

WYANDOTTE NATION
TITLE 29
NAME CHANGE CODE
(APPROVED BY THE BOARD OF DIRECTORS 01-14-2025)

INDEX

WYANDOTTE NATION TITLE 29 NAME CHANGE CODE INDEX
WYANDOTTE NATION TITLE 29 NAME CHANGE CODE

INTRODUCTION

- Section 1. Citation.
- Section 2. Scope, Purpose and Construction.
- Section 3. Inconsistent Provision of Other Laws.
- Section 4. Severability.
- Section 5. Jurisdiction.
- Section 6. Definitions.

CHAPTER ONE - PETITION AND REQUIREMENTS

- Section 101. Petition for Name Change.
- Section 102. Required Affirmation Under Penalty of Perjury.
- Section 103. Change of Name for a Minor.
- Section 104. Petition for Name Change of a Minor.
- Section 105. Birth Certificate Required.

CHAPTER TWO - PROHIBITIONS AND OBJECTIONS

- Section 201. Prohibition Against Name Change.
- Section 202. Objections to Name Change - Answer.
- Section 203. Objections to Name Change of a Minor - Answer.

CHAPTER THREE - PUBLICATION AND FINAL ORDER

- Section 301. Publication Notice Required.
- Section 302. Order for Name Change.
- Section 303. Fraudulent Use of Order is a Misdemeanor.

**WYANDOTTE NATION
TITLE 29
NAME CHANGE CODE**

INTRODUCTION

Section 1. Citation.

This Title may be cited as the “Name Change Code.”

Section 2. Scope, Purpose and Construction.

(a) This Title governs the procedures for name change actions for adults and minors.

(b) The purpose of this Title is to provide adequate proceedings for recording name changes as properly and legally ordered by a court of competent jurisdiction.

(c) The provisions of this Title shall be liberally construed to give full effect to the objectives and purpose for which it is enacted. When a term is not defined herein, it shall be given its ordinary meaning, provided that if a term is susceptible to differing construction, it shall be interpreted to further the general purposes of this Title.

Section 3. Inconsistent Provision of Other Laws.

It is the intent of the Wyandotte Nation to enact this Title to supplement the jurisdiction of the Nation’s Court. If any provision of this Title is found to be inconsistent with other laws of the Wyandotte Nation, this Title shall govern in matters of name change proceedings, unless there is good cause shown that application of this Title would be unreasonable or contradictory to public policy and welfare.

Section 4. Severability.

If any provision of this Title or its application to any person or circumstance is held invalid, the remainder of the Title, or the application of the provision to other persons or circumstances, shall remain in effect.

Section 5. Jurisdiction.

The Court shall have jurisdiction to change the names of enrolled citizens of the Wyandotte Nation, in accordance with the provisions of this Title.

Section 6. Definitions.

For purposes of this Title, the following definitions apply:

- (a) "Petitioner" shall mean any person applying to the Court for a name change.
- (b) "Citizen" shall mean any individual who is duly enrolled as a citizen of the Wyandotte Nation.
- (c) "Court" or "Tribal Court" shall mean the Wyandotte Nation judiciary.
- (d) "Court Clerk" or "Clerk" shall mean the Wyandotte Nation clerk of court.
- (e) "Judge" or "Tribal Judge" shall mean any judge of the Wyandotte Nation Court.
- (f) "Nation" or "Tribe" shall mean the Wyandotte Nation.

CHAPTER ONE PETITION AND REQUIREMENTS

Section 101. Petition For Name Change.

- (a) A petition for name change must include the following:
 - (1) The current name of the Petitioner;
 - (2) The Petitioner's place of birth and birth date;
 - (3) The Petitioner's current address and a statement that the Petitioner has resided within the Wyandotte Reservation for at least thirty (30) days;
 - (4) The reasons for requesting the name change;
 - (5) The name by which the Petitioner has generally been known by and in which the Petitioner contracts bills, credit cards and bank accounts; and
 - (6) The proposed name, and if it has been used, the manner in which the name has been used and length of time of such use.

Section 102. Required Affirmation Under Penalty of Perjury.

All petitions for name change, whether for adults or on behalf of minors, shall include an assertion, under oath with the penalty of perjury, that the Petitioner does not seek the requested name change for any fraudulent or illegal purpose, to escape or cause disguise from enforcement of legal matters, or in order to hinder creditors.

Section 103. Change of Name for a Minor.

(a) In all proceedings for a change brought on behalf of a minor, the Court must determine whether the name change is consistent with public policy, and if such change is reasonable and proper and in the best interests of the minor.

(b) In all proceedings for a change of name brought on behalf of a minor, the parents of said minor shall be necessary parties, shall be named in the petition, and shall be served with the petition either by personal service or by mailing a copy of the petition to the parent's last known address by certified or registered mail, return receipt requested. There is no requirement to provide service to a minor's parent if the parent is no longer living or has been found, by a court of competent jurisdiction, to have deserted the child.

(c) In all proceedings for a change of name brought on behalf of a minor, a legal guardian must be served with the petition to change the name of a minor in his or her custody by certified or registered mail, return receipt requested.

(d) A petition to change the name of a minor may only be brought by a parent or the minor, except a legal guardian may bring a change of name petition on the minor's behalf when:

(1) Neither parent is living.

(2) The parent providing primary care is no longer living and the other parent has deserted the minor child, as determined by a court of competent jurisdiction.

(3) Custody has been deprived due to desertion by both parents, as determined by a court of competent jurisdiction.

(4) The parental rights to the minor child have been terminated by a court of competent jurisdiction.

(5) The petition is being filed to protect the child's physical or psychological well-being, or to prevent financial exploitation.

Section 104. Petition for Name Change of a Minor.

(a) The petition for a name change for a minor must contain the following:

(1) The current name of the minor and the name of the minor's parents;

(2) The minor's place of birth and date of birth;

(3) The minor's current address;

(4) The current addresses of the minor's parents and the current address of the minor's legal guardian where applicable.

(5) The reasons for requesting the name change;

(6) A signature by one of the minor's parents or legal guardian;

(7) The name by which the minor has generally been known by and in which the minor contracts bills, credit cards and bank accounts;

(8) The proposed name, and if it has been used, the manner in which the name has been used and length of time of such use;

(9) If neither parent is living, the petition shall also name the nearest known relatives of the first degree and their place of residence; however, notice need not be provided where the petitioner presents information to the Court that providing notice to a person endangers the child's physical, psychological, or emotional health, safety or welfare, or present or future financial well-being.

(10) If the petition is signed by only one parent, it must include the address, if known, of the other parent.

(b) Minors ages thirteen (13) and over must give their consent to the change of their names.

(c) No name changes shall be permitted for children in guardianships without parental consent, unless such a change is required to protect the child's physical or psychological well-being, or to prevent financial exploitation. Any minor over the age of thirteen (13) may address the Court regarding his or her name change preference.

(d) Any interested person may file a response to the petition within twenty (20) days from the service date.

(e) The Court may not grant a name change for a minor if one parent objects, unless the Court finds, at its discretion, a reasonable basis to proceed without a parent's consent; including but not limited to such basis as desertion, physical, psychological or sexual abuse of the minor or a member of the child's immediate family.

Section 105. Birth Certificate Required.

At the time of filing of the petition, a State issued and certified copy of the individual's birth certificate shall be provided to the Clerk of Court for filing in the court record.

CHAPTER TWO PROHIBITIONS AND OBJECTIONS

Section 201. Prohibition Against Name Change.

(a) The Court may not grant a name change to:

(1) A sex offender who is subject to any registration requirements;

(2) A person who has been convicted of a crime that is a felony and who is still under the supervision of the jurisdiction where the conviction was entered; or

(3) A person seeking to change their name for the purpose of avoiding creditors, which includes child support orders.

Section 202. Objections to Name Changes - Answer.

(a) Any interested person may file an answer in opposition to a name change petition. The answer in opposition must include:

(1) The name and address of the Respondent.

(2) The relationship between the Respondent and the individual whose name is petitioned for change; and

(3) The reason(s) for opposition to the petition.

Section 203. Objection to Name Change of a Minor - Answer.

(a) Any interested person may file an answer in opposition to a name change petition brought on behalf of a minor. The answer in opposition must include:

(1) The name and address of the Respondent;

(2) The reason(s) for the opposition to the petition.

(b) If either parent does not consent to the name change of his or her minor child(ren), the Court must decide what is in the minor child's best interest. The Court shall weigh the following factors and determine whether the proposed name change is in the minor's best interest:

(1) The preference of the minor if he or she is under the age of thirteen (13) and is of sufficient maturity to express a meaningful preference;

(i) The Court may allow the child to participate by any means deemed appropriate by the Court, including direct testimony if the child is over the age of thirteen (13); by letter to the Court which may be sealed to protect the interests of the child; or by means of an in-camera interview which shall be recorded for the Court record and sealed if necessary to protect the child's interests.

(2) The age of the child and the length of time the child has had a given name;

(3) The effect of the name change on the preservation and development of the minor child's relationship with each parent;

- (4) Identification of the minor as part of the family unit;
 - (5) Parental failure to maintain contact with and support the minor child;
 - (6) Whether a name change is necessary to protect the child's physical or psychological well-being or to prevent financial exploitation; and
 - (7) Any other factors relevant to the minor's best interests.
- (c) The Court's order shall state its decision is based upon a finding of the best interests of the minor child.

CHAPTER THREE PUBLICATION AND FINAL ORDER

Section 301. Publication Notice Required.

(a) Notice of filing of the petition shall be given, in the manner provided for publication notice in civil cases, by publishing the same one time at least ten (10) days prior to the date set for hearing in newspaper authorized by law to publish legal notices and printed within the Wyandotte Nation Reservation or a paper which is of general circulation within the boundaries of the Wyandotte Nation Reservation.

(b) The publication 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, for cause, may continue the matter to a later date.

(c) The Court may waive the publication requirements of this section for good cause, which includes, but is not limited to, cases of domestic violence in which the court proceedings are sealed

Section 302. Order for Name Change.

Upon the Court's determination for a name change or denial of name change, the Order shall recite generally the material facts and the change granted, or if denied, the reasons for the denial.

Section 303. Fraudulent Use of Order is a Misdemeanor.

Any person who obtains a judgement under this Title, 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 and may be sentenced to a fine not exceeding Five Hundred Dollars (\$500.00) or incarceration for a period not exceeding three (3) months, or both.