

Name Change

Introduction

In Washington State, if you are over eighteen years of age, you can choose and use any name you wish, as long as you are not trying to defraud someone. Example: it is not legal to change names to avoid creditors or to escape a child support obligation. Changing your name is legal and relatively easy to do.

There are three ways to change names in Washington State:

- (1) through marriage and divorce proceedings
- (2) petitioning a court for a name change or
- (3) by common law

◆ There are special rules for changing a child's name. See below.

How do I change my name at marriage and divorce?

Using your spouse's last name at marriage is a matter of choice. It is not the law. If you wish to use your new spouse's name at marriage, simply sign all documents except the marriage license using your new last name. If you wish to keep your name instead of adopting your new spouse's name, sign the marriage license and related documents using your own name. No other action is needed. You are not changing your name. The same procedures apply no matter what your gender.

Upon dissolution of a marriage (divorce), you may want to return to using the name you had before marriage. If so, you or your

lawyer 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 no matter what your gender.

You may not change a child's last name in a divorce proceeding unless the change is being requested by someone 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 the section on Court Ordered Name Change for Children, below.)

How do I get a court-ordered name change?

There is a procedure in state law for changing your name by court order. It costs a lot. You may need a court order because some offices refuse to accept an affidavit as proof of a name change. (See the section on Common Law Name Change, below.)

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

1. File a Petition in the district court of the judicial district where you live along with the filing fee. You will also need to complete an Order for Name Change for the judge to sign. You may need to show photo ID. Call the district court for the county where you live to find out how much the filing fee is. Filing fees vary. Name change fees may also

vary depending on the number of persons named on the Petition. The clerk may want two separate checks.

◆ A listing of courts, including district court, is in the blue pages of the phone book.

The Petition must state:

- your current name
- the new name you want
- the reasons for the name change
- that you are not changing your name for fraudulent purposes
- that changing your name will not be detrimental to the interests of any other person

A sample Petition is attached to this publication. Although we include a sample petition here, each district court will require you to use their forms. Contact the district court clerk to get their forms if available.

A case number will be assigned when you file. The court keeps track of the case by the case number.

2. Schedule a court date. The court clerk will schedule a date when you will appear before a judge or a court commissioner.

Each court has a different schedule and procedure for hearing these petitions. In some district courts, you can make an appearance on the same day that you file your petition.

In others, you will appear at the hearing time scheduled and explain to the judge or the court commissioner why you want to change your name. The Order that you prepared ahead of time with your petition granting the name change will then be signed by the judge or court commissioner. Courts usually routinely grant name change requests.

You should file the signed Order in the clerk's office. You should also get certified copies of this order for (there will be a fee) and send copies to all institutions or persons who require documentation of the name change. Keep a certified copy for your own files.

If you were born in Washington State and you 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. (See <http://www.doh.wa.gov/ehsphi/chs/cert.htm> for other ordering options.)

3. Record your Order. In some counties, the court records your Order with the Auditor. You will pay the recording fee along with your filing fee. The recording process generally can take several weeks. You will get back a copy with the Recorder's Number.

In other counties, you must send the Order off to the Auditor yourself for filing. (District court records are kept only for a few years.)

Each district court's name change procedure is different. Call your district court clerk for more information about the procedure to record your name change.

◆ There is usually a small filing fee to file a name change with the County Auditor.

How do I get a court-ordered name change for children?

Changing a minor child's name is harder than changing your name as an adult. You must follow the procedures outlined above. You must also give the (other) parents notice. The other parent will have a chance to challenge the proposed name change.

Each parent has an equal right to have the child have his/her last name. When there is disagreement over the name, the court will decide whether it is better for the child to have one parent's last name or the other.

The court will consider:

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

Children ages fourteen and older also must give their permission to change their own names.

If both parents agree to the change, or if a parent does not appear at the hearing to contest the change, then the court will generally grant the name change.

The courts generally permit you to request name changes during formal adoption proceedings. The absent natural parent gave up his/her parental rights to the child when they consented to the adoption. Name changes in those cases are normally part of the adoption proceedings. You do not need a separate action.

What if domestic violence is involved and I want to keep my new name confidential?

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.

If you are a victim of domestic violence and you want to have the record sealed due to a "reasonable fear" for safety, you should petition the superior court to change your name and/or a child's name. The court will seal the file if it believes that safety warrants sealing the file. Once sealed, there is no public access to any court record of the name change filing, even if it is not granted. Contact the Legal Voice ((206) 621-7691) or your county domestic violence program for help. Find out who your local domestic violence programs are by calling the Domestic Violence Hotline at 1-800-562-6025.

You can also ask for a name change for victims of domestic violence as part of a divorce or parentage case. It is the only

time that a superior court in a divorce action may change a child's name. The records will not be sealed in these cases.

What is a "Common Law" name change?

Common law name change happens simply when you use the new name consistently and exclusively for all purposes (all the time). This is legal. You have a common law right to use any name you choose. No legal proceedings or attorneys fees are involved in this type of name change.

The common law method has downsides. Many government agencies may need proof that a valid name change has been made. You have not gone to court and gotten a court order for your name change, so 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. You must swear to and sign the affidavit before a notary public. A sample form affidavit is attached.

What should I do once my name is changed?

You should notify the following:

- all creditors
- insurance companies
- banks
- employer(s)
- your children's daycare and/or schools, and the teachers

- any schools you attend, and the teachers
- doctors and dentists
- the Social Security Administration
- the IRS

You will also need to send written notification to the Department of Licensing to have your driver's license and car registration changed. If you have real estate deeds, mortgages, stocks, bonds, or other documents reflecting ownership of other assets, you will need to have your name changed on those as well through written notification.

Some of these entities will accept a letter or a verbal statement that you have changed your name. Others will require a formal document as proof. Examples:

- a certified copy of your dissolution decree, if you changed your name in divorce proceedings
- sworn and notarized affidavit if you used the common law method
- a certified copy of the court order if you go through the formal name change proceedings

What if I am a convicted felon?

If you are a felon and either incarcerated OR on probation or parole 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 or kidnapper, other rules and restrictions will apply. [RCW 4.24.130\(3\)](#); [RCW 9A.44.130](#). Talk to a lawyer for more help.

You must also give a copy of the Order Changing Name to the county sheriff, for the county where you live, as well as to the state patrol within five days of getting the order. Failure to follow 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.

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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 or 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)
)s.s.
County of KING)

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

SAMPLE FORM - DO NOT FILE

STATE OF WASHINGTON)
)
) ss. AFFIDAVIT FOR
) NAME CHANGE
COUNTY OF KING)

Lisa Anne Smith, being first duly sworn on oath, deposes and says:

1. I am 28 years of age, a resident of King County, and a citizen of the United States.
2. My birth records and other legal documents have the name of Lisa Anne Smith.
3. However, since December 1980, I have exercised my common law right to change my name and have been known as Anne Smith. I wish to have my legal records bear the name Anne Smith.
4. This change in my legal name has not been made to avoid creditors or for any illegal or fraudulent purposes.

Lisa Anne Smith
Affiant

STATE OF WASHINGTON)
) s.s.
County of KING)

Lisa Anne Smith, being first duly sworn, upon oath, deposes and says that: I am the Affiant above-named and I have read the foregoing Affidavit 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