

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

WHAT TO PROVIDE:

Adult

1. Name Change Cover Letter
2. Name Change Packet w/copy of the law
 - Application to Change Name [Form 21.0] with JE on reverse
 - Notice of Hearing on Name Change which must be published [Form 21.5]
 - Judgment Entry granting Name Change for Adult [Form 21.1]
3. Name Change Letter, with 70 O Jur3d Copy §13
4. Poverty Affidavit
5. Grievance form

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. We must inform you that we will be unable to provide any other service than the information enclosed.

As an adult under Ohio law you do not have to obtain a name change through Court as long as you are not intending to deceive or to defraud and that you have notified your creditors and other such individuals. You may use the enclosed letter, with attachment, for that purpose. And you can simply change your name. If, however, you wish to have a Court obtained name change, follow the instructions with the enclosed do-it-yourself [pro se] packet. You must have lived in the county in which you are filing in Ohio for at least a year.

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

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RE:

To whom it may concern:

We have advised the above individual that under Ohio law, an adult is not required to obtain a name change through Court. We have advised that so long as it is not intended to deceive or to defraud and that notification of creditors and others is made, an individual is entitle to simply make the name change. We have attached some information in this matter for your reference.

Please contact office if you have any questions. Thank you.

Very truly yours,

**SOUTHEASTERN OHIO
LEGAL SERVICES PROGRAM**

Managing Attorney

Attachment

NAMES

L Ed Index to Annotations, Names
57 Am Jur 2d, Name §§ 10-16
18A Am Jur Pl & Pr Forms (Rev), Name, Forms 1-44
13 Am Jur Legal Forms 2d, Name §§ 182:41-182:45

§ 13. Generally

A person may ordinarily change his name at will, without any legal proceedings, merely by adopting another name.⁷³ However, Ohio has enacted a specific statute governing the procedures for effecting a change of name.⁷⁴ These provisions are not usually considered in derogation of the common law but in furtherance of it, since they furnish an additional method of making the change.⁷⁵ Thus, it has been held in Ohio that a person may change his name either by resort to a court proceeding⁷⁶ or by the common-law method of merely adopting a new name or a different spelling of his old name,⁷⁷ so long as he does so in good faith and with no intent to deceive or defraud.⁷⁸ The statutory method, however, offers distinct advantages in that it is speedy,

73. *Pierce v Brushart*, 153 OS 372, 41 O Ops 398, 92 NE2d 4; *Hobday v Sands*, 24 OCC NS 286, 44 OCC 596, distinguishing *Jennings v Wood*, 20 O 261 (wherein the court observed: "This change of the spelling from 'Toser,' as her father spelled it, to 'Tozier,' as she gives it, is not very material—surely is not greater than many very respectable people change the spelling of the paternal name. We find some rather prominent people who spell the name of themselves 'Cooke,' whose father spelled it 'Cook;' 'Smythe,' when the father spelled it 'Smith.' A man, somewhat prominent in the literary world a few years ago, wrote his name 'Henri Browne,' but admitted on the witness stand that in his boyhood days, his name was spelled 'Henry Brown.'"); *Kay v Kay* (CP) 51 O Ops 434, 65 OL Abs 472, 112 NE2d 562.

57 Am Jur 2d, Name § 10.

74. RC § 2717.01, discussed in § 14.

As to change of name on adoption of a minor, see O Jur 3d, FAMILY LAW § 1146.

As to the provision under federal law for a change of name of any person at the time of and as a part of their naturalization as a citizen of the United States, upon petition made and granted by the court, see 8 USCS § 1447(e), discussed in 3 Am Jur 2d, Aliens and Citizens § 154.

75. *Kay v Kay* (CP) 51 O Ops 434, 65 OL Abs 472, 112 NE2d 562.

76. § 14.

77. *Kay v Kay* (CP) 51 O Ops 434, 65 OL Abs 472, 112 NE2d 562.

78. *State ex rel. Krupa v Green* (Cuyahoga Co) 114 O App 497, 19 O Ops 2d 341, 177 NE2d 616.

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Jur 3d

§ 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.

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PLEASE READ BEFORE COMPLETING FORMS
PRINT OR TYPE THE FORMS

**DO NOT USE THESE FORMS
IF YOU ARE TRYING TO CHANGE THE NAME OF A CHILD**

INSTRUCTIONS FOR APPLICATION FOR CHANGING NAME OF AN ADULT

Attached are the forms you need to apply to the Probate Court in which you live to have your name changed. **NOTE: You must have lived in the county in the state of Ohio for at least of year. Do not try to file these papers if you cannot swear that you have lived in the county of filing in Ohio that long.** 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. 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 Adult Pursuant to ORC §2717.011 [form #21.0] With Judgment Entry Setting Hearing and Ordering Notice ON REVERSE
2. Notice of Hearing on Name Change which must be published [form #21.5]
3. Poverty Affidavit to waive prepayment of costs
4. Judgment Entry granting Name Change for Adult [form #21.1]

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 you have been living for over a year.

INSTRUCTIONS FOR COMPLETING APPLICATION TO CHANGE NAME OF ADULT

The forms are very easy to complete and are self-explanatory. There are 4 Steps.

STEP 1–Filling out the Paperwork

- Completing the Application** You must file an application to have your name changed by a court. This is form 21.0. To do so:
1. Fill in the name of the county where you are filing this application.
 2. Fill in your present name and the name you want
 3. THE CLERK WILL PUT IN CASE NUMBER
 4. Fill in the name of your county again as well as the name you want

5. Put the reason why you want a name change
6. Sign your name and put your address and phone number

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.

•**Completing the Judgment Entry Setting the Hearing and Ordering Notice**

The clerk will complete the reverse of your application. The clerk will get the Judge to sign the order and will fill in the date of the hearing.

•**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 old name and your proposed new name. 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 Judgment Entry on Reverse
2. Poverty Affidavit
3. Notice to be published

Tell the Clerk you want to file a Name Change for an Adult. 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 the Judgment Entry signed on the Reverse
2. Notice to be taken to newspaper

IF THE CLERK REFUSES TO TAKE YOUR APPLICATION FOR NAME CHANGE, PLEASE CONTACT US IMMEDIATELY.
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STEP 3—BEFORE THE HEARING

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 full name at birth, your birth date, and 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 name changed. Tell the Judge your reasons for wanting a different or new name. If the Judge grants your request, she or he will sign the Judgment Entry that you brought with you. Your name is now changed!

AFTER THE HEARING

Get the Probate Clerk to certify you as many copies of your 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, Bureau of Motor Vehicles, etc. It is your responsibility to let them know you have a new name!

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

P:\OFFICE\Pro-se\Name Change2001\adult instructions 2001.wpd

PROBATE COURT OF _____ COUNTY, OHIO

IN RE: CHANGE OF NAME OF _____

To _____ (Present Name)

_____ (Name Requested)

Case No. _____

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

The applicant states that the applicant is an adult and has been a bona fide resident of _____
County, Ohio, for at least one year immediately prior to the filing of this application.

The applicant requests a change of name 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.

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. _____

PROBATE COURT OF _____ COUNTY, OHIO

IN RE: CHANGE OF NAME OF _____

(Present Name)

To _____

(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 ADULT

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. The Court further finds that reasonable and proper cause exists for changing the name. The Court finds that the applicant's complete name at birth was _____, applicant'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 Adult 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 _____
_____ 2000.

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