

KITSAP COUNTY DISTRICT COURT

NAME CHANGE CHECKLIST

The following checklist is a summary of the Name Change Instructions discussed after the checklist –

- ___ 1. Name Change Petition. File the applicable Name Change Petition to begin your name change action –
 - Adult Petitioner who wants to change their name (18 years or older); or
 - Minor Petitioner who wants to change their name (under age 18); or
 - Parent Or Guardian Petitioner who wants to change the name of their child or ward (a separate petition is required for each child or ward).

- ___ 2. Litigant Confidential Information Sheet. Along with your Name Change Petition, provide to District Court a Litigant Confidential Information Form.

- ___ 3. Fees. Unless excused by District Court, pay the \$287.50 fees to District Court when the Name Change Petition is filed. See **PAYMENT OF TICKETS, FINES, AND COURT FEES** on the District Court website for payment options.

- ___ 4. Waiver Of Fees. If you cannot afford the \$287.50 filing fee, file a Name Change Motion For Waiver Of Fees when the Name Change Petition is filed.

- ___ 5. Mandatory Notice Before Hearing – Felon Notice To DOC. If the person whose name will be changed is under Department of Corrections jurisdiction, a copy of the name change petition must be submitted by the person seeking the name change to DOC not fewer than five days before the name change hearing. Failure to do so is a crime. See the Name Change Declaration Of Service form for DOC contact information.
Date due (at least 5 days before hearing) – _____.
___ After providing notice to DOC, immediately file a Name Change Declaration Of Service with District Court to prove DOC was notified.

- ___ 6. Mandatory Notice Before Hearing – Sex Offender Notice To WSP And Sheriff. If the person whose name will be changed is required to register as a sex offender, a copy of the name change petition must be submitted by the person seeking the name change to the state patrol and the county sheriff not fewer than five days before the name change hearing. Failure to do so is a crime. See the Name Change Declaration Of Service form for WSP and Kitsap County Sheriff contact information.
Date due (at least 5 days before hearing) – _____.
___ After providing notice to WSP and the Sheriff, immediately file a Name Change Declaration Of Service with District Court to prove WSP and the Sheriff were notified.

- ___ 7. Name Change Hearing. Court personnel will notify you of your name change hearing date. You must appear for the name change hearing which is scheduled in courtroom 203 on (date) _____ at 9:00 AM.
- ___ 8. One Free Certified Copy Of Order Changing Name. If the name change is granted by the judge, court personnel will hand you one free certified copy of the Order Changing Name if you are in the courtroom or email you the free copy if you appear by a Zoom Virtual Hearing.
Additional certified copies of the Order Changing Name are available from District Court for \$6 per certified copy.
- ___ 9. Mandatory Notice If Name Changed – Felon Notice To DOC. If the judge grants the name change and the person whose name was changed is under the jurisdiction of the Department of Corrections, a copy of the Order Changing Name must be submitted by the person who sought the name change to DOC within five days of entry of the order. Failure to do so is a crime. See the Name Change Declaration Of Service form for WSP and Sheriff contact information.
Date due (within 5 days of Order Changing Name) – _____.
- ___ 10. Mandatory Notice If Name Changed – Sex Offender Notice To WSP And Sheriff. If the judge grants the name change and the person whose name was changed is required to register as a sex offender, a copy of the Order Changing Name must be submitted by the person who sought the name change to the state patrol and county sheriff within three days of entry of the order. Failure to do so is a crime. See the Name Change Declaration Of Service form for WSP and Kitsap County Sheriff contact information.
Date due (within 3 days of Order Changing Name) – _____.
- ___ 11. File Notice Of Appeal If Name Change Denied. If the judge denies the name change petition and you want to appeal, file a Notice Of Appeal in District Court within 30 days of the judge’s decision. For appeal information, see the “**APPEALS**” link in the District Court website.
Date due – _____.

KITSAP COUNTY DISTRICT COURT

NAME CHANGE CHECKLIST INSTRUCTIONS

IMPORTANT NOTICE – District Court personnel are not permitted to fill out any forms. District Court personnel are also not authorized to give legal advice. Please do not ask. District Court strongly encourages an unrepresented party to seek legal advice from an attorney.

The information contained here is intended to address the most frequently asked questions. It is not comprehensive and should not be construed as legal advice.

IMPORTANT NOTICE REGARDING LITIGANT CONFIDENTIAL INFORMATION – District Court needs information about every party involved in a case so the court can accurately identify the parties and be able to contact them.

If you have not already done so, please complete a Litigant Confidential Information Form and provide it to the court. You should also use the form to update information previously provided to the court. The form is available at many locations on the District Court website (www.kitsapgov.com/dc).

THREE DIFFERENT TYPES OF NAME CHANGES – Washington’s name change statute is codified in Revised Code of Washington (RCW) 4.24.130. The full statute is at the end of these instructions.

The statute provides that most name change actions must be brought in a Washington district court. RCW 4.24.130(1) creates the following three different types of name change actions depending on the status of the person (called the “petitioner”) who is seeking a name change (by a document called a “petition”) –

- (1) Adult Petitioner. A Name Change Petition brought by a person 18 years of age or older to change that person’s name;
- (2) Minor Petitioner. A Name Change Petition brought by a person under age 18 to change that person’s name who is of sufficient age and maturity to make an intelligent choice to change their name; and
- (3) Parent or Guardian Petitioner. A Name Change Petition brought by a parent or guardian to change the name of their child or ward.

DO SOME NAME CHANGES HAVE TO BE BROUGHT IN A SUPERIOR COURT? Yes. A Washington superior court may grant a name change in the following limited circumstances –

- (1) Dissolution. In a dissolution to restore a party’s former name or to change the name to another name, RCW 26.09.150(3); or
- (2) Adoption. In an adoption to change the adopted child’s name, RCW 26.33.250(1)(d); or
- (3) Seal Court File. Where the person seeking the name change is a domestic violence victim and wants the name change court file sealed due to safety concerns, RCW 4.24.130(5).

If none of the above three situations apply, a Name Change Petition must be brought in a Washington district court.

IN WHICH DISTRICT COURT DO I FILE A NAME CHANGE? RCW 4.24.130(1) requires all Name Change Petitions to be filed in the district court of the county where the person whose name will be changed resides.

HOW DO I START A NAME CHANGE PROCESS? A name change process begins by completing a Name Change Petition. You need to prepare one of the following depending on your situation –

- (1) Adult Name Change. If you are 18 years of age or older and want to change your name, complete the form called Name Change Petition (Adult Petitioner); or
- (2) Minor Name Change. If you are under 18 years of age and want to change your name, complete the form called Name Change Petition (Minor Petitioner); or
- (3) Child or Ward Name Change. If you are a parent of a child or a guardian of a ward and want to change your child's or ward's name, for each child or ward complete a separate form called Name Change Petition (Parent Or Guardian Petitioner).

You also need to prepare a Litigant Confidential Information Form. The court needs this information to accurately identify and where necessary to contact name change petitioners.

The completed petition and information form may be provided to the court by emailing the documents to District Court (kcdc@co.kitsap.wa.us) or mailing to or filing the documents in person in District Court at the Kitsap County Courthouse, 614 Division Street, MS-25, Port Orchard, WA 98366.

MANDATORY FEES – Unless excused by the court, Washington law requires every name change petitioner to pay \$287.50 in fees at the time a Name Change Petition is filed with District Court. Additional information about these fees and surcharges is discussed at the Name Change homepage.

For District Court filing fee payment methods, click on the link “**PAYMENT OF TICKETS, FINES, AND COURT FEES.**” For online payment, the case number will be “new name change.”

WAIVER OF NAME CHANGE FEES. A person who wants to file a Name Change Petition but cannot afford the \$287.50 fees may ask the judge to waive the filing fees. A Name Change Motion For Waiver Of Fees should be filed in District Court along with the Name Change Petition and the Litigant Confidential Information Form. The judge will thereafter review your motion to waive the fees.

DO I HAVE TO PROVIDE PHOTO IDENTIFICATION OR A BIRTH CERTIFICATE? No. District Court does not require photo identification or a birth certificate prior to granting a Name Change Petition.

CAN THE JUDGE CHANGE MY GENDER ON A BIRTH CERTIFICATE? No. A district court judge only has RCW 4.24.130 statutory authority to change a person's name. Washington does not have a specific law authorizing a court to order a gender change. A superior court judge may have authority to order a gender change pursuant to RCW 2.08.010 which grants superior courts jurisdiction "for such special cases and proceedings as are not otherwise provided for" in Washington law.

More information about changing gender markers on official government documents is available at Washington LawHelp's website at [Gender Marker Change](#).

NAME CHANGE HEARING DATE – Court personnel will assign a case number to your Name Change Petition when it is filed with the court. Staff will notify you when the Name Change Petition has been filed and assign a court date for you to present your name change to the judge. The court date will be scheduled at least two court days from the day the court receives your Name Change Petition, and perhaps a day or two longer depending upon the number of cases already scheduled on a particular day.

District Court holds name change hearings Monday through Friday (except holidays) at 9:00 AM in courtroom 203. You may request a hearing date convenient for you by including that date on your Name Change Petition. Remember, though, that your name change hearing date will be at least two court days after the day you file your Name Change Petition with the court.

APPEARANCE IN PERSON OR BY ZOOM VIRTUAL HEARING – You may appear for your name change hearing in person in the Kitsap County Courthouse or by a Zoom virtual hearing. Click on the link "[Zoom Virtual Hearing Information](#)" to assist you in attending your hearing by Zoom if you choose to appear virtually.

WHEN IS THE NAME LEGALLY CHANGED? Congratulations! Your Name Change Petition has been granted. The judge will electronically sign an Order Changing Name after verifying with you that the new name is spelled correctly on the order.

The name is legally changed the moment the judge electronically signs the Order Changing Name during your name change hearing.

WHAT HAPPENS AFTER THE JUDGE GRANTS THE NAME CHANGE? The clerk will hand you one free certified copy of the Order Changing Name if you are in the courtroom or mail you the free copy if you appear by a Zoom Virtual Hearing. Additional certified copies of the Order Changing Name are available from District Court for \$6 per certified copy.

Washington law requires a district court to collect from a name change petitioner all auditor fees authorized by RCW 36.18.010 and "transmit the fee and the order to the county auditor" so the order can be filed and recorded by the auditor. RCW 4.24.130(4).

After the judge signs the Order Changing Name, the clerk will transmit the order and \$204.50 auditor recording fees to the county auditor if you paid the fees to the court when you filed your Name Change Petition.

If the auditor recording fees were waived by the judge, the clerk will transmit the Order Changing Name to the county auditor without the \$204.50 auditor recording fees. The Order Changing Name will show that the auditor recording fees have been waived because the judge granted your Name Change Motion For Waiver Of Fees pursuant to General Rule 34.

HOW DO I UPDATE A BIRTH CERTIFICATE TO THE NEW NAME? If the person whose name is changed was born in Washington state, the name on the person's birth certificate may be changed by the Washington State Department of Health. For more information, visit the health department website at [Court-Ordered Name Change :: Washington State Department of Health](#).

If a person whose name is changed was not born in Washington state, the birth certificate will need to be changed by the state of birth.

THE JUDGE GRANTED THE NAME CHANGE. WHO SHOULD I NOTIFY? You may want to notify a variety of government agencies and businesses about the name change. Some agencies and businesses you may want to notify include –

- Social Security Administration;
- Washington Department of Licensing;
- Employer;
- Military;
- School;
- Banks and lending institutions;
- Courts where you have a civil, infraction, or criminal case;
- Department of Corrections (mandatory if under department jurisdiction); and/or
- State Patrol and Sheriff (mandatory if required to register as a sex offender).

Some agencies and businesses will accept a copy you can make of the free certified Order Changing Name the clerk provided to you. Others will want an original certified copy. Additional certified copies of the Order Changing Name are available from District Court for \$6 per certified copy.

WHAT HAPPENS IF A NAME CHANGE PETITIONER FAILS TO APPEAR – If you fail to appear for a name change hearing, the judge will deny your Name Change Petition and dismiss the case.

CAN THE JUDGE DENY MY NAME CHANGE PETITION? Yes. An adult name change petitioner must prove to the satisfaction of the judge that –

- (1) The petitioner’s statements in the petition are true; and
- (2) The name change is not made for any fraudulent purpose; and
- (3) The new name will not infringe upon the rights of others.

An under age 18 minor name change petitioner must also prove to the satisfaction of the judge that –

- (4) The minor petitioner is of sufficient age and maturity to make an intelligent choice to change their name.

If the judge denies your Name Change Petition, the \$204.50 auditor recording fee will be returned to you if you paid the fee. The \$83 filing fee will not be returned if you paid the fee.

No Washington appellate court has addressed a district court denial of a name change petition. Other state appellate courts have done so. Click on the link “*Name Changes A Judge Pro Tempore Primer*” and visit pages 18 to 26 for a review of out-of-state cases where appellate courts have discussed name changes.

CAN I APPEAL IF THE JUDGE DENIES THE NAME CHANGE PETITION? Yes. For information about the process to appeal, please see the “**APPEALS**” link on the District Court website.

DO I HAVE TO NOTIFY ANYONE PRIOR TO A NAME CHANGE HEARING? RCW 4.24.130 requires advance notice be sent prior to a name change hearing in two specific situations –

- (1) Felon. If the person whose name will be changed is under the jurisdiction of the Department of Corrections, a copy of the Name Change Petition shall be submitted by the petitioner to the department not fewer than five days before entry of an Order Changing Name. Failure of the petitioner to provide advance notice of a name change to the department is a crime. RCW 4.24.130(2).

Note – The Name Change Petition shall be denied if the judge finds granting the name change will interfere with legitimate penological interests.

Note – The Name Change Petition shall not be denied if the judge finds the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage.

Note – Within five days of entry of an Order Changing Name, the petitioner shall submit the Order Changing Name to the Department of Corrections. Failure to do so is a crime.

- (2) Sex Offender. RCW 4.24.130(3) requires a sex offender subject to registration requirements to follow the procedures set forth in RCW 9A.44.130(7). If the person whose name will be changed is required to register as a sex offender, a copy of the Name Change Petition shall be submitted by the petitioner to the state patrol and the county sheriff of the county of the person’s residence not fewer than five days before the entry of an Order Changing Name.

Failure of the petitioner to provide advance notice of a name change to the state patrol and sheriff is a crime. RCW 9A.44.132(1).

Note – The Name Change Petition shall be denied if the judge finds that granting the name change will interfere with legitimate law enforcement interests.

Note – The Name Change Petition shall not be denied if the judge finds the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage.

Note – Within three days of entry of an Order Changing Name, the petitioner shall submit the Order Changing Name to the state patrol and the county sheriff of the county of the person's residence. Failure to do so is a crime.

If either of the above two situations apply (felon name change or registered sex offender name change), after you provide notice to the government agency you must file a Name Change Declaration Of Service in District Court so the judge will know you complied with the above statutory notice requirements. The form provides contact information for each agency so you can properly provide timely notice to the agency of your Name Change Petition.

If either of the above notice requirements apply and you do not file a Name Change Declaration Of Service, the judge will deny your Name Change Petition and dismiss the case.

I AM UNDER AGE 18 AND WANT TO CHANGE MY NAME. DO I HAVE TO NOTIFY MY PARENTS?

No. RCW 4.24.130 does not require a petitioner who is under age 18 and wants to change their name to notify their parents before a minor Name Change Petition may be granted.

The decision whether to notify a parent or parents is solely up to you if you under age 18. The judge will not deny a Name Change Petition of a person under age 18 solely because a parent was not notified in advance of the name change hearing.

I WANT TO CHANGE THE NAME OF MY CHILD. DO I HAVE TO NOTIFY THE OTHER PARENT? No,

not in Kitsap County District Court. But the petitioning parent may want to carefully consider the potential consequences to the child of not notifying the non-petitioning parent in advance of their child's name change for the reasons discussed below.

Washington district courts differ on the answer to this question. Some district courts require proof of notice or attempts at notice to the non-petitioning parent before the judge will grant a parent's petition to change their child's name. Other district courts do not.

RCW 4.24.130 does not make the non-petitioning parent a statutory party to a name change of their child nor require a petitioning parent to send any notice to the non-petitioning parent before their child's name is changed. No Washington appellate court has been presented with this question.

Only a few appellate courts in other states have addressed this question. Some state appellate courts have held that the non-petitioning parent has a constitutional due process right to notice and an opportunity to be heard before their child's name can be changed. Other states have held that the

non-petitioning parent does not have a due process constitutional right to notice and an opportunity to be heard because the non-petitioning parent does not have a life, liberty, or property interest in their child's name. For an in depth analysis on this question, click the link "*Name Changes A Judge Pro Tempore Primer*" and visit pages 34 to 43.

Washington's name change statute, RCW 4.24.130, does not require advance notice to a non-petitioning parent of the petitioning parent's desire to change their child's name and no Washington appellate court has addressed the question.

Kitsap County District Court will defer to future litigation or the legislature's amendment of RCW 4.24.130 concerning whether advance notice to a non-petitioning parent is required in advance of their child's name change. District Court declines to decide the parental notice issue at this time.¹

In Kitsap County District Court, the decision whether to give advance notice to the non-petitioning parent of their child's name change is solely up to the petitioning parent. The judge will not deny a parent's petition to change the name of their child solely because the non-petitioning parent was not notified in advance of the name change hearing.

Of course, if the non-petitioning parent thereafter wants to change the new name of their child, Kitsap County District Court will similarly not require that parent to notify the other parent in advance of the subsequent Name Change Petition to change their child's new name.

As stated at the beginning of this section, the petitioning parent may want to carefully consider the potential consequences to the child of not notifying the non-petitioning parent in advance of their child's name change.

HOW DO I TALK TO THE JUDGE? YOU MUST FILE A MOTION. The judge is prohibited from directly speaking with any name change participant except in court. If you want the judge to do something for you which is not otherwise discussed in these instructions, you must file a motion.

HOW DO I FILE A MOTION? If you want to file a motion, you must complete and file three documents – (1) a Name Change Motion; and (2) a Name Change Note For Motion Docket; and (3) promptly file a separate Name Change Declaration Of Service after serving each opposing party if any. These three forms and instructions are available on the District Court website.

If you properly follow the procedures outlined on the Name Change Note For Motion Docket form, the clerk will schedule a motion hearing date so everyone can appear before the judge to discuss your motion.

¹ "Courts are essentially passive instruments of government." The principle of party representation relies on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present. *United States v. Simeneng-Smith*, ___ U.S. ___, 140 S.Ct. 1575, 1579, 206 L.Ed.2d 866 (2020).

WHAT IF I AM UNAVAILABLE FOR A COURT DATE? District Court permits a party who is located anywhere and has access to the internet to appear for any name change matter by a Zoom Virtual Hearing. This has greatly reduced the difficulty in appearing on name change matters because no one is required to personally appear in the courthouse in Port Orchard to have their name change matter heard by the judge.

Sometimes though, a person is still is not available on a date scheduled. If you want to ask the judge to continue a scheduled court date, you must promptly file a Motion To Continue. See “How Do I File A Motion?” above for the process you must follow to schedule a hearing on your motion to continue the court date to another date.

WASHINGTON'S NAME CHANGE STATUTE

RCW 4.24.130

Action for change of name – Fees.

- (1) [Name Change Actions] Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.
- (2) [Department of Corrections Notice] An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections not fewer than five days before the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.
- (3) [Sex Offender Notice] A sex offender subject to registration under RCW 9A.44.130 who applies to change his or her name under subsection (1) of this section shall follow the procedures set forth in RCW 9A.44.130(7).
- (4) [Auditor Fees and Surcharges] The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.
- (5) [Sealing Name Change File – Superior Court] Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in RCW 26.50.010(3) and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.