

## INSTRUCTIONS FOR CHANGE OF NAME OF A MINOR

These instructions are a guideline only and should not be considered legal advice. Applicants are encouraged to seek legal counsel as complex issues may arise, including, but not limited to, paternity, unknown address for a parent, and custody matters.

The Clermont County Probate Court has the authority to legally change the name of a minor. An application may only be filed if the minor has been a resident of Clermont County for at least one year prior to the filing of an Application for Change of Name of Minor. A child less than one year of age is not eligible for a minor name change.

An application for change of a minor may only be submitted by a (1) parent, (2) legal guardian, or (3) guardian ad litem. A legal custodian may apply with the Court to be appointed a guardian ad litem for the purpose of filing an Application for Change of Name of Minor. An Application to Appoint Guardian Ad Litem for the Purpose of Change of Name of a Minor (Form 21.22) may be obtained and filed with the Court for a \$25 fee.

A certified copy of the minor's birth certificate is required at the time of the initial filing. (PLEASE CHECK WITH THE HEALTH DEPARTMENT FOR AN UPDATED BIRTH RECORD).

Complete all documents by filling in the applicable blanks except the Case No., hearing dates, and Judge's signature and certification.

Current filing fees are \$100. Applicants must pay this fee in cash, check, money order, or certified check. Checks or money orders will be payable to the Clermont County Treasurer. The Clermont County Probate Court does not accept credit or debit cards.

Important Information about Publication: Ohio law requires that notice of the application, and hearing on application, shall be given once by publication in a newspaper of general circulation in the County at least thirty (30) days before the hearing on the application. THE NOTICE OF HEARING ON CHANGE OF NAME is for this purpose. The Applicant is responsible for ensuring publication. The Clermont Sun is the designated newspaper for publication of notice. The Applicant is responsible for cost of publication. The Clermont Sun will provide proof of publication to the Court.

If publication is not completed at least thirty (30) days prior to the hearing, the name change cannot be granted and re-publication will be required.

Applicants are required to apply in person and may obtain the forms from the Court at 2379 Clermont Center Drive Batavia, Ohio or by downloading the forms from the website <https://probatejuvenile.clermontcountyohio.gov/>.

## PROCEDURAL STEPS FOR FILING

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| <p><b>STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING</b></p>  |   |
| <p><b>Application for Change of Name of Minor (Form 21.2)</b><br/>Please state the minor’s full, current legal name (first, middle, last) and full name requested after the change of name (first, middle, last). The name and addresses of both parents must be listed on the application. The name of the parent on the application should match the name listed on the birth certificate. If the name of the father is not listed on the birth certificate and the identity of the father is known, his name and address (if known) should be listed and the box marked “alleged father”. If the name of the father is unknown, please mark the box, “There is no person alleged to be the father of said minor”. The Applicant shall initial and mark as appropriate the boxes labeled 1) and 2). The Applicant shall again state the full current legal name (first, middle, last) and the proposed name change (first, middle, last) and the reason for the name change. The Applicant shall provide to the Court the Order Establishing Paternity, if applicable.</p> | <p>At the time of initial filing</p>  |
| <p><b>Consent to Change of Name (Form 21.4)</b><br/>The Court encourages Applicants to get parental consent to the name change prior to the hearing. Each parent (even if the Applicant is a parent) should complete and have notarized a “Consent to Change of Name” and present to the Court for filing.</p>   | <p>At the time of initial filing or prior to hearing</p>                      |
| <p><b>Notice to Parent (Form 21.21)</b><br/>If a parent does not execute a Consent to Change of Name, the Applicant shall complete this form. The original of this Notice shall be served on the non-consenting parent by certified mail, returned receipt requested, not later than seven days prior to the hearing. If the certified mail is returned to the Applicant marked “unclaimed” or “refused”, the Applicant must serve the non-consenting parent by ordinary mail at least seven days prior to the hearing. The duplicate Notice to Parent shall be filed with the Court and shall have the return receipt attached. If the Notice was sent by ordinary United States mail, the envelope showing that the notice was returned “unclaimed” or “refused” must be attached.</p>   | <p>Issued at the time of initial filing and returned prior to the hearing</p> |
| <p><b>Notice of Hearing on the Change of Name (Form 21. 5)</b><br/>The Deputy Clerk will provide the Applicant with the hearing date to add to this form. The Applicant shall take this form to <u>The Clermont Sun</u> for publication. The Applicant will be responsible for the cost of publication. <u>The Clermont Sun</u> will provide proof of publication to the Court. If the publication is not completed at least thirty (30) days prior to the haring, the name change cannot be granted and re-publication will be required.</p>  | <p>At the time of initial filing</p>  |
| <p><b>Authorization for Release of Minor Information (Form 272.00)</b><br/>The Applicant shall list the minor’s identifying information and sign Form 272.00 authorizing the Court to conduct a background check on the minor. The Court will complete a background check prior to the hearing.</p>  | <p>At the time of initial filing</p>  |
| <p><b>Judgment Entry Setting Hearing and Ordering Notice (Form 21.11)</b><br/>The Deputy Clerk shall set the hearing date and enter it on this form.</p>   | <p>At time of initial filing</p>  |

## **STEP 2: FILING OF FORMS WITH DEPUTY CLERK**

Applicants must apply in person. Please present to the Deputy Clerk's desk the completed forms. The Deputy Clerk will review the forms for completeness and provide instruction for publication. The Deputy Clerk will assign a case number and set the application for hearing at least thirty days from the date of application.

## **STEP 3: SERVICE OF NOTICE**

The Applicant is responsible for providing The Clermont Sun with the Notice of Hearing on Change of Name. The Applicant is responsible for any cost associated with the publication. The publication must occur thirty days prior to the hearing.

The Applicant is responsible for ensuring service of Notice of the Hearing. Prior to the hearing, the Applicant must complete and present to the Court for filing an Affidavit in Proof of Service (Form 200.10) and either attach a copy of the Notice to Parent with the return receipt, evidencing delivery by certified mail; or mark service by ordinary mail with the original envelope marked unclaimed or refused attached. Should the Post Office return the certified or ordinary mail stating that it was unable to forward, address, unknown, unable to deliver, or other statement of failure of delivery, an Applicant will file an Affidavit For Unknown Address of Parent (Form 116.40). The Applicant must exercise due diligence in attempting to locate a valid address for the parent by contacting friends, relatives, employers, associates of the parent and by searching the internet, court data bases, phone books, or other indexes. The affidavit should be filed as soon as practicable before the hearing. The Court will then determine if the Applicant has provided sufficient notice to the parent.

## **STEP 4: THE HEARING – WHAT TO EXPECT**

### **A HEARING CANNOT GO FORWARD WITHOUT EITHER SERVICE OR CONSENT**

On the date of the hearing, the minor (7 years old and older) and the Applicant shall appear before the Magistrate. The Applicant will provide to the Deputy Clerk, if not already provided, proof of service on the non-consenting parent or an affidavit for the unknown address of the parent.

Uncontested Hearing – The Magistrate will ask the Applicant and the minor, if of suitable age, questions regarding the application and will decide whether or not the name change should be granted.

Contested Hearing – The Magistrate will conduct a hearing and will permit the parties to provide testimony and any exhibits. The Magistrate will issue a Decision. The Judge will review the Decision and issue a Judgment Entry no sooner than 14 days after the filing of the Magistrate's Decision.

## **STEP 5: FINAL JUDGMENT GRANTING NAME CHANGE**

The Court will issue a final judgment granting the name change. The Entry is proof that the Applicant has legally changed the minor's name. If you require certified copies of the Judgment Entry for social security, school, or other purposes, the Deputy Clerk will make the copies of the entry and certify the copies at a nominal cost.

You must send certified copies of the Judgment Entry to the Bureau of Vital Statistics of the State that maintains the birth record. For Ohio births, the certified copy of Judgment Entry along with the fee should be mailed to: Bureau of Vital Statistics 246 North High Street P.O. Box 15098 Columbus, Ohio 43215-0098. (Contact Vital Statistics at (614) 466-2531 for the current cost.)