

Name Change

Should I read this?

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.

Changing your name is pretty easy. There are three ways to legally change names in Washington State:

- through marriage and divorce
- asking a court
- 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 use your spouse’s last name at marriage. It is not the law.

To use your new spouse’s name at marriage, simply sign all documents **except for** the marriage license with your new last name. If you want to keep your name, sign the marriage license **and** related documents with your own name. You do not need to do anything else. The same procedures apply no matter your gender.

If you get divorced, you may want to go back to the name you had before you married. You or your lawyer can simply include the name change request in the divorce petition. The court will grant your request to take back your former name in the final divorce order. The same procedures apply no matter your gender.

You may not change a child's last name in a divorce case unless you a domestic violence survivor asking for safety reasons. (See domestic

violence exception, below.) You can only change a spouse’s name through a divorce. To change a child’s last name, you must start a separate case in district court. (See “How Do I get a Court Ordered Name Change for Children”, below.)

How do I get a court-ordered name change?

State law has a procedure for doing this. It costs a lot.

Unfortunately, you may need this court order. Some offices refuse to accept just 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 county where you live and pay the filing fee.** You must also fill out an Order for Name Change for the judge to sign. (The court should have a blank Order you can use.) You may need to show photo ID. Call the district court to ask what the filing fee is. Name change fees may vary depending on the number of persons the Petition covers. The clerk may want two separate checks.

❖ A listing of courts, including district court, is [here](http://www.courts.wa.gov/court_dir/):
http://www.courts.wa.gov/court_dir/.

The Petition must state:

- your current name
- the new name you want
- why you want the name change
- that you are not changing your name for fraudulent purposes

- that changing your name will not hurt anyone else's interests

There is a sample Petition at the end of this publication. Each district court will require you to use their forms. Contact the district court clerk to get their forms if available.

The court will assign a case number when you file. The court keeps track of the case by its number.

2. Schedule a court date. The court clerk will schedule a date for you to appear before a judge or court commissioner. Each court has its own schedule and procedure for hearing these cases. You might be able to make an appearance on the same day you file your petition. Or you might have to appear at the hearing time scheduled and explain to the judge/commissioner why you want to change your name. The judge/commissioner will then sign the Order you prepared ahead of time granting the name change. Courts usually routinely grant name change requests.

You should

- File the signed Order in the clerk's office.
- Get certified copies of the signed order. (There will be a fee.)
- Send copies of the signed Order to all institutions or persons who need proof of the name change.
- Keep a certified copy for your files.

If you were born in Washington State and you 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. (See <http://www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageand>

[Divorce/CourtOrderedNameChange](#) for more info.)

3. Record your Order. In some counties, the court records your Order with the Auditor. You pay a 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 courts keep records only for a few years.)

Each district court's name change procedure is different. Your district court clerk has more information about how to record your name change.

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- ❖ There is usually a small fee to file a name change with the County Auditor.
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How do I get a court-ordered name change for children?

It is harder than changing your own name. You must follow the procedures outlined above AND give the (other) parent notice. **The other parent can 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 which last name it is better for the child to have. The court will consider:

- The child's wishes
- The effect of the change of the child's last name on the child's relationship with each parent
- How long the child has had a given name
- How much community respect there is for the present and proposed last names
- 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 also must give their permission to change their names.
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If both parents agree to the change, or a parent does not appear at the hearing to challenge the change, the court will generally grant the name change.

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.

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

Maybe. Name changes are recorded as public record. There is a different procedure to keep your new name confidential for safety reasons.

If you are a victim of domestic violence 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 that 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 1-800-562-6025.

You can also ask for a name change for domestic violence victims 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. No court cases or attorney’s fees are 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 gone to court and gotten a court order for your name change, you need some other document for this requirement.

Most 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. A sample form affidavit is attached.

I have changed my name. Now what?

You should notify these:

- 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 case
- 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 either 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.

This information is current as of August 2016.

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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 this Court for an Order changing her name to Anne Smith and shows the Court:

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 20 years and requests this court change her name to Anne Smith because:

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 of changing Petitioner's name to the name she has been referred to and prefers.

WHEREFORE, Petitioner prays for an Order of this Court changing his/her name 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, says: I am the Petitioner above-named. I have read the Petition for Name Change, know its contents, and believe it is true.

Lisa Anne Smith
Petitioner

SIGNED AND SWORN to before me this 10th day of January, 2012.

Gloria Notary
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle, WA
My appointment expires: 10/04/2014

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. 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, says: I am the Affiant above-named. I have read the foregoing Affidavit for Name Change, know its contents, thereof and believe it is true.

Lisa Anne Smith
Petitioner

SIGNED AND SWORN to before me this 10th day of January, 2012.

Gloria Notary
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle, WA
My appointment expires: 10/04/2014