



**SMITH RIVER RANCHERIA
TRIBAL COURT**

PETITION FOR NAME CHANGE

CASE NO.

Court Address
P.O. Box 992, Smith River, CA 95567

Court telephone no.
(707) 487-6425

PETITION FOR NAME CHANGE:

_____ **Petitioner** _____

Before you complete this petition, you should read the *Instructions for Filing a Petition for Change of Name* on the next page. You must answer all questions and check all boxes on this petition that apply to you. You must file this petition with the Smith River Rancheria Tribal Court.

1. Petitioner (name, address, phone number): _____

2. Petitioner requests that the court decree the following name changes (list every name that you are seeking to change):

<u>Present name</u>	<u>Proposed name</u>
a. _____	changed to _____
b. _____	changed to _____
c. _____	changed to _____
d. _____	changed to _____

(if you are seeking to change additional names, you must prepare a list and attach it to this petition).

3. Petitioner requests that the court issue an order directing all interested persons to appear and show cause why this petition for change of name of the persons identified in item 2 should not be granted.

4. The number of persons under 18 years of age whose names are to be changed is (specify number): _____

5. If this petition requests the change of name of any person or persons under 18 years, this request is being made by:

- a. both parents
- b. mother only
- c. father only
- d. near relative (name and relationship):
- e. guardian (name):
- f. other (specify):

6. For each person whose name is to be changed, petitioner provides the following information (you must attach a completed copy of the (attachment A) Name and Information about the Person Whose Name Is to Be Change for each person identified in item 2.)

**INSTRUCTIONS FOR FILING A PETITION
FOR CHANGE OF NAME**

1. Whose Name May Be Changed

The petition may be used to change one's own name and, under certain circumstances, the names of others (e.g., children under 18 years of age).

2. What Forms Are Required

Prepare an original and two copies of each of the following documents:

- a. *Petition for Change of Name*
- b. *Name and Information About the Person Whose Name is to Be Changed (Attachment A to Petition)*
(attach as many copies as necessary)
- c. *Order to Show Cause for Change of Name*

3. Filing and Filing Fee

File the original completed petition with the clerk of the court and obtain two filed-endorsed copies of the petition. A filing fee will be charged.

4. Requesting a Court Hearing Date and Obtaining the Order to Show Cause

You should request a date for the hearing on the *Order to Show Cause* at least six weeks in the future. Take the completed form to the clerk's office. The clerk will provide the hearing date and location, obtain the judicial officer's signature, file the original, and give you a copy.

5. Publishing the Order to Show Cause

In most cases, a copy of the *Order to Show Cause* must be published in a local newspaper of general circulation once a week for **at least four consecutive weeks** before the date of the hearing. The petitioner selects the newspaper from among those newspapers legally qualified to publish orders and notices. The newspaper used must file a Proof of Publication with the Tribal Court before the hearing. If no newspaper of general circulation is published in the county, the court may order the *Order to Show Cause* to be posted by the clerk. But petitioners do not have to publish the order if they are participants in (1) the State Witness Program or (2) in the Address Confidentiality Program and the petition alleges that they are (a) petitioning to avoid domestic violence, or (b) petitioning to avoid stalking, or (c) the petitioner is, or is filing on behalf of, a victim of sexual assault.

6. Name Change for Children

- a. If a petitioning parent is requesting the name change for a child under 18 years of age, and one of the parents, if living, does not join in consenting to the name change, the petitioning parent must have a copy of the Order to Show Cause or notice of the time and place of the hearing served on the non-consenting parent. Service must be made **at least 30 days prior to the hearing**.
- b. If the non-consenting parent resides in California or Oregon, the Order or Notice must be personally served on the non-consenting parent. The petitioning parent cannot personally serve this document.
- c. If the non-consenting parent resides outside California or Oregon, he or she may be served by sending a copy of the Order or Notice by first-class mail, postage prepaid, return receipt requested.
- d. If a petition to change the name of a child has been filed by a guardian, the guardian must (1) provide notice of the hearing to any living parent of the child by personal service at least 30 days before the hearing, or (2) if either or both parents are deceased or cannot be located, serve Notice of the Hearing on the child's grandparents, if living, not less than 30 days before the hearing
If you have served a parent or grandparents, file a copy of the completed *Proof of Service of Order to Show Cause* in the court before the hearing.

7. Confidentiality of Certain Names

In cases where the petitioner is a participant in the domestic violence confidentiality program and is exempt from publishing the *Order to Show Cause* as explained in 6, the petition for name change and the decree should, instead of giving the proposed name, indicate that the name is confidential and on file with the Secretary of State.

8. Court Hearing

If no written objection is filed at least two court days before the hearing, the court may grant the petition without a hearing. Check with the court to find out if a hearing will be held. If there is a hearing, bring copies of all documents to the hearing. If the judge grants the petition, the judge will sign the original decree.