

HOW TO CHANGE CHILDREN'S NAMES

Who can ask the court for a name change?

The person asking to change the children's names **MUST**:

- Be at least 18 years old; AND
- Have lived in Illinois for at least 6 months.

The person asking to change children's names **MUST** also have one of the following relationships with the children:

- Be the parent with custody;
- Be a guardian with legal custody; OR
- The children have lived in your home for 3 years and are recognized as your adopted children.

Special note for people who have orders allocating parental responsibilities:

As of January 1, 2016, courts in Illinois no longer award child custody. Instead, the law requires the court to assign "parental responsibilities," including significant decision making responsibilities and parenting time. If your divorce or family case was decided after January 1, 2016, most judges probably will only allow you to bring a name change request if you are a parent who has been given significant decision-making responsibilities.

You **CANNOT** change the name of a child if the child has been convicted of:

- A felony and has not been pardoned or they finished their sentence less than 10 years ago; OR
- Identity theft or aggravated identity theft and has not been pardoned; OR
- Felony or misdemeanor: criminal sexual abuse when the victim at the time is under 18 years of age, sexual exploitation of a child, indecent solicitation of a child, indecent solicitation of an adult, or any other offense that requires the child to register as a sex offender and the child has not been pardoned.

Special note for victims of domestic violence, stalking, sexual assault, or discrimination:

- You can ask the judge to change your children's names without notifying the other parent or publishing the request in a newspaper. If you believe that giving the other parent notice or that publishing notice will put the person whose name would be changed at risk of physical harm or discrimination, you may file a *Motion to Waive Notice & Publication*.
- You do not have to disclose your address if you or a member of your household are at risk of domestic violence, stalking, or sexual assault. You can use an alternative address on these forms.

What forms do I need to fill out to change the children's names?

- Required forms

Request for Name Change (Minor Children): gives the court the children's current and proposed new names. A person who knows you must also sign the form as a witness.

- **Request for Name Change - Child Information:** gives the court the information needed to decide if you can change each child's name. Complete one for each child.
- **Notice of Court Date Request for Name Change (Minor Children):** tells any parents whose parental rights have not been terminated and any person who has physical custody of the children that you are asking to change the children's names. (Do not use if you think publication would put the person whose name would be changed at risk. See "special note for victims" to the left.)
- **Order for Name Change (Minor Children):** is used by the judge to approve or deny your *Request for Name Change (Minor Children)*. Complete one for each child.
- Other forms you may need depending on the facts in your case
 - **Request for Name Change - Additional Children:** use ONLY if you are trying to change the names of more than 4 children. If you are asking to change the names of more than 4 children, give the court the children's current and proposed new names.
 - **Request for Name Change - Additional Parent:** use ONLY if there is more than one other parent or person who is not the parent with physical custody of the children. Do not include yourself. Tells the court each person's name and whether they agree with the name change.
 - **Publication Notice of Court Date for Request for Name Change (Minor Children):** use instead of *Notice of Court Date Request for Name Change (Minor Children)* ONLY if you do not know the location of the parents whose parental rights have not been terminated. Tells the public you are asking the court to change the children's names and is published in a newspaper for 3 weeks. (Do not use if you think publication would put the person whose name would be changed at risk. See "special note for victims" to the left.)
 - **Motion to Waive Notice & Publication:** if you believe that notice or publication would put the person whose name would be changed at risk of physical harm or discrimination, use this INSTEAD OF the *Notice of Court Date Request for Name Change (Minor Children)* and *Publication Notice of Court Date for Request for Name Change (Minor Children)*.
 - **Order on Motion to Waive Notice & Publication:** is used by the judge to say your *Motion to Waive Notice & Publication* is granted or denied.

How do I get my forms notarized?

- To get your forms notarized, you must sign them in front of an official Illinois notary public.
- You may often find a notary public at your local bank, county courthouse, or town/city hall. Some currency exchanges, real estate offices, and law firms offer this service. You may also find an independent notary public by searching online or the phone book yellow pages.
- Call ahead to find out if the location has a notary public and if you need an appointment.
- There may be a small fee for getting your form notarized.
- You must bring your photo I.D. to the notary public. Your I.D. cannot be expired and must show your current address.

What costs will I need to pay to file *Request for Name Change (Minor Children)*?

- There is a fee for filing a *Request for Name Change (Minor Children)* with the Circuit Clerk.
- If you cannot afford to pay the filing fee, you can ask the court to file for free. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

What do I do after I fill out my forms?

Step 1: File the forms with the court where you live.

- Find the courthouse in the county where you live: www.illinoiscourts.gov/circuitcourt/circuitmap/map1.asp
- You must electronically file (e-file) court documents unless you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer, (2) you have a disability that keeps you from e-filing, or (3) you have trouble reading or speaking in English.
 - Fill out a *Certification for Exemption from E-Filing* found here: www.illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your forms, and the *Certification*, with the clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free while others charge a processing fee.
 - For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp

- If you do not have access to a computer, or if you need help e-filing, take your forms to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
 - You can bring your forms on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your forms.

Step 2: Ask for a court date.

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date or you may have to speak with other court staff.
- Ask the person who schedules the court date if you need to bring the children to your court date.
- When you get your court date, complete the *Notice of Court Date Request for Name Change (Minor Children)* if you know the location of the parents whose parental rights have not been terminated.
- If you do not know the location of the parents whose parental rights have not been terminated, complete the *Publication Notice of Court Date for Request for Name Change (Minor Children)*.

Do you know the location of the other parent whose parental rights have not been terminated? If yes, go to Step 3. If no, you must try to locate that person's address by searching on the Internet and calling friends or relatives. If you still cannot find their address, follow Step 4.

You may ask the court to waive the notice or publication requirement if you believe that:

- **giving notice to the other parent, OR**
 - **publishing notice**
- would put the person whose name would be changed at risk of physical harm or discrimination. If this applies, to you skip Step 3 and Step 4 and follow Step 5.**

Step 3: Give notice of the *Request for Name Change (Minor Children)*.

- You must give notice to the following people:
 - The biological parent of the children, unless there is a court order terminating the parent's rights;
 - A person who has legally adopted the children;
 - A person who was married to the biological mother at the time of the children's conception or birth; AND
 - Anyone who has physical custody of the children.
- There are two ways to give notice:
 - Certified Mail addressed to the person to be served and request a return receipt (green card); OR
 - Service of process by sheriff.

- How to give notice by USPS Certified Mail with return receipt (green card).
 - Mail a copy of your forms to each person who will get notice by USPS Certified Mail and return receipt requested (green card).
 - When you receive the return receipt (green card) back, make a copy for yourself, file the original with the Circuit Clerk, and have the Clerk file stamp your copy.
 - If the letter is returned to you as undeliverable, but you know the person's location, you will need to serve your forms by service of process by sheriff. If you do not know the person's location you should go to Step 4.
- How to Serve by Sheriff
 - You have to put the court date on the *Notice*.
 - Staple a *Notice* to the front of the copy of your forms that will go to each person who will get notice.
 - In person or by mail, ask the sheriff in the county where the person to be served lives to serve your *Notice* and your forms.
 - In Person
 - Bring copies of your *Notice* and your forms to the sheriff's office in the county where the person to be served lives.
 - Pay the sheriff's fees for each *Notice* OR give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) to not be charged a fee.
 - By Mail
 - Mail copies of your *Notice* and your forms to the sheriff's office in the county where the person to be served lives.
 - Include the *Letter to the Sheriff* found at: <http://www.illinoiscourts.gov/Forms/approved/>
 - Include a self-addressed and stamped envelope for the sheriff to mail the Affidavit of Service to you.
 - Pay the sheriff's fees for each *Notice* OR mail the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) to not be charged a fee.
 - If the other parent or person who is not the parent with physical custody of the children does NOT live in the same county or state where the case was filed:
 - Get the name, address, and telephone number of the sheriff for the county or the state where the other parent or person who is not the parent with physical custody of the children lives.
 - Call the sheriff in that county or state to find out:
 - If it is the correct sheriff's department for the address where you want the other parent or person who is not the parent with physical custody of the children to be served;
 - The address where you should bring or mail your *Notice* and forms;
 - The number of copies of your *Notice* and forms to bring or send; AND
 - The sheriff's fees for service and if they will honor your *Order for Waiver of Court Fees* (if you have one).
- Confirm the sheriff served your forms on the other parent or person who is not the parent with physical custody of the children.
 - After the sheriff serves the other parent or person who is not the parent with physical custody of the children with your court forms, they will fill out an Affidavit of Service and file it with the Circuit Clerk OR mail it to you.
 - If the sheriff files the completed Affidavit of Service directly with the Circuit Clerk, call the Circuit Clerk to find out if it has been filed. If it has been filed, ask the Circuit Clerk how to get a copy.
 - If the sheriff mails the completed Affidavit of Service to you, make a copy for yourself, file the original with the Circuit Clerk, and have the Clerk file stamp your copy.
 - If the sheriff was not able to serve the other parent or person who is not the parent with physical custody of the children, ask them why. You should try to fix the problem and ask the sheriff to try to serve the other parent or person who is not the parent with physical custody of the children again.

Skip Step 4 and Step 5 and go to Step 6 if you have given notice to the other parent or person who is not the parent with physical custody of the children under Step 3.

Step 4: Publish your *Publication Notice of Court Date for Request for Name Change (Minor Children)* in a newspaper in the county where you live once a week for 3 weeks in a row.

- Contact an Illinois newspaper in your county and set up publication of the *Notice*.
- If there is no newspaper in your county, contact a convenient newspaper published in Illinois.
- Give a copy of the *Publication Notice of Court Date for Request for Name Change (Minor Children)* to a newspaper.
- The *Notice* must appear in a newspaper for the first time at least 6 weeks before your court date.
- Newspapers may charge you a publication fee.
 - If you have a fee waiver in your court case, the newspaper is not required to waive your fee for publication. You will need to file a *Motion* asking the court to order the county to pay the cost of publication. You can find the *Motion* form at: <http://www.illinoiscourts.gov/Forms/approved/>.

- After the *Notice* appears in a newspaper for 3 weeks, get a Certificate of Publication from the newspaper.
- Ask the newspaper how you will get the Certificate of Publication. The newspaper will either:
 - Send the Certificate directly to the Circuit Clerk;
 - Mail the Certificate to you; OR
 - Tell you to pick up the Certificate in person.
- File the Certificate of Publication with the Circuit Clerk before your court date.

Skip Step 5 and go to Step 6 if you have given notice to the other parent or person with physical custody of the children under Step 3 or have published notice under Step 4.

Step 5: Ask the court to excuse you from giving notice to the other parent and from publishing notice.

- File the *Motion to Waive Notice & Publication* with the Circuit Clerk.
- Ask for a court date for your *Motion to Waive Notice & Publication*.
- Get ready for your court date. You must convince the judge that notice or publication would put the person whose name would be changed at risk of physical harm or discrimination. You should gather and make copies of documents you want the judge to see. If you want the judge to hear from other people, those people will have to come to court and be witnesses.
- Go to your court date. Bring your evidence and a completed *Order on Motion to Waive Notice & Publication*.

Step 6: Get ready for your court date.

- Decide and write down:
 - What you want to ask the judge to do for you;
 - If there is a disagreement with another parent about changing the children's names, decide and write down:
 - What you will say to the judge if asked to tell your side of the case; AND
 - Questions you have for witnesses, if there are any.
- Gather and make copies of documents you want the judge to see. Bring the original for the judge and one copy for you and an additional copy for each of the people in the case.
- If you want the judge to hear from other people, those people will have to come to court and be witnesses (in most cases, you cannot bring in written statements of witnesses).

Step 7: Go to your court date to ask the court to change your children's names.

- Bring the children with you to court, unless you have been told not to by court staff.
- You should have received a court date and time from the Circuit Clerk when you filed your court forms. If you cannot find your court date and time, call the Circuit Clerk.

- Bring these items with you to court:
 - Copies of all the documents you filed with the Circuit Clerk;
 - Children's birth certificates;
 - Photo I.D.;
 - *Order for Name Change (Minor Children)* for each child; AND
 - Any documents you want the judge to look at.
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form.
- If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself and explain to the judge why you want to change the children's names.

If you believe that a parent will contest the children's name change, you should be prepared to also follow Steps 8 & 9

Step 8: Tell the judge your side of the case and answer questions.

- Show your evidence including documents and photos. Give a copy to the judge. Be prepared to explain why the document or photo is important.
- Question your witnesses.
 - Tell the judge the name of your witnesses.
 - Ask the witnesses questions you prepared in advance.
 - The judge and the people you notified of the court date can ask questions of your witnesses when you are done.
- The judge decides whether the documents, photos, or witness testimony can be considered in making a decision about your case.

Step 9: The other parent or person who is not the parent with physical custody of the children presents their case.

- The other people you notified of the court date will also get to present their case by testifying, giving the judge evidence, and questioning witnesses.
- You will get to see any documents and photos the other people you notified of the court date bring to court. If you do not think the judge should consider them in making a decision about your case, tell the judge why.
- You may ask questions of the witnesses brought by the other people you notified of the court date. Write down your questions while they are speaking to the other people you notified of the court date or the judge.

Step 10: The judge makes a decision.

- The decision is called a court order.
- If the judge needs more information to make a decision, the judge may set up another court date. Make sure you understand what information is needed and get it before the new court date.
- If the judge needs to think about it more, the judge may let you know the decision later by mailing a court order or at another court date.
- If the judge has enough information, the judge may decide right then and fill out a court order.
 - Get a file-stamped copy of the order.
- If GRANTED, get certified copies of the *Order* from the Circuit Clerk. You need a certified copy of the *Order* to change the children's names on records like birth certificate, social security card, and a driver's license.
- There may be a fee for the certified copies.