

# Changing a Child's Name by Court Order

In order to get a court order changing your child's (or children's) name, you have to file a petition in the Superior Court in the county where you live. In San Francisco, you can get and file your petition in the Clerk's Office, Room 103, of the Civic Center Courthouse.

The process is very simple. You will have to file a Petition, get a court date, put a notice in a newspaper about the court date, notify the other parent that you are asking to change your child's name, and go to court. The rest of this handout explains all the steps in more detail.

## What forms do I need?

- *Civil Case Cover Sheet*
- *Petition for change of Name*
- *Name and Information About the Person Whose Name is to Be Changed*
- *Order to Show Cause for change of Name*
- *Proof of Service*
- *Decree Changing Name*

## Fill out the *Petition*

### 1. Fill out the Caption on the *Petition for Change of Name*.

Look at the sample form attached and fill out the top of the blank *Petition* with your information. You are the Petitioner so make sure you write your name where it asks for the Petitioner.

### 2. Fill out the *Petition* and the *Name and Information* form.

Look at the sample form attached to fill out both documents. Although you are the Petitioner, the rest of the information you have to write is about your child. Make sure that where it asks you to write your child's "Present Name" you write it exactly as it appears on his or her birth certificate.

### 3. Sign the form.

Make sure you sign the *Name and Information* form where it asks the Petitioner to sign. If both parents agree and are willing to sign the *Petition*, both can sign this form. See the sample form if you are confused.

## Fill out the *Order to Show Cause*

You must also fill out an *Order to Show Cause* to file with your *Petition*.

1. Fill out the Caption as you did on the Petition.
2. Under Section 1, write in your child's current legal name and his or her proposed new name.

The clerk of the court will fill in the information on the date, time and place of the hearing on your petition. The hearing will be between 4 and 8 weeks after the date you file the petition. This will give you enough time to publish the notice in a newspaper and let the other parent know about this case (if they haven't signed the Petition).

### **Fill out a Civil Case Cover Sheet**

Look at the sample form to make sure you fill out this form correctly.

### **File your Petition with the Clerk**

1. Make 3 copies of the *Petition*, Attachment to the Petition, and the *Order the Show Cause*.
2. Take the *Civil Case Cover Sheet*, and the original plus copies of *the Petition*, *Attachment* and *Order to Show Cause* to the Clerk's Office, Room 103.

The filing fee is \$264.50. If you are low income, or cannot afford this fee, you can apply for a fee waiver. To apply, complete forms C-1 and C-3. Ask the clerk for written instructions or pick them up in the ACCESS Center, Room 208.

3. The clerk in Room 103 will return the *Order to Show Cause* to you with the judge's signature. It will also have a court date, time and room number. Make sure you mark the date on your calendar so you do not forget to come to court.

### **Publish the Order to Show Cause**

1. The *Order to Show Cause* must be published once a week for four weeks in a row, in a newspaper of general circulation. Attached is a list of newspapers you can use. Call around because there may be a big difference in how much each paper charges you.
2. You must get proof of the publication from the newspaper and file this proof with the clerk, room 103.

Check the publication the first week to make sure the information is correct, especially the spelling of the names and the date of the court hearing. If the information is incorrect, it could delay in the process, so you want to fix any mistakes as soon as possible.

### **Let the other parent know about this case**

If your child's other parent has not signed the Petition, you will have to legally let them know that you have asked the court to change your child's name. You must do this at least 30 days before the court hearing.

To do this correctly, you have to have someone 18 or older, not you, hand deliver a copy of the Order to Show Cause and the Petition for Change of Name to the other parent. If the other parent lives outside California, the papers can be mailed (also by someone else) by certified mail, return receipt requested. The person who does this for you must fill out a Proof of Service form and you must make sure to file it with the court before your court hearing.

If you can't find the other parent, you will have to ask the court to give you permission to go ahead with your case without letting the other parent know. You will have to try really hard to find the other parent, and the court will ask you to explain everything you have done to try to find the other parent. If this is your case, go to the ACCESS Center and ask for help. We have a list of things you need to do to find the other parent, and can help you with the forms.

### **Court Hearing on your Petition**

Be on time for the hearing. Bring a copy of the Petition, Order to Show Cause, Proof of Publication in the newspaper, Proof of Service to the other parent, and Decree Changing Name.

After the court grants the petition, the judge will sign the Decree Changing Name.

Take one or more copies of the Decree to the clerk's office, Room 103, to have it certified. Some government agencies will ask you for a certified copy of your Decree before they will accept your child's new name. A fee of \$6.00 is charged for each copy to be certified.

### **File Decree with Secretary of State**

You must file a certified copy of the decree with the Department of Health Services in Sacramento if you want a new birth certificate for your child. There are additional forms you will need which you can get at the Office of Vital Statistics, Department of Public Health, at 101 Grove, in San Francisco.

Fill out sections 1 and 2.

Fill out Section 6.

under 6a, write in 1.

6b, check the box "self"

On the rest of Section 6 on the Petition, telling the court your current name, your proposed new name, date and place of birth, current address, reason for changing your name, and the names of your parents.

1. Fill out the Caption

Check the box "unlimited"

2. Under Section 1, check the last box "Other Petition"

3. under Section 2, check "is not"

4. Under Section 3, check box b.

5. Under Section 4, write it "one"

6. Under Section 5, check "is not"

7. Date, Print your name, and Sign.