

NAME CHANGE PACKET

COMANCHE NATION TRIBAL COURT DISTRICT COURT

The forms in this packet are to be used as a **template**, please re-type the forms and **do not** fill in the blanks. Please read the instructions carefully before completing the forms. The Court Clerks **CANNOT** accept documents that do not conform to the instructions in this packet.

You should refer to the Comanche Nation Tribal Court Codes prior to filing any petition or pleadings for a complete understanding of the rules and procedures governing your case. Should you need assistance in preparing any documents, you must consult with an attorney at your own expense. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks **CANNOT** advise you on how to proceed or what forms may be necessary in specific situations.

INSTRUCTIONS FOR FILING

IMPORTANT INFORMATION PLEASE READ!!!

1. Documents must be typed DOUBLE-SPACED and on LETTER SIZE PAPER (8 ½" x 11").
2. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copy fees, etc. can be made by DEBIT CARD, CASHIER'S CHECK or MONEY ORDER and must be payable to "Comanche Nation Tribal Court". Filing fees MUST be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk.
4. Submit original Documents, a copy fee will apply to all copies made by the court clerk over 50 pages in length. If the Court Clerk makes your copies, you will be charged a copy fee of \$10.00 for any copies over 50 pages.
5. Documents must have the FULL ADDRESS including street, city, state & zip of the parties to be served. Obtaining this information is **your** responsibility.
6. The forms are a guide to use in preparing the documents. DO NOT fill in the blanks and submit for filing. IT MUST BE RE-TYPED.
7. Petitions filed MUST have a copy of the relevant birth certificate and tribal enrollment card/CDIB and be submitted with the petition when filed. Obtaining these documents is **YOUR** responsibility.
8. Proof of Service of a Petition is MANDATORY for your case to proceed. Obtaining proof of service is **your** responsibility.

Court Clerks WILL NOT accept documents
that do not conform to these Instructions.

NAME CHANGE	
Petition or Complaint	Filing Fee
Name Change Adult	\$120.00
Name Change Minor	\$120.00
Additional Court Costs	
Summons (each) PER PERSON SUMMONED	\$15.00
SUMMONS BY PUBLICATION (Actual Publication is to be done independently at your own additional expense through a proper publishing source)	\$35.00
SERVICE Outside of Territorial Jurisdiction (by certified mail through the Court Clerk)	\$15.00
SERVICE (Independently done, may incur additional expense of Private Process Server. Proof of Service must be filed with the Court)	
COPY FEES (filer must provide all necessary copies of filings or a copy fee will apply to all copies made by the court clerk over 50 pages in length)	\$10.00 flat fee for copies made by the court clerks over 50 pages.

CONTENTS OF PACKET

- 1. Requirements for child name changes**
- 2. Legal definitions**
- 3. Comanche Nation Tribal Court Codes, Title 4., ch. 10, §§1301-1305.**
- 4. Petition for change of name**
- 5. Request for service**
- 6. Order setting hearing**
- 7. Summons**
- 8. Notice by publication**

REQUIREMENTS FOR CHILD NAME CHANGES

Parent; Guardian or Legal Custodians may apply for name changes for children based on the Codes of the Comanche Nation and must meet the following requirements and furnish the following documents when submitting their Petition. All requirements for change of name are found in §§1301-1307 of the Title 4. Children and Family Relations Code. If you have any questions of interpretation of these codes, please consult an attorney at your own expense.

1. Petitioner must pay all court costs, service and/or publication fees;
2. Petitioner must attach copy of Birth Certificate and Social Security Card and Custodial Order, Divorce Decree or any other Court documents which pertains to the change in the Applicant(s) name, to include Child Support Orders;
3. Proof of Tribal Membership of Petitioner.
4. In name change for a minor, if parental rights of either parent have been terminated, a certified copy of proof of termination must be attached to the Petition for Name Change.
5. In name change for a minor, service must be made upon the non-filing natural parent(s), if the natural parent(s) is deceased, include a statement reflecting this in the Petition, and by publication one time at least ten (10) days prior to the date set for hearing in some newspaper authorized by law to publish legal notices printed in the county where the petitioner resides if there be any printed in such county, and if there be none, then in some such newspaper printed in this state of general circulation in that county. In all other name changes, service may be made by publication only.
6. Petitioner must have been domiciled on "Indian Country" for more than thirty (30) days, and has been an actual resident of "Indian Country" for more than thirty (30) consecutive days, preceding the filing of the action. "Indian Country" is defined in §107(n) of Title 4.

Title 4. Comanche Children and Family Relations Code, Section 1306 states as follows:

Any person who obtains a judgement under this chapter willfully intending to use the same for any illegal or fraudulent purpose, or who thereafter willfully and intentionally uses such judgment, or a copy thereof, for any illegal or fraudulent purpose, shall be deemed guilty of a misdemeanor.

THE FOLLOWING DOCUMENTS ARE FOR EXAMPLE. THEY MUST BE RETYPED BEFORE SUBMISSION TO THE COURT CLERK. DO NOT WRITE ON THE FORMS AND SUBMIT THEM FOR FILING.

LEGAL DEFINITIONS

- Affidavit:** A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation.
- Answer:** The response of an answering party to the plaintiff/petitioner's complaint/petition, denying in part or in whole the allegations made by the petitioner. A pleading by which an answering party endeavors to resist the petitioner's demand by an allegation of facts, either denying allegations of petitioner's complaint/petition or confessing them and alleging new matter in avoidance, which an answering party alleges should prevent recovery on the facts alleged by plaintiff/petitioner.
- Motion:** An application made to a court or judge for purpose of obtaining a rule or order directing some act to be done in favor of the applicant.
- Notary:** A public officer whose function it is to administer oaths; to attest and certify, by his hand and official seal, certain classes of document, in order to give them credit and authenticity.
- Notice:** Information concerning a fact, actually communicated to a person by an authorized person, or actually derived by him from a proper source, and is regarding in law as "actual" when the person sought to be affected by it knows thereby of the existence of the particular fact in question.
- Petition:** A formal written application to a court requesting judicial action on a certain matter. A recital of facts which give rise to a cause of action.
- Service:** Signifies the delivering to or leaving them with the party to whom or with whom they ought to be delivered or left; and, when they are so delivered they are said then to have been served.

Comanche Nation Tribal Court Codes, Title 4., Ch. 10, §§1301-1305.

**CHAPTER THIRTEEN
NAME CHANGES**

Section 1301. Right to Petition for Change of Name. Any natural person, who has been domiciled in Indian country for more than thirty (30) days, and has been an actual resident of Indian country for more than thirty (30) days, preceding the filing of the action, may pay a \$15 filing fee and petition for a change of name in the Comanche Nation Tribal Court. If the person be a child, the action may be brought by guardian or next friend; provided that any such action involving a child shall be subject to all other requirements for name changes of a child set forth in this Code, which shall be controlling over any inconsistent provision of this chapter.

Section 1302. Petition. The petition shall be verified and shall state: (a) the name and address of the petitioner; (b) the facts as to domicile and residence; (c) the date and place of birth; (d) the birth certificate number, and place where the birth is registered, if registered; (e) the name desired by petitioner; (f) a clear and concise statement of the reasons for the desired change; (g) a positive statement that the change is not sought for any illegal or fraudulent purpose, or to delay or hinder creditors; and (h) in the case of a non-Indian petitioner, a statement of consent to the jurisdiction of the Comanche Nation Tribal Court.

Section 1303. Notice; Protest; Hearing Date; Continuance. Notice of filing of such petition shall be given by publishing the same one time at least ten (10) days prior to the date set for hearing in some newspaper authorized by law to publish legal notices printed in the county where the petitioner resides if there be any printed in such county, and if there be none, then in some such newspaper printed in this state of general circulation in that county. The notice shall contain the style and number of the case, the time, date and place where the same is to be heard, and that any person may file a written protest in the case prior to the date set for the hearing. The hearing date may be any day after completion of the publication. The court or judge, for cause, may continue the matter to a later date.

Section 1304. Evidence; Determination. The material allegations of the petition shall be sustained by sworn evidence, and the prayer of the petition shall be granted unless the court or judge finds that the change is sought for an illegal or fraudulent purpose, or that a material allegation in the petition is false.

Section 1305. Judgment. The judgment shall recite generally the material facts and the change granted, or if denied, the reasons for the denial. A certified or authenticated copy of such judgment may be filed in any office, where proper to do so, and shall be regarded as a judgment in a civil action.

Section 1306. Illegal or Fraudulent Purpose. Any person who obtains a judgment under this chapter willfully intending to use the same for any illegal or fraudulent purpose, or who thereafter willfully and intentionally uses such judgment, or a copy thereof, for any illegal or fraudulent purpose, shall be deemed guilty of a misdemeanor.

Section 1307. Exclusiveness of Statutory Remedy. No natural person domiciled and residing in Indian country may change his name in the Comanche Nation Tribal Court except as provided in this chapter and **section 1218** of this Code, other than by marriage or decree of divorce or by adoption.

IN THE MATTER OF THE CHANGE
OF NAME OF:

On behalf of:

An Enrolled Member of the
Comanche Nation.

PETITION FOR CHANGE OF NAME

_____ of _____, and submits his/her Petition for Change of Name.
(Relationship) (Minor Petitioner)

In support of his/her Petition, Petitioner will show the following:

1. _____ (*Petitioner*) is enrolled with the Comanche Nation.
2. That Petitioner is currently resides at _____ which is found within Indian Country and has resided there since _____.
3. This Court has jurisdiction over these proceedings pursuant to Section 1301 et seq. of Title 4. Comanche Nation Tribal Codes.
4. That Petitioner was born on the ____ day of _____, _____, in _____ (*City, County and State*).
5. That the Birth Certificate Number is registered through the State of _____ and numbered as _____.
6. The Petitioner wishes to change his/her name from _____ to _____.
7. That Petitioner is seeking a change of name for the reason that:

-
8. That a change of name is not sought for any illegal or fraudulent purpose, or to delay or hinder creditors.
9. By execution of this Petition for Change of Name, Petitioner hereby consents to the jurisdiction of the Comanche Nation Tribal Court.
10. *(If Applicable)* Petitioner is a minor child, whose natural mother is _____, and current address is _____.
11. *(If Applicable)* Petitioner is a minor child, whose natural father is _____, and current address is _____.
12. _____ I understand that I am responsible for serving copies of this
Initials Petition and all attachments on the other party because they are entitled to notice and opportunity to contest my Petition.

WHEREFORE, the Petitioner requests the Court to issue a Change of Name in favor of the Petitioner and that this matter be set for hearing at a time to be determined by the Court.

Petitioner

VERIFICATION

I, _____, certify that the foregoing facts as alleged in the Petition for Change of Name are true and correct to the best of my/our knowledge and belief.

Petitioner/Person Filing on behalf of Minor

Attest:

Notary Public/Court Clerk

My Commission Expires: _____ Commission Number: _____

Phone: () -

DISTRICT COURT JUDGE,
COMANCHE NATION DISTRICT COURT

Name _____
Address _____
Telephone Number _____

Name _____
Address _____
Telephone Number _____