

NAME CHANGE OF MINOR

PLEASE READ ALL OF THE FOLLOWING BEFORE YOU FILE YOUR PLEADINGS WITH THE COURT. This is provided to you in order to help you file a case with the court or Response to a case in this court. It will answer many of the most asked questions and give you a guideline to follow. Do not ask a member of the Court Clerk Staff for legal advice: they are not allowed to give such advice because (1) they are not attorneys or advocates and (2) it would be a possible conflict of interest. Thank you

1. A Civil matter is started when someone files a PETITION or a COMPLAINT. The person who files is called the Plaintiff or the Petitioner. The person or persons against whom the action is filed is called the Defendant or the Respondent.

2. If you are filing without the help of an attorney, there are a few important things to remember. The Clerk of the Court will give you a packet of papers to fill out. REMEMBER: Fill in each blank on each piece of paper that you are asked to file. The information is requested for a good reason.

3. The Petition/Complaint must contain, at a minimum:

[a] The Petitioner/Plaintiff's name and address;

[b] The Respondent/Defendant's name and address;

[c] The facts you are saying happened, which form the basis of your complaint;

[d] What you are asking the Court to do, i.e. what kind of order do you want, what kind of relief are you asking for.

[e] THE PETITION/COMPLAINT MUST BE SIGNED BY THE PLAINTIFF/PETITIONER OR HIS/HER ATTORNEY, AND MUST BE NOTARIZED.

4. There is a \$30.00 filing fee that must be paid to the Court when you file the Complaint/Petition in the case. This fee may be WAIVED/REDUCED if you can show a good reason why you cannot pay the full \$30.00. In order to ask the Court to reduce or waive the filing fee, you must file an AFFIDAVIT FOR WAIVER/REDUCTION OF THE FILING FEE.

This is provided to you with the civil packet.

5. When you bring the packet, completely filled out, and the filing fee or waiver request to the Court, the Clerk will look at it to see if it is complete. The Clerk will then ask a Judge to review the waiver request. After you pay the fee, or it is waived/reduced by a judge's order, the clerk will assign it a number. It is very important to remember this number and refer to it whenever you contact the Court about your case. The cases are filed by the numbers, and there are hundreds of civil cases filed with the Court.

6. NOTICE must be given to the Respondent/Defendant by the Petitioner/Plaintiff of the action filed in court. This is done by a NOTICE. The NOTICE tells the Respondent/Defendant to file with the Court a written ANSWER to the Petition/Complaint within TWENTY (20) days after he/she has been SERVED the Petition/Complaint. If service is made on the Respondent/Defendant outside the Reservation, the Respondent/Defendant shall have thirty (30) in which to appear and answer the petition/complaint.

THE NOTICE AND THE PETITION/COMPLAINT MUST BE SERVED ON THE RESPONDENT/DEFENDANT BY A PERSON WHO IS NOT A PARTY TO THE CASE. THIS PERSON MUST BE AT LEAST 18 YEARS OLD AND COMPETENT TO TESTIFY IN COURT.

The NOTICE and Petition/Complaint may be served on the Respondent/Defendant in the following ways:

[a] Personal Services: a person who has no interest in the case may personally hand the papers to the Respondent/Defendant. This is the best method of service. The person who does this must then fill out an Affidavit of Service, a copy of which is included in the civil packet. This must be filed with the Court. **REMEMBER: THE AFFIDAVIT MUST BE FILED OUT COMPLETELY IN ORDER TO BE ACCEPTED AS PROOF THAT THE PAPERS WERE SERVED. EACH PAPER TO BE SERVED MUST BE LISTED ON THE AFFIDAVIT.**

[b] Service by mail: a person who has no interest in the case may mail the papers to the Respondent/Defendant by certified mail, the NOTICE and Petition/Complaint to the Respondent/Defendant by certified mail, Return Receipt Requested, to be mailed to the Respondent/Defendant at his/her last known address. The person who does this must then fill out an

Affidavit of Service by Certified mail, a copy of which is included in the civil packet. This must be filed with the Court, along with the return receipt. REMEMBER: The affidavit must be filled out completely in order to be accepted as proof that the papers were served. Each paper to be served must be listed on the affidavit.

[c] Service by Publication and/or posting: these methods are used ONLY after diligent efforts have been made to serve the papers by one of the methods listed above and only with the court prior approval. This method requires more than filing an Affidavit. If you feel you need to use this method, please seek the advice of an attorney or advocate. Refer to the tribal code Section 2-2-71(b)(1) and (2). REMEMBER: No member of the Court Staff may give you legal Advice. Please consult an attorney or advocate if you have any questions.

7. After the Respondent/Defendant files his/her Answer, or if he/she has not filed an Answer within twenty (20) days after he/she was served, EITHER PARTY may ask for a hearing. This request must be in writing, which the names of the parties and the case number on the request. Also, the request must state what kind of hearing is being requested. A general rule is that a copy of the request for the hearing must be served on the other party in the same way the Petition/Complaint is served as outlined in #6.

8. If one of the parties fails to appear at the hearing that is scheduled without asking for a continuance in a timely fashion, that judge may rule on the case and enter a judgment or decision even when the other party is absent. As a general rule, there must be proof in the file that the other party was served notice of the hearing, though.

9. If the Respondent/Defendant wants to file an ANSWER, he/she must follow the same rules as the Petitioner/Plaintiff in terms of making sure that the papers he/she is filing with Court are served on the Petitioner/Respondent according to #6 above.

10. A copy of anything that is sent to the Court to be put in the file MUST BE SERVED ON THE OTHER PARTY, WITH PROOF TO BE FILED AS SET OUT IN #6 ABOVE.

GENERAL RULES TO REMEMBER

A. NONE of the Court staff are allowed to give legal advice to a party in a civil cases. Each party should seek independent legal advice from an attorney or an advocate.

B. ALL of the blanks in a pleading that is given to you as part of your civil packet has a reason: please fill out the packet completely before bringing it back to the Court to file. If you don't understand, please talk to an attorney or advocated.

C. ALL of the papers that are filed in this cases must be served on the other party. **NONE OF THE COURT STAFF SERVES ANY PLEADINGS ON ANOTHER PARTY. YOU MUST FIND SOMEONE ELSE TO DO THIS. OFTEN THE POLICE DEPARTMENT MAY SERVE PAPERS FOR YOU IN A CIVIL PROCEEDING FOR A FEE. YOU MUST FILE PROOF OF SERVICE AS OUTLINED IN #6.**

D. ALL requests for hearing or for information about your case must be referred to by the case number that has been assigned to it. Although the Clerks will be able to eventually find that case if you do not give them the number, this may take longer, especially if they are busy doing other tasks. **ALL REQUEST FOR HEARING MUST BE IN WRITING AND SPECIFY WHAT KIND OF HEARING YOU WANT.**

E. NO hearing will be scheduled in civil cases by the Court without a request for a hearing by one of the parties.

If you have any questions, please contact the Civil Clerk's office at the Tribal Court 509-634-2500. Thank you

1 IN THE TRIBAL COURT OF THE
2 COLVILLE CONFEDERATED TRIBES
3 COLVILLE INDIAN RESERVATION

4 In Re the Name Change Of:

5 _____, DOB: _____;
6 _____, DOB: _____;
7 Minor Child(ren)

8 _____
9 Petitioner,

CASE NO. _____

10 vs.

NOTICE (SUMMONS)

11 _____
12 Respondent.

13 TO THE RESPONDENT(S)

14 A lawsuit has been filed against you in the above-entitled court by the
15 Petitioner indicated above. Petitioner's claim is stated in the written Petition, a copy of
16 which is attached.

17 In order to defend against this lawsuit, you must answer the Petition by
18 stating your defense in writing, and filing it with the court and serving a copy of it on the
19 Petitioner herein within 20 days after the day you were served this Notice, exclusive of the
20 day you were served. If you fail to do this a DEFAULT JUDGMENT may be entered
21 against you. A default judgment is one where the Petitioner is entitled to what he or she
22 is asking for in the Petition because you have not answered the Petition in writing.

23 If you wish to seek the advice of an attorney in this matter, you should do so
24 promptly so that your written answer, if any may be served on time.

25 This Notice (Summons) is issued pursuant to Section 2-2-70 of the Colville
26 Tribal Law and Order Code.

27 DATED this _____ day of _____, 20____.

28 Petitioner's Name: _____

Address: _____

SERVE A COPY OF YOUR RESPONSE ON:

Petitioner OR

Petitioner's Attorney At the address listed.

1 IN THE TRIBAL COURT OF THE
2 COLVILLE CONFEDERATED TRIBES
3 OF THE COLVILLE INDIAN RESERVATION

4 In RE the Name Change of:

5 _____, DOB: _____;
6 _____, DOB: _____;

CASE NO. _____

7 Minor Child(ren).

PETITION FOR NAME CHANGE
OF MINOR CHILD(REN)

8 _____
9 Petitioner

10 vs.

11 _____
12 Respondent.

13 The above-named Petitioner brings this matter before the Court and hereby asks
14 for an Order changing the name(s) of the above-named minor(s). This Petition is
15 based on the following facts alleged.

16 I. PARTIES

17 1. Petitioner is _____
18 (full name of Petitioner)

19 mailing address is: _____

20 _____
21 _____

22 This address () is () is not on the Colville Reservation.

23 2. Petitioner () is () is not an enrolled member of the Colville Confederated Tribes
24 of the Colville Indian Reservation.

25 3. Respondent is: _____
26 (full name of Respondent)

27 mailing address is: _____

28 _____

This address () is () is not on the Colville Reservation.

4. Respondent is () is () is not an enrolled member of the Colville Confederated
Tribes of the Colville Indian Reservation.

1 5. The minor(s) involved herein is/are:
2 _____ DOB: _____;
3 _____ DOB: _____;

4 6. Said minor(s) reside(s) at: _____
5 _____
6 _____

7 This address () is () is not on the Colville Indian Reservation.

8 7. Said minor(s) is/are () is/are not enrolled with the Colville Confederated Tribes
9 of the Colville Indian Reservation.

10 **II. JURISDICTION**

11 8. The Colville Tribal Court has jurisdiction in this matter pursuant to Title 5 of the
12 Colville Tribal Law and Order Code.

13 **III. FACTS**

14 9. Petitioner is requesting that the above-named minor(s) () last () first name(s)
15 be changed from:

16 _____ to _____

17 10. The reasons the Petitioner wants this name change are:

18 _____
19 _____
20 _____
21 _____

22 11. This Petition is not made to avoid creditors or for any illegal or fraudulent
23 purpose.

24 12. The Respondent () does () does not agree to the requested name change(s).

25 13. This Petition is not made to avoid creditors of for any illegal or fraudulent
26 purposes.

27 **IV. RELIEF REQUESTED**

28 The Petitioner is requesting that the Court enter an order changing the () first ()
last name of : _____ to _____

1 STATE OF WASHINGTON)
2) ss
3 COUNTY OF: _____)

4 The undersigned Petitioner, first being duly sworn on oath, deposes and says:
5 I an the Petitioner herein and I have read the foregoing Petition for a name
6 change, know the contents, and believe then to be true.

7 DATED this _____ day of _____, 20_____.

8 _____
9 Petitioner's Signature

10
11 SUBSCRIBED AND SWORN TO BEFORE ME on this date: _____

12 _____
13 NOTARY PUBLIC in and for the State
Of Washington, residing at: _____

14 My commission exp: _____
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*IN THE COURT OF THE CONFEDERATED TRIBES
OF THE COLVILLE RESERVATION*

Plaintiff,

vs.

Defendant.

CASE NO. _____

MOTION AND AFFIDAVIT FOR AN
ORDER REDUCING/WAIVING FILING
FEE AND ORDER

The above-named plaintiff moves the court for reduction/waiver of the filing fee herein based on the following affidavit.

State of Washington)
) ss.
County of _____)

I, _____, swears and affirms that:

1. I am the above-named plaintiff in this matter.
2. My address is _____.
3. My phone number is _____ and the hours that I can be reached there are _____. () Message phone.
4. My date of birth is _____.
5. My social security number is _____.
6. The following are the current monthly sources of income for the household where I live:

TYPE OF INCOME	Self	Spouse/Dependent	Other Adults
Employment	\$	\$	\$
Unemployment	\$	\$	\$
Social Security Income	\$	\$	\$
Pensions	\$	\$	\$
VA Benefits	\$	\$	\$
Child Support/Alimony	\$	\$	\$
AFCD/GA	\$	\$	\$
Other	\$	\$	\$
TOTALS	\$	\$	\$

7. There are _____ people in my household. Of those people, _____ are my dependents and of those dependents, _____ are minors.

8. I have the following monthly expenses and bills:

A, Medical	\$	B. Child Care	\$
C, Transportation	\$	D. Job expenses	\$
E. Fixed Debts	\$	F. Unpaid taxes	\$
G. Other (please state what they are and how much each is):			
			\$
			\$
			\$
TOTAL			\$

9. That I am not able to pay the full amount of the \$30.00 filing fee because: _____

10. That if the Court reduces the amount of the filing fee, I feel I would be able to pay \$ _____ instead of the full \$30.00.

Signature of Palintiff (Must be signed before a Court official or Notary Public)

Signed and sworn to before me this _____ day of _____, 20 _____.

() Notary () Judge () Clerk

ORDER

This matter came before the Court upon a Motion to Reduce or Waive the Filing Fee filed by the Plaintiff in this matter. The Court, after reviewing the record and applicable law in this matter, makes the following determination:

It is ORDERED, ADJUDGED and DECREED that the filing fee in this matter is

[] waived.

[] reduced to \$ _____.

[] shall be paid in full before the case will be processed.

Dated this _____ day of _____, 20 _____.

Judge

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IN THE TRIBAL COURT OF THE
COLVILLE CONFEDERATED TRIBES INDIAN RESERVATION

IN RE THE NAME CHANGE OF:

_____,

DOB:

CASE NO.

_____,

DOB:

Minor Child(ren).

CONSENT TO NAME CHANGE
BY MINOR OVER 14 YEARS
IN AGE

_____,

Petitioner,

vs.

_____,

Respondent.

The undersigned minor, being over the age of 14 years, and first being duly sworn upon oath, does, by signing this document, consent to the name change requested by the Petitioner, and wants his/her [] first [] last name changed from _____ to _____.

STATE OF WASHINGTON)
vs.) ss
COUNTY OF _____)

MINOR'S SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME on this date: _____.

NOTARY PUBLIC in and for the State
of Washington, residing at: _____
_____; my commission
expires: _____

**IN THE COURT OF
THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION**

Plaintiff(s)/Petitioner(s),

vs.

Defendant(s)/Respondent(s).

Case No: _____

**CERTIFICATE OF SERVICE/
ATTEMPTED SERVICE**

I, (name): _____, hereby certify upon penalty of perjury:

1. I am age 18 or older and am not party to this case.
2. I served court documents for this case to (name): _____, whose last known physical address is: _____
3. I served/attempted to serve the following documents: *(check all that apply, if checking "other" give the title of the document)*

<input type="checkbox"/> Petition/Complaint		
<input type="checkbox"/> Summons	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion & Affidavit for TRO
<input type="checkbox"/> Motion & Affidavit for Fee Reduction/Waiver	<input type="checkbox"/> Order to Show Cause _____	<input type="checkbox"/> Motion & Affidavit _____
<input type="checkbox"/> Restraining Order	<input type="checkbox"/> Parenting Plan	<input type="checkbox"/> Child Support
<input type="checkbox"/> Temporary Order	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. I successfully gave the documents to the person listed in 2 by:
 - I personally gave the documents to him/her
 - I personally gave the documents to (name): _____, a person believed to be age 18 or older and of suitable discretion, who lives at the same address as the person listed in 2.
 - I personally mailed the documents by certified mail, return receipt requested, to the last known address listed below. The return receipt is attached to this Certificate of Service.
 - I personally served/mailed the documents on _____ at _____ am/pm.
 - I personally served the documents at/mailed the documents to the following address: _____

5. I was unable to successfully give the documents to the person listed in 2. I attempted serve to him/her on the following dates and locations: *(list each date and place you attempted service, you may attach another sheet of paper if needed)*

<u>Date</u>	<u>Location</u>	<u>Additional Information</u>

6. I further certify that I have examined the statements made in this document and that the facts contained in it are true and correct to the best of my knowledge.

Signed at (city and state) _____ Date _____

 Signature of server