

Montgomery County Probate Court
Judge Alice O. McCollum

NAME CHANGE APPLICATION INFORMATION FOR MINOR CHILD

PLEASE REVIEW THE PACKET OF DOCUMENTS YOU HAVE RECEIVED FROM THE CLERK'S OFFICE. THE CLERK IS NOT AN ATTORNEY AND CANNOT ANSWER QUESTIONS ABOUT YOUR NAME CHANGE OR HOW TO FILL OUT THE FORMS. THESE FORMS MAY NOT MEET ALL OF THE REQUIREMENTS IN EACH CASE. IT IS THE APPLICANT'S RESPONSIBILITY TO SEE THAT ALL FORMS MEETS THE REQUIREMENTS IN EACH CASE.

THE MINOR **MUST** BE A RESIDENT OF MONTGOMERY COUNTY FOR A MINIMUM OF 1 CONTINUOUS YEAR BEFORE AN APPLICATION FOR A NAME CHANGE CAN BE FILED. **IF THE MINOR HAS NOT LIVED IN MONTGOMERY COUNTY FOR AT LEAST 1 YEAR, YOUR APPLICATION WILL BE DISMISSED AND YOUR FILING FEES WILL NOT BE REFUNDED.**

NAME CHANGE FOR A MINOR

Filing Fee:

\$141.00 (cash or money order made payable to Montgomery County Probate Court)

NO PERSONAL CHECKS OR CREDIT CARDS ACCEPTED

All costs must be paid at the time the application is filed with this Court. These costs are subject to change without notice.

There may be additional costs for certified copies of entries issued by this Court.

Publication Fee:

\$35.00 (VISA/MASTER CARD OR CASH ONLY). This fee is subject to change without notice. Paid to Daily Court Reporter.

Necessary Forms:

- A Certified Copy of Child's Birth Certificate (to be kept by the Court)
- A Certified Copy of Deceased Parent's Death Certificate (to be kept by the Court)
- A Certified Copy of Court Order Establishing Custody or Guardianship by Non-Parent Applicant (to be kept by the Court)
- Application for Name Change of Minor/Entry Setting Hearing (Form 21.2)
- Consent(S) to Change of Name (Form 21.4)
- Notice of Hearing on Change of Name (Form 21.5)
- Judgment Entry - Change of Name(Form 21.3)
- Judge's Order Adopting Magistrate's Decision (Local Form)
- Picture Identification of Applicant (To Be Presented At The Hearing)

IMPORTANT INFORMATION!!!!

ONLY THE CUSTODIAL PARENT CAN MAKE APPLICATION TO CHANGE THE NAME OF A MINOR.

THE COURT MAY REJECT ANY APPLICATION WHERE REASONABLE STEPS HAVE NOT BEEN TAKEN TO LOCATE THE NON-CUSTODIAL PARENT'S ADDRESS.

BOTH NATURAL PARENTS OF THE CHILD MUST CONSENT OR BE NOTIFIED OF THE HEARING FOR CHANGE OF THE MINOR'S NAME.

THE APPLICANT AND ANY MINOR WHO HAS REACHED THE AGE OF SIX (6) YEARS MUST ATTEND THE HEARING.

PROCEDURE:

Step One: Complete the Forms

The minor's present legal name (as it appears on Birth Certificate) and the name requested must be filled in at the top of each form.

FORMS MUST BE FILLED OUT LEGIBLY IN BLUE OR BLACK INK OR TYPED. Illegible forms will not be accepted.

PLEASE MAKE SURE THAT THE REQUESTED NAME IS WRITTEN THE SAME WAY ON EACH PAGE AND IT IS SPELLED EXACTLY HOW YOU WANT IT. Once the forms have been filed you cannot change the name without submitting another application and filing fee.

Application for Change of Name of Minor And Journal Entry Setting Hearing And Ordering Notice (Form 21.2)

Mark the appropriate blocks and complete the information for each block checked.

Fill in the present name and requested name of the minor.

You must state a reason for the name change.

The Applicant's and Attorney's signatures, printed names, addresses and telephone number must be filled in.

If you do not have an attorney, the Attorney information block is left blank.

Consent to Change of Name (Form 21.4)

The Consent Form must be signed in the presence of a Notary Public or a Deputy Clerk. If a natural parent does not consent he/she must be served notice of the hearing by certified mail.

The applicant is required to serve by certified mail, return receipt requested a copy of the Form 21.5 Notice of Hearing on Change of Name (see below) on the non-consenting parent.

If the certified mail is returned “unclaimed” or “refused,” the applicant must send the notice to the non-consenting parent by ordinary mail. Do not throw away the certified mail envelope! You must file it with the court along with a notarized affidavit stating that the notice sent by regular mail has not been returned to you as undelivered.

If the certified mail is delivered you will need to file an Affidavit of Service with the green return receipt attached with the court.

An applicant must take all reasonable steps to locate the address of a non-consenting parent.

Notice of Hearing of Change of Name (Form 21.5)

If a parent cannot be located his/her name must be filled in as a necessary person whose address is unknown.

Fill in the present and requested names of the minor.

The Applicant’s signature, printed name, and address must be filled in.

The clerk will fill in the information regarding the hearing date and time.

Judgment Entry – Change Name of Minor (Form 21.3)

Fill in the minor’s name at birth, date of birth and place of birth.

Fill in the present name and requested name of the minor.

STEP TWO: Filing the Forms

Bring the completed forms, the certified birth certificate, and any other certified forms to the clerk’s counter on the 2nd floor of the Montgomery County Courts Building, 41 N. Perry St., Dayton, OH 45402.

The clerk will check the forms and send you to the Magistrate's Office to have your application reviewed and approved for filing. The magistrate will sign the Entry Setting Hearing.

Bring the signed entry and other forms back to the clerk to be processed once the magistrate has approved the entry.

STEP THREE: Setting the Hearing

The Clerk will set a hearing date approximately 6 to 8 weeks away and complete and time-stamp the Notice of Hearing of Change of Name.

The Clerk will give you back the Notice of Hearing of Change of Name to take to the Daily Court Reporter newspaper for publication.

THE STATE OF OHIO REQUIRES THAT ALL HEARINGS FOR LEGAL NAME CHANGES BE PUBLISHED 1 TIME 30 DAYS PRIOR TO THE DATE OF THE HEARING. THERE ARE NO EXCEPTIONS TO THIS REQUIREMENT.

It is recommended that you go directly to the Daily Court Reporter newspaper after filing your forms so the publication can go on as soon as possible.

The Daily Court Reporter newspaper office is located at 120 W. Second Street, Liberty Tower, Suite 418, P.O. Box 340 MCS, Dayton, Ohio 45402, (937) 222-6000.

THE DAILY COURT REPORTER IS A PRIVATE PUBLICATION COMPANY THAT HAS NO CONNECTION TO THIS COURT.

STEP FOUR: The Hearing

Name change hearings are held in Courtroom 1 on the 2nd floor of the Montgomery County Courts Building, 41 N. Perry St., Dayton, OH on Wednesday afternoons.

Please arrive for your hearing at least 10 minutes prior to your scheduled hearing time and don't forget the applicant's picture identification.

The hearing will take approximately 10 to 15 minutes. After the magistrate signs the entry changing the minor's name he will send you across to the clerk's desk to file the signed entry.

The Clerk will take the signed entry and case file from you, timestamp it, and ask how many certified copies of the entry you need and charge accordingly. Certified entries cost \$2.25 each.