

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1067

Introduced by

Representative Hoffner

1 A BILL for an Act to amend and reenact section 32-28-02 of the North Dakota Century Code,
2 relating to the name change of a minor.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 32-28-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-28-02. Change of name of person - Petition.**

- 7 1. Any person desiring to change ~~his or her~~ that person's name may file a petition in
8 the district court of the county in which the person is a resident, setting forth:
- 9 ~~4.~~ a. That the petitioner has been a bona fide resident of the county for at least six
10 months ~~prior to~~ before the filing of the petition.
- 11 ~~2.~~ b. The ~~cause~~ reason for which the change of the petitioner's name is sought.
- 12 ~~3.~~ c. The name ~~asked for~~ requested.
- 13 2. The judge of the district court, upon being duly satisfied by affidavit or proof in
14 open court of the truth of the allegations set forth in the petition, that there exists
15 proper and reasonable cause for changing the name of the petitioner, and that
16 thirty days' previous notice of the intended application has been given in ~~some~~
17 ~~newspaper printed in the district~~ the official newspaper of the county in which the
18 petitioner resides, shall order a change of the name of the petitioner. The court
19 may waive publication of the notice when the proposed change relates only to a
20 first or given name as distinguished from a surname.
- 21 3. If the person whose name is to be changed is a minor, the court shall consider the
22 appointment of a guardian ad litem, and notice of the intended application must be
23 published in the official newspaper of the county in which the minor resides and, if
24 different, the official newspaper of the county in which each of the minor's parents

1 reside. If the minor has a noncustodial parent, a copy of the notice must be
2 deposited in a post office in this state, postage prepaid, not later than ten days
3 after the publication of the notice, and directed to the noncustodial parent's last
4 reasonably ascertained post office address. An affidavit of mailing of the notice
5 prepared in accordance with the North Dakota Rules of Civil Procedure must be
6 filed with court.