

## **Title 7 – Domestic Relations**

### **Chapter 9 – Change of Name**

**Sec.**

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**NOTE:** Please double check the Tribe's website as this code may have been updated since being incorporated into this form packet.

#### **Legislative History**

**Enacted:**

Domestic Relations, Ord. 188 (11/10/03), BIA (11/25/03).

**Repealed or Superseded:**

Establishing a Procedure for a Change of Name by Members, Ord. 41 (6/7/77), BIA (6/30/77).

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**7-09.010 Title.**

This Chapter shall be referred to as the “Change of Name Code.”

[History] Ord. 188 (11/10/03).

**7-09.020 Purpose and Scope.**

Name changes by Swinomish Indian Tribal Community members performed in the Court of the Swinomish Indian Tribal Community shall be done in accordance with this Chapter.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.030 Authority.**

This Chapter is enacted pursuant to Article VI, Section 1(k) and (o) of the Swinomish Constitution.

[History] Ord. 188 (11/10/03).

**7-09.040 Definitions.**

[Reserved] Ord. 188 (11/10/03).

**7-09.050 Petition for Change of Name.**

The person desiring to change his or her name, the petitioner, shall file a petition with the Court Clerk requesting such a change. The petition shall contain the following information:

- (A) Present name of petitioner;
- (B) Address of petitioner;
- (C) Birthplace and birthdate of petitioner;
- (D) Desired name of petitioner;
- (E) Statement of reason for the change;
- (F) Names, addresses and signatures of two (2) people serving as witnesses to the truth and accuracy of the petition; and
- (G) Signature of petitioner and date of all signatures.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.060 Filing Fee.**

A filing fee of fifteen dollars (\$15.00) shall accompany the petition.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.070 Records Required.**

A birth certificate or other acceptable record or an explanation of why such a document is not available must be attached to the petition.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.080      Hearing Date - Notice.**

The Court Clerk shall set a date for a hearing on the matter, no less than seven (7) days from the date of receipt of the petition. The Court Clerk shall publish a notice in a local newspaper of suitable size and general circulation and post a notice at conspicuous places within the Swinomish Reservation. Said notice shall state the date, time and location of the hearing and the subject of the hearing, informing anyone concerned that said hearing will take place.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.090      Counter-Petitions.**

The Court Clerk will accept any counter-petitions in opposition to a name change. The counter-petition shall contain:

- (A)    Name and address of counter-petitioner; and
- (B)    Reason for opposition to (or clarification of) the petition.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.100      Hearing - Declaration of Name Change.**

At the hearing, the Court shall hear all relevant evidence on the matter. If the Court, in exercise of its sound discretion, decides that the name change is justifiable, the Court shall issue a Declaration of Name Change. Said Declaration shall contain the following information:

- (A)    Previous name of petitioner;
- (B)    New, declared name of petitioner;
- (C)    Birthdate and birthplace; and
- (D)    Address.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.110      Recording Document.**

The Declaration of Name Change shall be filed in the Court's record, a copy shall be sent (A) to the Enrollment Committee of the Swinomish Indian Tribal Community, (B) to the local office of the Bureau of Indian Affairs, and (C) to the Clerk of the Superior Court of the state of Washington in Skagit County.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.120      Declaration Refusing a Name Change.**

If the Court decides that a name change is not justified, the Court shall issue a Declaration Refusing a Name Change. Said Declaration shall contain the following information:

- (A)    Name of petitioner;
- (B)    Birthdate and Birthplace;
- (C)    Address; and
- (D)    Statement that petition is denied and reasons for said denial.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.130      Appeals.**

Parties aggrieved by a decision of the Court pursuant to this Chapter may appeal the Tribal Court's decision to the Appeals Court of the Tribe.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

**7-09.140      Repealer.**

Ordinance No. 41 is hereby repealed.

[History] Ord. 188 (11/10/03).

**7-09.150      Severability.**

Provisions of this Chapter are severable. A judicial declaration of invalidity of a portion of this Chapter does not affect the remainder of the Chapter or its applicability.

[History] Ord. 188 (11/10/03); Ord. 41 (6/7/77).

1  
2  
3  
4 **SWINOMISH TRIBAL COURT**  
5 **THE SWINOMISH TRIBAL COMMUNITY**  
6  
7

8 In the matter of:  
9 NAME CHANGE for:

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 (DOB \_\_\_\_\_)  
15 \_\_\_\_\_

Case No.

PETITION FOR CHANGE OF NAME

16  
17 **COMES NOW,** \_\_\_\_\_, petitioning the Court for an Order  
18  
19 changing the name of \_\_\_\_\_ to \_\_\_\_\_  
20  
21 \_\_\_\_\_, pursuant to Ordinance # 41 of Title 9, Swinomish Domestic Relations Code, and  
22  
23 respectfully shows the Court that:

24  
25  
26  
27  
28 I.

29  
30 \_\_\_\_\_ is a Swinomish Tribal Member, residing at  
31  
32 \_\_\_\_\_, and is a citizen of the United States of  
33  
34 America.

35  
36  
37  
38  
39 II.

40  
41 Petitioner's current physical and mailing address is: \_\_\_\_\_  
42  
43 \_\_\_\_\_  
44  
45  
46  
47

III.

\_\_\_\_\_ was born on \_\_\_\_\_,  
in \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, the natural  
mother being \_\_\_\_\_ and the natural father being \_\_\_\_\_  
\_\_\_\_\_.

[ ] The natural parents were married to each other at the time \_\_\_\_\_ was born.

IV.

This Petition is not made to avoid creditors or for any illegal or fraudulent purpose, but for the  
bona fide purpose of name change on birth certificate only.

I am the petitioner in the above-named action. I have read the petition and know the contents  
there of, and believe the same to be true.

**DATED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(Please print petitioner's name.)

\_\_\_\_\_  
(Please sign petitioner's name.)

SUBSCRIBED and SWORN to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20  
\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or  
CLERK OF THE SWINOMISH TRIBAL COURT  
NOTARY PUBLIC for the State of \_\_\_\_\_  
My Commission expires \_\_\_\_\_

|       |                        |
|-------|------------------------|
|       | Petitioner / Plaintiff |
| v.    |                        |
| <hr/> |                        |
|       | Respondent / Defendant |

SWORN AFFIDAVIT

The best of my knowledge: \_\_\_\_\_

I swear the above statements to be true and correct to the best of my knowledge.

Signature of Affiant

Signature of Court Clerk / Notary Public  
 [ ] Notary Public in and for the state of \_\_\_\_\_  
 My commission expires \_\_\_\_\_

**SWINOMISH TRIBAL COURT  
THE SWINOMISH TRIBAL COMMUNITY**

In the matter of:  
NAME CHANGE for:

Case No. \_\_\_\_\_

**ORDER FOR CHANGE OF NAME**

(DOB \_\_\_\_\_)

**THIS MATTER**, coming on regularly for hearing in open Court on the petition of \_\_\_\_\_  
\_\_\_\_\_, and the petitioner appearing in person, and the Court having heard the testimony of  
the petitioner and considered the records and file herein; and finding that the petition is not made to avoid  
creditors nor for any illegal purpose but for a bona fide purpose and the Court being fully advised, it is  
hereby

ORDERED, ADJUDGED AND DECREED, that the name of \_\_\_\_\_  
Is hereby changed to \_\_\_\_\_ for all intents and purposes.

DONE IN OPEN COURT this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Swinomish Tribal Judge

Presented by:

\_\_\_\_\_  
Pro Se