TITLE 7
SPECIAL PROCEEDINGS

CHAPTER 8
CHANGE OF NAMES

7-801. JURISDICTION IN DISTRICT COURT. Application for change of names must be heard and determined by the district courts.

[(7-801) C.C.P. 1881, sec. 871; R.S., R.C., & C.L., sec. 5245; C.S., sec. 7424; I.C.A., sec. 13-801.]

7-802. PETITION FOR CHANGE. (1) All applications for change of names must be made to the district court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person, if the person is an adult or an emancipated minor; and if such person is under the age of eighteen (18) years and is not an emancipated minor, by one (1) of the parents or by a guardian. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and reason for such change of name.

(2) If the person whose name is proposed to be changed is under eighteen (18) years of age and is not an emancipated minor, the petition must also include the following:

(a) If the petition is signed by only one (1) parent, the petition must specify the name and the address, if known, of the other parent, if living.

(b) If the petition is signed by a guardian of the person, the petition must specify:

(i) The name and address, if known, of the parent or parents of the person, if living; or

(ii) If both parents are deceased or their addresses are unknown, the names and addresses of the grandparents of the person, if living.

(3) For purposes of this section, "emancipated minor" means any minor who has been married or is in active military service.

[(7-802) C.C.P. 1881, sec. 872; R.S., R.C., & C.L., sec. 5246; C.S., sec. 7425; I.C.A., sec. 13-802; am. 1975, ch. 63, sec. 1, p. 129; am. 1984, ch. 67, sec. 1, p. 118; am. 2017, ch. 191, sec. 1, p. 439.]

7-803. PUBLICATION OF PETITION AND NOTICE. (1) A notice of hearing of such petition signed by the clerk and issued under the seal of the court, must be published for four (4) successive weeks in a newspaper designated by the court as most likely to give notice in the county where the person whose name is proposed to be changed resides, and proofs must be made of such publication or posting before the petition can be considered. The notice of hearing may be substantially in the following form:

NOTICE OF HEARING

In the District Court of the.... Judicial District of the State of Idaho in and for.... County.

In the matter of the application of.... for change in name.

(Assertions herein contained refer to assertions in the petition)

A petition by...., now residing in the City of...., State of Idaho, proposing a change in name to.... has been filed in the above entitled court, the reason for the change in name being .....
....:
such petition will be heard at such time as the court may appoint, and objections may be filed by any person who can, in such objections, show to the court a good reason against such a change of name.

WITNESS my hand and seal of said District Court this.... day of.....

....
Attorney for petitioner Clerk

....
Residence or post office address Deputy
..... Idaho.

(2) If the petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting to the name change, the petitioner must cause notice of the time and place of the hearing to be served on the other parent not less than thirty (30) days before the hearing.

(3) If the petition has been filed for a minor by a guardian, the person filing the petition must cause notice of the time and place of the hearing to be served on the persons whose names and addresses were specified in the petition pursuant to section 7-802(2)(b), Idaho Code, not less than thirty (30) days before the hearing.

[(7-803) C.C.P. 1881, sec. 873; R.S., R.C., & C.L., sec. 5247; C.S., sec. 7426; I.C.A., sec. 13-803; am. 1945, ch. 32, sec. 1, p. 39; am. 2007, ch. 90, sec. 1, p. 246; am. 2010, ch. 250, sec. 1, p. 640; am. 2017, ch. 191, sec. 2, p. 439.]

7-804. HEARING AND ORDER. Such application must be heard at such time during term as the court may appoint, and objections may be filed by any person who can, in such objections, show to the court good reason against such change of name. On the hearing the court may examine, upon oath, any of the petitioners, remonstrants or other persons touching the application, and may make an order changing the name or dismissing the application, as to the court may seem right and proper.

[(7-804) C.C.P. 1881, sec. 874; R.S., R.C., & C.L., sec. 5248; C.S., sec. 7427; I.C.A., sec. 13-804.]

7-805. RESTRICTIONS ON NAME CHANGES FOR CONVICTED SEXUAL OFFENDERS -- NOTIFICATION OF NAME CHANGES OF CONVICTED SEXUAL OFFENDERS. (1) No person shall apply for a change of name with the intent or purpose of avoiding registration as a convicted sexual offender pursuant to chapter 83, title 18, Idaho Code. No name change shall be granted to any person if the name change would have the effect of relieving the person of the duty to register as a convicted sexual offender under chapter 83, title 18, Idaho Code, or under the provisions of similar laws enacted by another state.

(2) The court granting a name change to any individual required to register as a convicted sexual offender pursuant to the provisions of chapter 83, title 18, Idaho Code, shall provide notice of the name change to the Idaho state police, central sexual offender registry. This notice shall include the offender's name prior to change, new name, social security number, date of birth and last known address.

[7-805, added 1998, ch. 411, sec. 3, p. 1290; am. 2000, ch. 469, sec. 17, p. 1467.]