-named and I have read the foregoing Petition for Name Change, know the contents thereof and believe the same to be true.

Lisa Anne Smith
Petitioner

SIGNED AND SWORN to before me this 10th day of January, 2006.

Gloria Notary
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle, WA
My appointment expires: 10/04/2008

