

## INSTRUCTIONS FOR NAME CHANGE PROCESS

### A. INSTRUCTIONS FOR COMPLETING THE PETITION FOR NAME CHANGE

1. Provide all information required in the caption of the case and in paragraphs 1 through 3, and paragraph 5.

NOTE: Date and Place of Birth should correspond with your birth certificate. Also, “Present Name” and “to Proposed Name” should include your full name, including a middle name if applicable.

2. Enclose a \$50.00 filing fee (cash or money order only) payable to: “Clerk of Court”
3. *Attach the following original or certified documents to the petition:*
  - a. Each prior order from any Court in which the Court granted or denied a request to change Petitioner’s name,
  - b. Each prior marriage certificate by which Petitioner’s name was changed,
  - c. A long form birth certificate with the official seal of the city, town, state, or tribe issuing the certificate,
  - d. Any other documents that you believe would be useful to the Court.

### B. ADDITIONAL INSTRUCTIONS FOR COMPLETING THE PETITION TO CHANGE THE NAME OF A CHILD

1. A petition for a child [a person who has not yet reached his/her eighteenth birthday] must also contain all information required in paragraph 4 of the petition.
  - a. **Section 4(a) of the Petition** requires that the person/s bringing the petition state his/her/their basis for claiming authority to change the child’s name. Petitions on behalf of minors can be brought jointly by more than one person, and it is preferable to have the petition brought jointly by all custodial parents or guardians. Where a petition is not brought jointly by all custodial adults, the Court will inquire closely regarding whether the person bringing the petition has full authority to bring the petition on behalf of the minor.
  - b. In **Section 4(b) of the Petition**, fill in the name of the legally recognized parents, even if one or both no longer has custody of the child. If a parent or custodian’s name or address is not known, or if a parent is deceased, so indicate. You should make diligent efforts to discover a parent’s address prior to indicating that the address is not known. You will be required to provide written proof and sworn testimony of these efforts.
2. In Paragraph 9, the petition must be signed by the Petitioner/s. Signature by an attorney or advocate is NOT sufficient.
3. In addition to the documents stated in Section A.3 of these instructions, you should attach any document establishing that the person bringing the petition has legal

authority to bring the petition on behalf of the minor. Documents which may be useful to the Court include, but are not limited to:

- Certificates or orders of adoption
  - Child custody orders
  - Indian custodianship documents or similar voluntary non-judicial documents evidencing a change in custody
  - Emancipation orders
  - Orders establishing or altering paternity
4. If the petition is not being filed by both parents listed on the birth certificate, a certified copy of the Court order giving the Petitioner custody ***MUST BE ATTACHED TO YOUR PETITION.***

### **C. INSTRUCTIONS FOR PUBLISHING AND SERVING THE PETITION FOR NAME CHANGE**

1. After you file the petition, the Court will set a hearing date, and will (in all or nearly all cases) direct that you have an “Order to Show Cause” (issued by the Court) to be published in the Meskwaki Nation Times.
2. In addition, depending on the facts of the case, the Court may require publication in other newspapers, or may require that you have a process server personally deliver your petition to one or more individuals who may want to be heard regarding the name change.
3. You are responsible for having the “Order to Show Cause” published and/or served in the manner required by the Court, and are responsible for any publication or service fees.

### **D. INSTRUCTIONS FOR PRESENTING YOUR CASE AT THE HEARING**

1. Before the Court will grant a name change, the Court will need to be satisfied that you have authority to request the name change and that you are not seeking the name change for any improper purpose. Depending on the facts and law, there may be other issues of interest to the Court. In most cases, the Hearing is your sole opportunity to present evidence which adds to the evidence you present with your petition, and you should come prepared to present all evidence which you believe would assist the Court in deciding whether to change your name.

**IMPORTANT: If you want to also change the name on a birth certificate, you must inform the Court** because there is **an additional step** to achieve: A final Decree and “Abstract to Change Registrant’s Legal Name on Birth Certificate” must be processed through the Clerk’s office, who sends the required documents to the Iowa Department of Public Health’s Bureau of Vital Statistics. **The Petitioner is responsible for paying the State’s processing fee of \$20.00 as well as \$20.00 for each certified copy of the new birth certificate** by providing a check or money order made payable to “*Iowa Dept. of Public Health*”.