

SCREENING MANUAL §34(A)(2): NAME CHANGE

WHAT TO PROVIDE:

Minor

1. Name Change Cover Letter
2. Name Change Packet w/copy of the law
 - Application to Change Name of Minor [Form 21.2] w/ JE on reverse
 - Consents [Form 21.4]
 - Notice of Hearing on Name Change which must be published [Form 21.5]
 - Judgment Entry granting Name Change for Child [Form 21.3]
3. Make sure consents are in this packet
4. Poverty Affidavit
5. Grievance form

r11/2000

SOUTHEASTERN OHIO LEGAL SERVICES

Michael F. Harrington
Managing Attorney

**332 West High Avenue
New Philadelphia, Ohio 44663-2821
(330) 339-3998
1-800-686-3670 (clients only)
Fax: (330) 339-6672**

Staff Attorneys:
Amy B. Cleary
Judith E. Dzigiel

Dear Applicant:

We have reviewed your application for legal services regarding a name change for a minor child. We must inform you that we will be unable to provide any other service than the information enclosed.

To change the name of a minor, the child must have resided in the county in which are filing the application in the state of Ohio for at least one year. You must also have the consent of all parents or be able to prove that the change in name is in the child's best interests. You should follow the instructions with the enclosed do-it-yourself [pro se] packet.

Sending you this information and pro se packet is the only service we will be able to provide to you in this matter; as such, we shall be closing your application for services. If you disagree with this decision or any action of this Program, you may use the enclosed Grievance Form. If you have any questions, do not hesitate to contact us again. Good luck and best wishes.

Very truly yours,

**SOUTHEASTERN OHIO
LEGAL SERVICES PROGRAM**

Managing Attorney

Enclosures

§ 2717.01

2000 Ohio Revised Code

Title 27: General Court Provisions and Remedies

Chapter 2717: Name Change

Section 01

Effective Date: 12/17/1986

§2717.01

Effective Date: 12-17-1986

(A) A person desiring a change of name may file an application in the probate court of the county in which the person resides. The application shall set forth that the applicant has been a bona fide resident of that county for at least one year prior to the filing of the application, the cause for which the change of name is sought, and the requested new name.

Notice of the application shall be given once by publication in a newspaper of general circulation in the county at least thirty days before the hearing on the application. The notice shall set forth the court in which the application was filed, the case number, and the date and time of the hearing.

Upon proof that proper notice was given and that the facts set forth in the application show reasonable and proper cause for changing the name of the applicant, the court may order the change of name.

(B) An application for change of name may be made on behalf of a minor by either of the minor's parents, a legal guardian, or a guardian ad litem. When application is made on behalf of a minor, in addition to the notice and proof required pursuant to division (A) of this section, the consent of both living, legal parents of the minor shall be filed, or notice of the hearing shall be given to the parent or parents not consenting by certified mail, return receipt requested. If there is no known father of the minor, the notice shall be given to the person who the mother of the minor alleges to be the father. If no father is so alleged, or if either parent or the address of either parent is unknown, notice pursuant to division (A) of this section shall be sufficient as to the father or parent.

Any additional notice required by this division may be waived in writing by any person entitled to the notice.

© Lawriter Corporation. All rights reserved.

The Casemaker™ Online database is a compilation exclusively owned by Lawriter Corporation. The database is provided for use under the terms, notices and conditions as expressly stated under the online end user license agreement to which all users assent in order to access the database.

PLEASE READ BEFORE COMPLETING FORMS
PRINT OR TYPE THE FORMS

ONLY USE THESE FORMS
IF YOU ARE TRYING TO CHANGE THE NAME OF A CHILD

INSTRUCTIONS FOR APPLICATION FOR CHANGING NAME OF A MINOR

Attached are the forms you need to apply to the Probate Court in which your minor child has lived for over a year to have your minor child's name changed. These instructions are intended to be a general guide to help you fill out the forms, file them with the Court, and get your request properly before the Judge. **Note: If the child is not yet a year old, you cannot use these forms until the child is over a year AND has lived in one county in Ohio for over a year.** These instructions are not intended to be a legal analysis of your request or whether the Court will grant your request. They are merely to assist you in preparing your application. We will not be representing you in Court.

The forms you will need are included:

1. Application for Change of Name of a minor Pursuant to ORC §2717.011 [form #21.2] with Journal Entry Setting Hearing and Ordering Notice on reverse
2. Consent of living parents [form 21.4]
3. Notice of Hearing on Name Change which must be published [form #21.5]
4. Poverty Affidavit to waive prepayment of costs
5. Judgment Entry granting Name Change for Minor [form #21.3]

Fill out the forms according to the following instructions. Take them to the Clerk of the Probate Court. You must file your application in the Probate Court in county in Ohio in which your minor child has been living for over a year.

INSTRUCTIONS FOR COMPLETING APPLICATION TO CHANGE NAME OF MINOR

The forms are very self-explanatory and easy to complete. basic. There are 5 Steps.

STEP 1—Filling out the Paperwork

•**Completing the Application** You must file an application to have your child's name changed. This is form 21.2.
To do so:

1. Fill in the name of the county in which you are filing this application.
2. Fill in your child's present name and the name you want it to be
3. Check the box about your relationship to the child and the county name

4. Complete the name and address of the mother and father
5. If the address of either parent is unknown, check that block
6. If you do not know the father, check that block
7. Fill in what you want the child's name to be and Why
8. Sign and put your address

The clerk will get the court to sign and to complete the Journal Entry Setting the Hearing.

Please note that by signing the name change application you are telling the court that you will make sure that a notice of your application is published at least 30 days before your hearing in the paper in the Ohio town or area in which you have lived for over 1 year. You must pay for the costs of publication.

•CONSENTS

It may be difficult to get your child's name changed without the consent of the other living parent. You should try to talk to the parent before filing the papers. If the other parent disagrees, you will have to prove that it is in the child's best interests to have his or her name changed. If you are the parent bringing the action, you must also sign a consent before a notary or before the clerk.

If the parent consents, have them sign the form in **front of a notary**. If not, you will have to have the parent served with notice of the hearing by certified mail.

•Completing the Notice Of Hearing on Change of Name

When you file your application, you must also have completed most of the Notice of Hearing on Change of Name. Fill in your child's old name and the proposed new name for your child. The Probate Clerk will fill in the rest of the information.

STEP 2–FILING THE PAPERS WITH THE COURT

Make at least 2 copies of the papers that you have completed. Take the original and the 2 copies to the Probate Court Clerk in the County in which you have been residing for the last year. Take your Poverty Affidavit too. This form will let you file your Application without the pre-payment of cost. **YOU WILL BE RESPONSIBLE FOR THE COSTS OF PUBLISHING THE NOTICE OF HEARING and you will have to pay the court costs eventually.**

Make sure you have completed and take with you to file:

1. Signed Application with Journal Entry on reverse
2. Your consent if you are a parent
3. Other parent's Consent if obtained
4. Poverty Affidavit
5. Notice to be published

Tell the Clerk you want to file a Name Change for an Minor. The Clerk will take your

papers and process them. This will include getting the Judge's signature and getting a hearing date. After Clerk has filed your application, make sure you get time-stamped copies. The Clerk will put in the hearing date on the NOTICE. This will be your only notice of your hearing.

You should get back from the Clerk:

1. A copy of your application with Journal Entry on reverse
2. Notice to be taken to newspaper

IF THE CLERK REFUSES TO TAKE YOUR APPLICATION FOR NAME CHANGE,
PLEASE CONTACT US IMMEDIATELY.

STEP 3—BEFORE THE HEARING

You must serve the other parent who has not consented with notice of the hearing. You must do this by certified mail. Be prepared to have proof for the court that you did this.

Take the Notice of Hearing you got back from the Clerk to your local newspaper of general circulation. Tell them that you need the notice published **1 time** and that you need an **Affidavit of Publication after it is published**. Tell them that you need it published before the date of your hearing. You will be responsible for the costs of this publication. You will not get your Affidavit until you have paid the costs for putting it in the paper. Without the Affidavit, you will not get your name changed. You may want to consider putting off a court name change until you save the money that you need.

NOTE: YOU MUST PUBLISH THIS NOTICE AT LEAST 30 DAYS BEFORE YOUR HEARING. IF YOU DO NOT, YOUR NAME CHANGE CANNOT BE GRANTED.

•Completing the Judgment Entry Granting Name Change

When you go to your final hearing, you must have with you a completed Judgment entry. Leave the date blank.

Put in your child's full name at birth, your child's birth date, and your child's place of birth at the places indicated. Put your old name again, and then what you want your new name to be. At the hearing, the Judge will sign it and make sure the clerk gives you a certified copy.

STEP 4—THE HEARING AND AFTER

It is very important that you go to your hearing on time. Get to the courthouse early and check in with the Probate Clerk. On the date set for hearing, take your completed Judgment Entry changing your name, and your Affidavit of Publication. When your case is called, tell the Judge that you have your Affidavit of Publication and wish to make it a part of your case.

The Judge may swear you in and ask you why you want your child's name changed. If the other parent does not show for the hearing, you should explain to the Judge why it is in the child's best interest to have a new name. Tell the Judge your reasons for wanting a different or new name for your child. If you want a name change to prevent a non-custodial parent from having meaningful contact with your child, the court will probably deny your request. If you have any witnesses why it would be better for the child to have the new name rather than the old one, you should bring them to court with you and ask them questions.

The Ohio Supreme Court has recently outlined the factors in determining whether a change of a minor's surname is in the best interest of the child. You may want to tell the court to look at the case *In re Willhite* (1999), 85 Ohio St.3d 28. **You should try to touch on each of the factors when presenting your case why your child's name should be changed. There is no guarantee that the Court will grant your request to change the name of your child if the other parent disagrees.** Those factors are:

1. the effect of the change on the preservation and development of the child's relationship with each parent
2. the identification of the child as part of a family unit
3. the length of time that the child has used a surname
4. the preference of the child if the child is of sufficient maturity to express a meaningful preference
5. whether the child's surname is different from the surname of the child's residential parent
6. the embarrassment, discomfort, or inconvenience that may result when a child bears a surname different from the residential parent's
7. parental failure to maintain contact with an support of the child
8. And any other factor relevant to the child's best interests

It is your burden to present the testimony needed to try to convince the Court it is in the child's best interests to have his/her name changed. The Court cannot help you present your evidence to meet your burden.

If the Judge grants your request, she or he will sign the Judgment Entry that you brought with you. Your child's name is now changed! If the Court does not grant the request, you have 30 days from the date the Judge signs the order to file an appeal.

AFTER THE HEARING

If the Judge grants your request to change the name of your child, get the Probate Clerk to certify you as many copies of your child's name change Entry as you need. There may be some costs for this. You will want to notify all agencies which should know of your new name. This may include Social Security Administration, your employer, the IRS, the post office, Child Support, Department of Job and Family Services, etc. It is your responsibility to let them know your child has a new name!

GOOD LUCK! REMEMBER OUR OFFICE WILL NOT REPRESENT YOU, THIS IS ONLY TO HELP YOU REPRESENT YOURSELF.

PROBATE COURT OF _____ COUNTY, OHIO

IN RE: CHANGE OF NAME OF _____
(Present Name)

To _____
(Name Requested)

Case No. _____

APPLICATION FOR CHANGE OF NAME OF MINOR
[R.C. 2717.01]

The applicant states that the applicant is the parent legal guardian guardian ad litem of the minor and that the minor has been a bona fide resident of _____ County, Ohio, for at least one year immediately prior to the filing of this application. A certified copy of the minor's birth certificate is attached.

The applicant states that the name and address of the mother of the minor is:

Name

Address

City State Zip

and the name and address of the father or alleged father of the minor is:

Name

Address

City State Zip

Applicant states that the address of the mother father or alleged father is unknown and cannot with reasonable diligence be ascertained.

There is no person alleged to be the father of said minor.

The applicant requests a change of name of the minor from _____
to _____

for the following reason: _____

PROBATE COURT OF _____ COUNTY, OHIO

IN RE: CHANGE OF NAME OF _____
(Present Name)

To _____
(Name Requested)

Case No. _____

CONSENT TO CHANGE OF NAME

The undersigned _____

[check one of the following 3 capacities by which your consent is given]

- Mother
- Father
- Alleged Father

hereby waives notice of the hearing on the Application for Change of Name and consents to the change of name of

to _____

as proposed in the Application.

Sworn to before me and signed in my presence this _____ day of _____, _____

Deputy Clerk/Notary Public

PROBATE COURT OF _____ COUNTY, OHIO

IN RE: CHANGE OF NAME OF _____

To _____ (Present Name)

(Name Requested)

Case No. _____

NOTICE OF HEARING ON CHANGE OF NAME

Applicant hereby gives notice to all interested persons and to _____ that
necessary person whose address is unknown

the applicant has filed an Application for Change of Name in the Probate Court of _____

County, Ohio, requesting the change of name of _____

to _____

The hearing on the application will be held on the _____ day of _____,

at _____ o'clock _____m. in the Probate Court of _____, County, located at

Applicant's Signature

Typed or Printed Name

Address

City State Zip

to Publisher: The above legal notice including the caption is to be published once in its entirety. Costs are to be paid by applicant
Affidavit of Publication is to be furnished to applicant.

PROBATE COURT OF _____ COUNTY, OHIO

IN RE: CHANGE OF NAME OF _____

(Present Name)

To _____

(Name Requested)

Case No. _____

JUDGMENT ENTRY - CHANGE OF NAME OF MINOR

On _____ an application for change of name was heard by this Court. The Court finds that proper notice of the application and hearing date was given by one publication in a newspaper of general circulation in this county at least thirty days prior to the hearing on the application and proper notice was given to the legal parents, known father, or alleged father, as required by law. The Court further finds that reasonable and proper cause exists for changing the name and the name change is in the best interest of the minor.

The Court finds the minor's complete name at birth was _____, the minor's date of birth was _____, and the place of birth was _____

City _____ County _____ State _____

Therefore, it is ORDERED the name of _____ be changed to _____

Probate Judge

CERTIFICATION OF JUDGMENT ENTRY

The above Judgment Entry - Change of Name of Minor is a true copy of the original kept by me as custodian of the records of this Court.

Probate Judge/Clerk

By _____
Deputy Clerk

Date

IN THE PROBATE COURT OF _____ COUNTY, OHIO

IN THE CHANGE OF NAME
FROM _____
TO _____

Case No. _____

AFFIDAVIT OF INABILITY TO PAY

STATE OF OHIO
COUNTY OF _____

SS

I, _____, being duly sworn and cautioned, state that I am the Applicant in the above name change action, and that I do not have funds or assets with which to pre-pay the costs of the filing the application. If sufficient funds do become available to me in the future, I will pay the costs at that time.

Signature

Sworn to and subscribed before me, a Notary Public, this _____ day of _____

Notary Public
My Commission Expires:

IN THE PROBATE COURT OF _____ COUNTY, OHIO

IN THE CHANGE OF NAME
FROM _____
TO _____

Case No. _____

Judge _____

Judgment Entry

Upon Applicant's Affidavit, and for good cause shown, it is hereby **ORDERED** that the attached Application for Name Change be accepted without prepayment of costs.

JUDGE