

Montgomery County Probate Court

**NAME CHANGE APPLICATION INFORMATION FOR  
MINOR CHILD**

**FORMS MUST BE TYPED**

**Visit the website at**  
[www.mcoho.org/probate](http://www.mcoho.org/probate)

THE JUDGE AND THE EMPLOYEES OF THE PROBATE COURT MAY NOT ENGAGE IN THE PRACTICE OF PROBATE LAW IN ANY WAY. THIS INCLUDES THE GIVING OF LEGAL ADVICE OR ASSISTANCE IN THE PREPARATION OF LEGAL DOCUMENTS. THESE FORMS MAY NOT MEET ALL OF THE REQUIREMENTS IN EACH CASE. IT IS THE APPLICANT'S RESPONSIBILITY TO SEE THAT ALL FORMS MEET 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 THE FILING FEES WILL NOT BE REFUNDED.**

**\*\*\*IMPORTANT INFORMATION\*\*\***

**FORMS MUST BE TYPED**

**A PARENT OF A MINOR, A LEGAL GUARDIAN, OR A GUARDIAN AD LITEM 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.**

**Court Filing Fee and Publication Fee:**

Approximately \$242.00 depending on forms actually filed.

**FORMS OF PAYMENT TO E-FILE A NEW CASE:**

**If the case is E-Filed at the Court:**

Cash, money order made payable to the Montgomery County Probate Court, or by American Express, MasterCard, Discover or Visa credit or debit cards. **\*NO PERSONAL CHECKS ARE ACCEPTED\***

**If the case is E-Filed from your home or office:**

**\*\* All major credit cards or Electronic or ACH check\*\***

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 the entry on the day of the hearing.

**Necessary Documents:**

- A certified copy of child's Birth Certificate
- 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)
- Picture identification card of applicant (to be presented at the hearing)

**Necessary Forms:**

- 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)
- Magistrate's Decision - Change of Name of Minor (Form 21.3.1)
- Affidavit of Search for Address (Form MSC110) This form is needed if a parents address is listed as "unknown" on the Application. The applicant must take all reasonable steps to locate the address of a non-consenting parent.

## **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.**

**PLEASE MAKE SURE THAT THE REQUESTED NAME IS TYPED 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 an additional filing fee.**

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

1. Fill in the present name and requested name of the minor.
2. List the mother and father's names and addresses.
3. Mark the appropriate boxes and complete the information by initialing (handwritten initials only).
4. You must state a reason for the name change.
5. The applicants and attorney's signatures, printed names, addresses and telephone numbers must be filled in.
6. If you do not have an attorney, the attorney information section is left blank.

### **Consent to Change of Name (Form 21.4)**

1. The Consent form must be signed in the presence of a Notary Public or a Deputy Clerk. If a natural parent does not consent the Court will serve notice of the hearing by certified mail to the non-consenting parent. The applicant must take all

- reasonable steps to locate the address of a non-consenting parent.
2. If the certified mail envelope is returned as “unclaimed” or “refused” the Court will automatically send the notice out by regular U. S. Mail.
  3. If the certified mail envelope is returned for some other reason aside from the above, the Court will mail to the attorney/applicant a Failure of Delivery. At that time you will exhaust all means of locating a current address.
    - If a new address is located you must file an Amended Application for Change of Name reflecting the new address. The Court will re-issue Certified Mail to this new address.
    - If a new address is not located you must file an Amended Application for Change of Name reflecting “address unknown”. You will now file form MSC110, Affidavit of Search for Address.

You will want to complete this process in a timely manner or the hearing date may need to be continued.

### **Notice of Hearing of Change of Name (Form 21.5)**

1. Fill in the present name and requested name of the minor.
2. If a parent cannot be located his/her name must be filled in as a necessary person whose address is unknown and list their last known address.
3. The clerk will fill in the information regarding the hearing date and time.
4. The applicant’s signature, printed name, and address must be filled in.

### **Judgment Entry – Change Name of Minor (Form 21.3)**

1. Fill in the present name and requested name of the minor.
2. Fill in the minor’s present name, date of birth, place of birth and requested name.

### **Magistrate’s Decision- Change of Name of Minor (Form 21.3.1)**

1. Fill in the present name and requested name of the minor.
2. Fill in the minor’s name at birth, date of birth and place of birth.
3. Fill in the present name and requested name of the minor.

### **Affidavit of Search for Address (Form MSC110)**

1. Fill in the present name of the minor.
2. Check the boxes that apply as to the methods you used to try and locate the non-consenting parent.
3. The Affidavit must be signed in the presence of a Notary Public.

## **STEP TWO: Filing the Forms**

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

**NOTE: If you need the assistance of the Clerk’s Office plan to arrive no later than 3:30 p.m. . If you arrive after 3:30 your paperwork will only be reviewed. You will need to come back down to the Court to pay the costs due and to have the papers eFiled.**

2. The clerk will check the forms and then send you across to the Magistrate's office to have your forms reviewed by a Magistrate. If the forms are approved for filing, the Magistrate will sign the Entry Setting Hearing.
3. Bring the signed entry and other forms back to the clerk for processing.

OR

1. E-File remotely from your home or office

[http://www.mcoho.org/government/courts/common\\_pleas\\_court - probate division/efiling.php](http://www.mcoho.org/government/courts/common_pleas_court_-_probate_division/efiling.php)

### **STEP THREE: Paying Court Costs and Setting the Hearing**

1. Court Filing Fee and Publication Fee are approximately \$242.00 depending on what forms are actually filed.
2. If the case is E-Filed at the Court:
  - a. Cash, money order made payable to the Montgomery County Probate Court, or by American Express, MasterCard, Discover or Visa credit or debit cards. **\*NO PERSONAL CHECKS ARE ACCEPTED\***
3. If the case is E-Filed remotely from your home or office:
  - a. All major credit cards or Electronic or ACH check
4. The clerk will set a hearing date approximately 6 to 8 weeks away, complete and timestamp the Notice of Hearing of Change of Name.
5. The Court will FAX the Notice of Hearing of Change of Name to THE COX MEDIA GROUP OHIO (Dayton Daily News) for the publication process.

### **STEP FOUR: Publication**

**THE STATE OF OHIO REQUIRES THAT ALL HEARINGS FOR LEGAL NAME CHANGES BE PUBLISHED ONE (1) TIME, THIRTY (30) DAYS PRIOR TO THE DATE OF THE HEARING.**

1. The Court will fax the Notice of Hearing on Change of Name to THE COX MEDIA GROUP OHIO (Dayton Daily News) for the publication process.

**COX MEDIA GROUP OHIO (DAYTON DAILY NEWS) IS A PRIVATE PUBLICATION COMPANY THAT HAS NO CONNECTION TO THIS COURT.**

### **STEP FIVE: The Hearing**

1. Name change hearings are held in Courtroom 2 on the 2<sup>nd</sup> floor of the Montgomery County Courts Building, 41 N. Perry St., Dayton, OH on Wednesday afternoon.
2. Please arrive for your hearing at least 10 minutes prior to your scheduled hearing time and the applicant must present their picture identification card at this time.
3. 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 counter to file the signed

- entry.
4. The clerk will ask how many certified copies of the entry you need and charge accordingly. Certified copies of the entry are \$2.25 each.
  5. You may need a certified copy of the entry to change your child's name on business and personal records that are listed in the child's prior name. Business records may include but are not limited to social security records, agency or governmental records, school records, medical provider records and financial records.
  6. If you are adding the new name to the minor's birth record **YOU** will need to contact the Bureau of Vital Statistics in the state of birth. If the minor was born in Ohio you can forward your request, a certified copy of the court order, and any required fee (currently \$21.50 subject to change) to: Ohio Department of Health, Vital Statistics Division, P.O. Box 15098, Columbus, Ohio 43215-0098. There may also be a local bureau of vital statistics in some jurisdictions. Some states may actually change the birth record to reflect the new name and some states may attach a copy of the name change order to the existing birth record.

11/14/2017