

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1772

Amending Civil Rule 84(b) and
adding a use note concerning
exemption from the publication
requirement and confidentiality.

IT IS ORDERED:

Civil Rule 84 is amended to read as follows:

Rule 84. Change of Name.

- (a) **Petition.** Every action for change of name shall be commenced by filing a verified petition entitled in the name of petitioner, showing the name which petitioner desires to adopt and setting forth the reasons for requesting a change of name.
- (b) **Notice of Application.** The court by order shall set a date for hearing not less than 40 days after the date of the order. Unless otherwise ordered by the court based on the petitioner's personal safety concerns, notice of the filing of the petition with a statement of the relief sought therein and the date of hearing thereon shall be published in a newspaper designated by the court as being the publication most likely to give appropriate notice under the circumstances. Publication of the notice shall be made once each week for 4 consecutive calendar weeks prior to the date of the hearing. In its discretion, the court by order may also require the posting of the notice at such place or places, in designated communities as may be appropriate. Proof of publication shall be made as prescribed in Rule 4(e)(5). Proof of posting shall be made by affidavit.

(c) **Judgment—Notice—Filing.** If satisfied that there is no reasonable objection to the assumption of another name by petitioner, the court shall by judgment authorize petitioner to assume such other name after a time to be fixed in the judgment, which shall not be less than 30 days after the date shown in the clerk's certificate of distribution on the judgment. Within 10 days after the date shown in the clerk's certificate of distribution on the judgment, a copy thereof shall be published once in the newspaper designated by the court under the provisions of subdivision (b). The court may also require the posting of a copy of the judgment as provided in subdivision (b). Within 20 days after the date shown in the clerk's certificate of distribution on the judgment, proof of publication and of any posting shall be filed with the clerk. The petitioner may then submit a certificate to be issued by the clerk stating that the judgment has been entered and that all requirements for posting a copy of the judgment have been met.

(d) **Applicability.** This rule shall not apply to restoration of a prior name sought in a complaint for divorce or in a petition for dissolution of marriage.

(e) **Change of Name for Minor Child.** An action for change of name for a minor child will be commenced by the filing of a verified petition in the name of a parent or guardian on behalf of the minor child, showing the name which the petitioner desires the child to assume and setting forth the reasons for requesting the change of name. No petition will be heard unless written consent to the petition is filed by both the child's legal parents and the child's legal guardian (if any), or unless proof of service is filed with the court showing that the child's parent(s) and legal guardian(s) have been served with a summons and a copy of the

petition at least 30 days prior to the date set for hearing. Service of the petition and summons will be in accord with the provisions of these rules applicable to the service of a complaint and summons. The summons must advise the recipient of the date set for hearing on the petition.

If the court receives an objection to the proposed name change presented by a parent and/or legal guardian of the child prior to or at the time of the hearing on the proposed name change, the court shall consider the objection and shall only grant the name change if the court finds the name change to be in the best interest of the child. The court shall also consider the desires of a child old enough to express the same in determining whether a requested name change will be granted.

The requirements of (b) and (c) of this rule apply to a change of name proceeding brought under this section.

Note: A petitioner may file a motion or the court may act on its own motion under Administrative Rule 37.6 to have the case and case record made confidential based on the petitioner's personal safety concerns. The petitioner or court may also request under Administrative Rule 40(b) or (c) that the presiding judge substitute pseudonyms for the petitioner's current and requested names on the public index of cases.

DATED: February 23, 2012

EFFECTIVE DATE: February 23, 2012

/s/
Chief Justice Carpeneti

/s/
Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers