

PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, JUDGE

MINOR NAME CHANGE
FREQUENTLY ASKED QUESTIONS

1. Q. How do I prove my residency?

A. The parent/applicant must be a resident of Franklin County for at least one year at the time of the filing. The applicant must show a valid picture I.D. with a current address. If the picture I.D. does not have a current address, forms must be provided that prove residency such as: A lease, rental agreement, bill of sale for purchasing a home or condo, utility bill, or any other form of information that will prove residency in Franklin County at least one year continuously.

2. Q. How much does it cost to change a Minor's name?

A. The cost to file a Name Change Application in the Probate Court is \$128.00 plus the cost of publication (\$30.00 through the Daily Reporter and \$50.00 through The Columbus Dispatch). Costs are to be paid by credit or debit card (online only). If you apply in person you may pay by cash or money order, personal checks are not accepted.

3. Q. Why does the Name Change have to be published in the newspaper?

A. This is a requirement of Ohio law.

4. Q. Who can file for a minor name change?

A. An application can be filed for a minor by either of the minor's parents, legal guardian, or guardian ad litem.

5. Q. Why do I have to give notice to the other parent about the filing and hearing date?

A. The law says that the consent of both living, legal parents of the minor shall be filed. Consent can be given on (Form PC-NC-21.4) located within the name change packet. A non-consenting parent must be notified of the hearing by certified mail through the United States Postal Service, "USPS". The certified mail green card with signature must be brought to the hearing or filed prior to the hearing to show notification of the hearing was received by the non-consenting parent. If the mail is unclaimed or not signed for, the applicant must bring in the whole envelope with the green card still attached. If the notice is returned unclaimed, then regular mail through the USPS must be sent by the applicant to the non-consenting parent and the applicant must bring proof from the USPS of regular mail sent.

6. Q. What if I do not know where my child's other parent is?

A. The law requires that you prove to the court that you made reasonable efforts to find the other parent. The court will require you to testify under oath regarding the efforts you made to find the other parent. If valid notice is not given to the other parent and the name change is approved it is subject to reversal at a future date.

7. Q. What if I do not know who my child's father is?

A. If a father's name is not on the Birth Certificate and he has not been legally determined to be the father then his consent is not required.

- 8. Q. What if I am a victim of domestic violence and I do not want my abuser to find out where my child and I live?**
- A. You should seek the advice of an attorney before filing anything with this court.
- 9. Q. Do I need to get a new Birth Certificate for my child with the new name?**
- A. You must present the certified name change entry (given to you by this court) to the health department vital statistics in the state in which the child was born. In Ohio, the Entry Changing Name from this court does not change the birth certificate; however, the Entry Changing Name does become part of the person's birth record. There is a list of agencies in Ohio you should provide a Certified Copy of your Entry to, the court will provide a list of these agencies to you after the hearing.
- 10. Q. Does changing my child's last name to my spouse's or domestic partner's name work the same as an adoption?**
- A. No.
- 11. Q. I want to change my child's name and the father is not on the birth certificate?**
- A. The Probate Court only has jurisdiction to change your child's name. You may contact the Franklin County Child Support Enforcement Agency or Juvenile Court to obtain information about filing an acknowledgement of paternity.
- 12. Q. I want to change my child's name and there is an incorrect father on the birth certificate.**
- A. The Probate Court can change your child's name. You should contact the Franklin County Juvenile Court and obtain information about filing a Complaint to Establish the Non-Existence of a Father/Child Relationship to get the correct father on the birth certificate. You may be able change the child's last name in that process as well.
- 13. Q. What can I expect at the hearing?**
- A. The magistrate will question the applicant and any witness, if necessary. They will also review the information in the case file before rendering his or her decision. If the name change is for a minor, the magistrate also will determine if both parents have provided consent. If a parent has received notice of a hearing and has not consented to the name change a magistrate will decide, after reviewing all the facts, if the name change is in the minor's best interest and is reasonable and proper. If the application is contested the parties shall come prepared for a trial.
- 14. Q. How long does the name change process take?**
- A. The hearing for the change of name will be set for 60-90 days after the application is filed. Please contact the clerk to verify the current wait time for a hearing.

**PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, JUDGE**

**MINOR NAME CHANGE
APPLICATION INFORMATION**

Please review this packet of documents. The Probate Court clerk is not an attorney and cannot answer questions about your name change. It is required by law that you be a resident of Franklin County for at least one continuous year before you file your packet. If you have not lived in Franklin County for at least one year, your application will be dismissed and your filing fees will not be refunded.

**FILING FEES AND ALL OTHER COSTS SHALL BE PAID
BY CREDIT/DEBIT CARD THROUGH THE e-FILING SYSTEM
OR IN PERSON WITH CASH/MONEY ORDER**

Statute requires publication of the proposed name change and hearing date and time in a newspaper of general circulation in the county. You have two publication options in Franklin County, The Columbus Dispatch which costs \$50.00 or The Daily Reporter at \$30.00. You will be able to make this selection at case initiation through the e-Filing system.

The Court will select the date and time of the hearing. You may choose your preference of a Tuesday morning or Thursday afternoon hearing. Check one of the boxes below:

- Tuesday AM
- Thursday PM

If you are attempting to change the name of a minor, the parents of the minor, including the alleged father, must consent to the name change or receive legal notice of the name change. The parent or alleged father must receive legal notice of the filing of the name change application and the hearing that is scheduled, regardless of the amount of contact with the child or the amount of support paid.

In a minor name change, if a parent does not consent, the applicant must prove by clear and convincing evidence that the name change is in the minor's best interest. This may require witnesses and evidence to be presented at a hearing. If you have any questions as to how to present your case, you should consult with an attorney.

The papers you file must be typed or written in ink and must be legible. Illegible documents will not be accepted for filing. All names and addresses must be complete. Use middle names instead of middle initials. P.O. Boxes are not permitted for the applicant's address. Incorrect spellings or incorrect addresses may result in additional costs to you as well as a delay in the change of name.

**ONCE A NAME CHANGE APPLICATION HAS BEEN FILED,
THERE WILL BE NO REFUNDS OF COURT COSTS ISSUED.**

PROBATE COURT OF FRANKLIN COUNTY, OHIO
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Documentation required prior to Minor Name Change Application hearing:

- Scanned and filed image of birth certificate
 - Proof of parentage from a court or government agency if not on birth certificate
- Scanned and filed image of death certificate of a deceased parent
- Scanned and filed image of applicant's unexpired photo identification (government issued)
- Consent to Change Name of non-applicant parent (form PC-NC-21.4)
 - Or return receipt of certified mail notice
 - Or Affidavit that non-applicant parent cannot be found (form PC-NC-21.2E)
- If you are unable to scan, please bring documentation to court for processing the day of your hearing.

Items you must bring to the hearing:

- Proof of residency for applicant if not included on photo identification

NAME CHANGE STATUTE

[R.C. 2717.01]

- (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 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 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 required. 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 or 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 of 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.

**PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, 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 Franklin 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 State Zip

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

Name

Address

City State Zip

and the name and address of any other parent or alleged parent of the minor is:

Name

Address

City State Zip

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

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

CASE NO. _____

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 delinquent child for identity fraud.
Initials

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

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

The applicant states that there is reasonable and proper cause to change the minor's name, that the change of name is in the minor's best interest and that the change of name is not being done for any improper purpose, including but not limited to:

- 1. Avoid law enforcement authorities;
- 2. Obstruct any person's right of custody or visitation.

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 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 Code

City, State, Zip Code

Telephone Number (include area code)

Telephone Number (include area code)

Attorney's Registration No.

**PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, JUDGE**

IN RE: CHANGE OF NAME OF _____
Present Name

TO _____
Name Requested

CASE NO. _____

**ACKNOWLEDGMENT OF APPLICANT
SANCTIONS FOR FAILURE TO APPEAR AT HEARING**

_____ 1. The undersigned applicant acknowledges that the applicant must appear in probate court for the scheduled hearing, or arrange for a continuance in writing prior to the date and time of the scheduled hearing; and must pay the court cost associated with an entry continuing the hearing.

_____ 2. Applicant acknowledges that if they do not appear at the initial hearing day, and have not arranged for a continuance in writing prior to the date and time of the scheduled hearing, they will have only 30 days to appear and reschedule the hearing; and the applicant must pay the court cost associated with an entry continuing the hearing.

_____ 3. Applicant acknowledges that if the applicant does not appear within 30 days of the last scheduled hearing date, the case will be closed, and a new application must be filed with new publication notice and new payment of court costs.

_____ 4. The applicant states that they can read and write the English language and have all their questions answered by the deputy clerk.

_____ 5. The applicant does not understand the written English language and requests an interpreter to appear at the hearing with them. The interpreter should be able to read and write English and my language of _____ .

Applicant

Date

PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, JUDGE

IN RE: CHANGE OF NAME OF _____
Present Name

TO _____
Name Requested

CASE NO. _____

AFFIDAVIT

STATE OF OHIO, COUNTY OF FRANKLIN, ss:

_____, being first duly sworn according to law, states that:

_____ is the parent or alleged father of
_____ minor, and that said person's
whereabouts is unknown and can not with reasonable diligence be ascertained.

There are no persons alleged to be the father of said minor.

Applicant's Signature

Sworn to and subscribed before me a Notary Public or Deputy Clerk of the Probate Court on this _____ day of
_____, 20 _____.

Notary Public/Deputy Clerk

ATTENTION

The Judge/Magistrate hearing this case will ask you what
you have done to find the above named parent.

PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, JUDGE

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.

Signature

Typed or Printed Name

Sworn to and subscribed before me a Notary Public or Deputy Clerk of the Probate Court on this _____ day of _____, 20 _____.

Notary Public/Deputy Clerk