



MINOR NAME CHANGE PACKET

Judge James W. Peters

Monroe County Court Of Common Pleas

Probate Division

101 North Main Street - Suite 39

Woodsfield, Ohio 43793

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All forms in this packet can be filled in and printed online at:

http://www.probatect.org/ohioprobatecourts/ohio_courts_standardforms.html

NAME CHANGE - MINOR

GENERAL INFORMATION

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 the 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.

The forms you will need are included with this packet and as follows:

1. Application for Change of Name of a Minor Pursuant to ORC §2717.01/Journal Entry Setting Hearing and Ordering Notice [form 21.2]
2. Affidavit of Inability to Pay (to waive prepayment of costs)
3. Judgment Entry (granting filing without prepayment of costs)
4. Consent to Change of Name (of living parents) - there are two of these, one for each parent [form 21.4]
5. Notice of Hearing on Name Change - which must be published [form 21.5]
6. Judgment Entry - Change of Name of Minor (granting name change) [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 the county in Ohio in which your minor child has been living for over a year.

INSTRUCTIONS

There are 4 steps to completing these forms.

STEP 1-Filling out the Paperwork

A. Application for Change of Name of Minor [form 21.2]

1. Fill in the blanks
2. Leave Case No. blank

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.

B. Affidavit of Inability to Pay

This form will let you file your Application without the pre-payment of costs. Fill in the county, the old name, and the proposed new name. **Your signature on this document must be notarized.**

C. Consent to Change of Name [form 21.4]

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 other 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.

1. Fill in the blanks
2. **This form must be signed in front of a notary**

D. Notice Of Hearing on Change of Name [form 21.5]

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. The Probate Clerk will fill in the rest of the information.

E. Judgment Entry - Change of Name of Minor [form 21.3]

This form needs to be taken to the hearing. Fill in your child's old name and the proposed new name. The Court will fill in the rest of the information.

F. Judgment Entry (granting Affidavit of Indigency)

____ Fill in the county, the old name, and the proposed new name.

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 the minor child has

been residing for the last year. Take your Poverty Affidavit also. 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.**

Tell the Clerk you want to file a Name Change for a Minor. The Clerk will take your papers and process them. This will include getting the Judge's signature and getting a hearing date. After the 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 the Journal Entry
2. Notice to be taken to newspaper

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 the 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.

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 and 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 child's 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.

PROBATE COURT OF _____ COUNTY, OHIO
_____, JUDGE

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 Parent 1 of the minor is:

Name

Address

City Zip

and the name and address of Parent 2 or alleged father of the minor is:

Name

Address

City Zip

Applicant states that the address of Parent 1 Parent 2 or alleged father is unknown and cannot with reasonable diligence be ascertained.

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

The applicant states that the person for whom a change of name is being requested

1) _____ has has not been convicted of, pleaded guilty to, or been adjudicated a
Initials delinquent child for identity fraud.

2) _____ has a has no duty to comply with R.C. 2950.04 or R.C. 2950.041 because the
Initials applicant was convicted of, pled guilty to, or was adjudicated a delinquent child for having committed a sexually oriented offense or a child-victim oriented offense.

CASE NO. _____

The applicant requests a change of name of the minor from _____
to _____
for the following reason: _____

The applicant states that the applicant will cause notice of the application to be published once in a newspaper of general circulation in this county at least thirty (30) days before the hearing on this application. In addition, notice will be given by the applicant to any non-consenting parent or alleged parent, whose addresses are known, by certified mail, return receipt requested.

Attorney for Applicant

Applicant's Signature

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip

City State Zip

Telephone Number (include area code)

Telephone Number (include area code)

Attorney Registration No.

JOURNAL ENTRY SETTING HEARING AND ORDERING NOTICE

The Court orders this application set for hearing on the _____ day of _____, at _____ o'clock _____ m. The applicant is ordered to cause notice of the application to be given by one publication in a newspaper of general circulation in this county at least thirty (30) days prior to the hearing date, as well as certified mail service, return receipt requested, if necessary, as required by law.

Probate Judge

By: _____
Deputy Clerk

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 parent, or alleged parent, 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

PROBATE COURT OF _____ COUNTY, OHIO

IN RE: CHANGE OF NAME OF _____

TO _____ (Present Name)

CASE NO. _____ (Name Requested)

CONSENT TO CHANGE OF NAME

The undersigned _____

[check one of the following 2 capacities by which your consent is given]

- Parent
- 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 _____, 20_____.

Deputy Clerk/Notary Public

PROBATE COURT OF _____ COUNTY, OHIO
_____, JUDGE

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

_____ (Name Requested)

Case No. _____

NOTICE OF HEARING ON CHANGE OF NAME
[R.C. 2717.01]

Applicant hereby gives notice to all interested persons and to _____
(Necessary person whose address is unknown)
whose last known address is _____

that 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 _____, 20____,
at _____ o'clock ____ M. in the Probate Court of _____, County, located at _____

Applicant's Signature

Typed or Printed Name

Address

City State Zip

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

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

2717.01 Application to change name of person - notice.

(A)

(1) 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. The application shall require the applicant to state whether the applicant has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for identity fraud or has a duty to comply with section 2950.04 or 2950.041 of the Revised Code because the applicant was convicted of, pleaded guilty to, or was adjudicated a delinquent child for having committed a sexually oriented offense or a child-victim oriented offense.

(2) Except as provided in division (A)(4) of this section, 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.

(3) Except as provided by division (C) of this section, upon proof that proper notice was given or that notice was waived under division (A)(4) of this section and proof 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.

(4) If an applicant for a change of name submits to the court, along with the application described in division (A)(1) of this section, satisfactory proof that the publication of the notice under division (A)(2) of this section would jeopardize the applicant's personal safety, both of the following apply:

(a) The court shall waive the notice requirement.

(b) If the court orders the change of name under division (A)(3) of this section, the court shall order the records of the change of name proceeding to be sealed and to be opened only by order of the court for good cause shown or at the request of the applicant for any reason.

(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.

(C)

(1) The court shall not order a change of name under division (A) of this section if the person applying for a change of name or for whom the application for a change of name is made has a duty to comply with section 2950.04 or 2950.041 of the Revised Code because the applicant or the person on whose behalf the application for a change of name is made was convicted of, pleaded guilty to, or was adjudicated a

delinquent child for having committed a sexually oriented offense or a child-victim oriented offense.

(2) The court shall not order a change of name under division (A) of this section if the person applying for a change of name or for whom the application for a change of name is made has pleaded guilty to, been convicted of, or been adjudicated a delinquent child for committing a violation of section 2913.49 of the Revised Code unless the guilty plea, conviction, or adjudication has been reversed on appeal.

(3) As used in this division, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

Amended by 129th General Assembly File No. 178, SB 160, §1, eff. 3/22/2013.

Amended by 129th General Assembly File No. 29, HB 86, §1, eff. 9/30/2011.

Effective Date: 12-17-1986