

## **FILINGS**

### **MINOR NAME CHANGE:**

SPF 21.2: Application for Change of Name of Minor

SPF 21.2 (*On reverse side of SPF 21.2*): Judgment Entry

SPF 21.4: Consent to Change of Name

SPF 21.5: Notice of Hearing on Change of Name

SPF 21.3: Judgment Entry – Change of Name of Minor

### **ADULT NAME CHANGE:**

SPF 21.0: Application for Change of Name of Adult

SPF 21.0 (*On reverse side of SPF 21.0*): Judgment Entry Setting Hearing/Ordering Notice

SPF 21.5: Notice of Hearing on Change of Name

SPF 21.1: Judgment Entry – Change of Name of Adult

## **VENUE**

Application is filed in the county in which the person resides.

## **TIME FRAME**

Applicant shall be a bona fide resident of that county for at least one year prior to the filing of the application.

## **APPLICATION**

1. Made by person desiring change of name.
2. Made on behalf of a minor by either of minor's parents, legal guardian, or guardian ad litem.
3. Shall set forth cause for which change of name is sought.
4. Shall set forth requested new name.
5. Requires the applicant to state whether he/she has a duty to comply with **R.C. 2950.04** or **2950.041** because he/she 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.

6. Requires the applicant to state whether he/she has pleaded guilty to, been convicted or, or been adjudicated a delinquent child for committing violation of **R.C. 2913.49** (identity fraud) unless the guilty plea, conviction, or adjudication has been reversed on appeal.

## **NOTICE OF HEARING**

1. Once by publication in a newspaper of general circulation in the county at least thirty days before the hearing.
  - a. If applicant submits to the court satisfactory proof that publication of notice would jeopardize personal safety, then:
    - i. Court shall waive notice requirement.
    - ii. If Court orders change of name, Court shall order record of proceeding sealed and opened only by order of the court for good cause shown or at request of applicant for any reason.
2. Additional requirements for a minor:
  - a. Notice given to parent or parents not consenting by certified mail, return receipt requested, or:
    - i. If no known father of minor, notice given to person who mother of minor alleged to be father.
    - ii. If no father is alleged or either parent or address of either parent is unknown, notice by publication is sufficient as to father or parent.
    - iii. Any additional notice required may be waived in writing by any person entitled to the notice.



Question applicant/attorney if he/she has exhausted all means of locating a non-consenting parent, including contacting CSEA for a current address.

**ENTRY**

1. Court may order change of name:
  - a. Upon proof that proper notice was given or that notice was waived.
  - b. Upon proof that the facts in application show reasonable and proper cause.
    - i. For a minor’s name change, all factors relevant to the best interest of the child should also be considered.
2. Court shall NOT order change of name if:
  - a. Person applying or for whom application is made has a duty to comply with **R.C. 2950.04** or **2950.041** because 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.
  - b. Person applying or for whom application is made has pleaded guilty to, been convicted or, or been adjudicated a delinquent child for committing violation of **R.C. 2913.49** unless the guilty plea, conviction, or adjudication has been reversed on appeal.



Court has discretion to deny the application and reasons for denial should be stated on the record.  
 Discretionary factors include:

- a. Potential for fraud
- b. Interferes with rights of other
- c. Allows the applicant to avoid a legal duty
- d. Change is contrary to strong public policy of Ohio

3. A certified copy of entry ordering change of name shall be sent to the Vital Statistics Office of the state of birth. **[R.C. 3705.13]**



It is the discretion of the court whether it will require applicant to perform this function or if court will do so, because the statute does not specify.)

## 2717.01 Application to change name of person - notice.

### (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 oriented 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 of 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 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.

### (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](#) of 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 if 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.

Amended by 129th General Assembly File No. 178, SB 160, §1, eff. 3/22/2013.

Amended by 129th General Assembly File No. 29, HB 86, §1, eff. 9/30/2011.

Effective Date: 12-17-1986 .

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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 \_\_\_\_\_ 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 the mother of the minor is:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

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

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

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  
initials identity fraud.

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

**CASE NO.** \_\_\_\_\_

The applicant requests a change of name of the minor 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. In addition, notice will be given by the applicant to any non-consenting parent or alleged father, 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

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone Number (include area code)

\_\_\_\_\_  
Telephone Number (include area code)

\_\_\_\_\_  
Attorney Registration No.

**JOURNAL ENTRY SETTING HEARING AND ORDERING NOTICE**

The Court orders this application set for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. The applicant is ordered to cause notice of the application to be given by one publication in a newspaper of general circulation in this county at least thirty (30) days prior to the hearing date, as well as certified mail service, return receipt requested, if necessary, as required by law.

\_\_\_\_\_  
Probate Judge

By: \_\_\_\_\_  
Deputy Clerk

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

IN RE: CHANGE OF NAME OF \_\_\_\_\_  
(Present Name)

To \_\_\_\_\_  
(Name Requested)

Case No. \_\_\_\_\_

**JUDGMENT ENTRY - CHANGE OF NAME OF MINOR**

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 and proper notice was given to the legal parents, known father, or alleged father, as required by law. The Court further finds that reasonable and proper cause exists for changing the name and the name change is in the best interest of the minor. The Court finds the minor's complete name at birth was \_\_\_\_\_, the minor'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 Minor 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

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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.

\_\_\_\_\_

Sworn to before me and signed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk/Notary Public

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO  
\_\_\_\_\_, JUDGE

IN RE: CHANGE OF NAME OF \_\_\_\_\_  
(Present Name)

\_\_\_\_\_  
(Name Requested)

Case No. \_\_\_\_\_

**NOTICE OF HEARING ON CHANGE OF NAME**  
[R.C. 2717.01]

Applicant hereby gives notice to all interested persons and to \_\_\_\_\_,  
(Necessary person whose address is unknown)  
whose last known address is \_\_\_\_\_,

that 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 \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock  M. in the Probate Court of \_\_\_\_\_, County, located at  
\_\_\_\_\_.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

Note to Publisher: The above legal notice including the caption is to be published once in its entirety. Costs are to be paid by applicant and an Affidavit of Publication is to be furnished to applicant.