

Name Change



In Washington State, if you are eighteen or older, you can choose and use any name you want, as long as you are not trying to defraud (cheat) someone. **Example:** it is not legal to change names to avoid paying creditors or child support.

How do I change my name?

It is not hard. There are three ways to change your name legally in Washington State:

1. through marriage and divorce
2. by court order
3. by common law (see “What is a common law name change,” below)

❖ There are special rules for changing a child’s name. See below.

How do I change my name at marriage and divorce?

You can choose to change it if you get married or divorced. It is not required.

To change your name at marriage, simply sign all documents **except for** the marriage license with your new name. You do not need to do anything else. The procedure is the same no matter your gender.

A divorce is another chance to change your name. You or your lawyer can simply include the name change request in the divorce petition. The court will grant your request to change your first and/or last name in the

final divorce order. The procedure is the same no matter your gender.

Can I change my child’s name through my divorce?

Only if you are a domestic violence survivor asking for safety reasons. See domestic violence exception, below.

You can only change your own name through a divorce. To change a child’s name, you must start a separate case in district court. See “How Do I get a Court Ordered Name Change for a Minor”, below.

How do I change my name by court order?

You must:

1. Fill out a Petition for Change of Name. It must state all of these:
 - Your current legal name and the name you want.
 - Your birthdate and place of birth.
 - The county you live in.
 - That you are not a registered sex offender.
 - Whether you are not an offender under the jurisdiction of the Department of Corrections (see “What if I am a Convicted Felon?” section).

- That you are not changing your name for fraudulent purposes.
- That changing your name will not hurt anyone else's interests.

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- ❖ Call your local county District Court or look online for forms specific to your location.
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If you have a low income, prepare a Motion and Declaration for Fee Waiver. If you are under 125% of the Federal Poverty Guidelines (familiesusa.org/product/federal-poverty-guidelines) use our [Ask a Court to Waive Your Filing Fee](#) packet to ask the court to waive (forgive) the fee. Or use our do-it-yourself interview program, [Washington Forms Online](#), to complete the forms at WashingtonLawHelp.org.

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- ❖ Even if you submit a Motion and Declaration for Fee Waiver, the clerk may still ask you to pay a “recording fee.” You can ask the judge to waive the recording fee. **Only a judge can decide if you must pay that fee.** If a clerk asks you to pay it, but you believe you are eligible for a fee waiver, say, “I would like to take that issue in front of the judge.” If the clerk still will not let you file, contact a lawyer.
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2. File a Petition in the district court of the county where you live. You must show photo ID when you file. If you expect to pay the full filing fee, you must pay it to the clerk when you file. Call the

clerk ahead of time to ask what the fees will be. They vary by county.

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- ❖ A listing of courts, including district court, is at www.courts.wa.gov/court_dir/.
 - ❖ Each court may require you to use their forms. Ask the district court clerk in your county for their forms if available.
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The court assigns a case number when you file.

3. Schedule a hearing date. The clerk will schedule a date for you to appear before a judge. Each court has its own schedule and procedure for hearing these cases. You might be able to have a hearing on the same day you file your petition. You might have to come back another day.

What happens at the name change hearing?

Name change hearings are usually quick and easy. The judge calls your name when it is your turn, and asks you a few questions. The judge will ask if everything in the petition is true and correct, and if you are trying to change your name for fraudulent purposes.

If you have asked for a fee waiver, the judge may ask you about your finances. If all goes well, the judge will then sign off on the name change and fee waiver, if applicable.

If the judge does not waive your fees, you may not be able to proceed until you pay the filing fee. Get legal help if the judge denied your fee waiver and you are unable to pay.

What do I do after my name change hearing?

You should:

- File the signed Order in the clerk's office.
- Get certified copies of the signed order. (This is usually about \$5 per copy.)
- Send copies of the signed Order to all institutions or persons needing proof of the name change.
- Keep a certified copy for your files.
- If you were born in Washington State and want 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. (Read <http://www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageandDivorce/CourtOrderedNameChange>.)
- If you were born outside of Washington State, look up that state's procedures for changing the name on a birth certificate.
- Record your Order. In some counties, the court records your Order with the Auditor. In others, you must send the Order to the Auditor yourself for filing. (District courts keep records only for a few years.) Each district court's name change procedure is different. Ask your district court clerk how to record your name change.

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

If both parents agree and sign the petition, it is similar to the procedure above. Check your district court's website or talk to the clerk to get the appropriate forms.

If the other parent does not agree with the petition, you should schedule a hearing in front of a judge. You must prove to the court that you gave the other parent notice of the petition and the court date. **The other parent can challenge the proposed name change.**

When parents disagree about the child's name, the court will consider:

- The child's wishes
 - The effect of the change of the child's name on the child's relationship with each parent
 - How long the child has had a given name
 - Any difficulties, harassment, or embarrassment the child may experience from having the present or proposed name
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- ❖ Children ages fourteen and older must give their permission to change their names.
 - ❖ Some counties have a local court rule requiring the court to decide a minor name change based on the child's best interests.
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What about adoptions?

Courts generally permit name change requests in adoptions. The absent natural parent gave up their parental rights to the child when they agreed to the adoption. Name changes are normally part of the adoption case. You do not need to file a separate case.

My child is transgender. The other parent does not support their name change. What do I do?

It is possible to get a name change with only one parent's consent. You will probably have to serve the other parent with notice of the hearing date. Ask your district court clerk how to do this. Each county has its own procedure. If your child's medical provider supports their request for a name change, ask the doctor to write a supporting declaration.

There is domestic violence. Can I keep my new name confidential?

Maybe. Name changes are recorded as public record. A different procedure keeps your new name confidential for safety reasons.

If you are domestic violence survivor and you want the record sealed due to a "reasonable fear" for safety, you should petition the superior court to change your name **and/or** child's name. The court will seal the file if it believes safety justifies the sealing. Once sealed, there is no public access to any court record of the name change filing, even if the court does not grant the name change. Contact your county domestic violence program for help. Find it by calling the Domestic Violence Hotline at 1-800-799-7233.

You can also ask for a name change for domestic violence survivors as part of a divorce or parentage case. It is the only time a superior court in a divorce action may change a child's name. **The court in these cases will not seal the record.**

What is a "common law" name change?

This is simply when you use only the new name, all the time, for all purposes. **This is legal.** You have a common law right to use any name you choose. The court is not involved.

The common law method has downsides. Many government agencies may need proof that you have made a valid name change. Since you have not gotten a court order for your name change, you need some other document for this requirement.

Some offices will accept an **affidavit of name change**. This written statement explains:

- you have changed your name for all purposes
- you have not made the change for fraudulent purposes

You must swear to and sign the affidavit before a notary public.

I have changed my name. Now what?

You should notify:

- 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 must also send the Department of Licensing (DOL) written notice 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 must have your name changed on those through written notification.

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. **Examples:**

- a certified copy of your final divorce order, if you changed your name in a divorce

- sworn and notarized affidavit, if you used the common law method
- a certified copy of the court order, if you do a formal name change

What if I am a convicted felon?

If you are a felon and incarcerated OR on probation or parole at the time that you file for a name change, you must give the Department of Corrections written notice five days before the hearing on the name change.

[RCW 4.24.130\(2\)](#).

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- ❖ 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.
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You must also give a copy of the Order Changing Name to the county sheriff, for the county where you live, and to the state patrol, within five days of getting the order. It is a Class C felony to fail to do these things.

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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