

COUNTY CIVIL PROCEDURE FOR MINOR NAME CHANGES

- 1) If a divorce, custody, or child support case already exists, the Petitioner **must** file the request for a name change in district civil.
- 2) The Petitioner **must** bring the child's birth certificate to all court hearings.
- 3) The name change case may be filed at the civil window in the clerk's office or by mail.
 - a) Both parents are present and consent, or
 - b) The petitioner appears with a Petition which has been signed by the absent parent before a notary, or
 - c) The Petitioner/custodial parent files a signed and notarized "Consent of Non-Custodial Parent" form, or
 - d) The Petitioner/custodial parent has proof of certified mailing of the "Consent of Non-Custodial Parent" form. See 4) below.
- 4) If the Petitioner does not have consent from the Non-Custodial parent, the Petitioner must send a certified letter along with "Consent of Non-Custodial Parent" form to the last known address. When the Petitioner has proof of certified mailing, he/she may file the case. He/she must file:
 - a) A copy of the "Consent of Non-Custodial Parent" form which was mailed;
 - b) Proof of certified mailing; and
 - c) A "Notice to Non-Custodial Parent" form. (This form may be obtained from the clerk's office.)
- 5) If the case is filed in compliance with 4) above, the Petitioner will see the judge. A hearing on the petition will be scheduled. The Petitioner is responsible for attempting to notify the non-custodial parent of the hearing date. This can be done in one of three ways:
 - a) Personally serving the non-custodial parent with a "Notice to Non-Custodial Parent" form, or
 - b) Sending by certified mail the "Notice to Non-Custodial Parent" form. (Notice that the petitioner must appear on the return date with proof that the non-custodial parent actually received the letter), or
 - c) If whereabouts are unknown, the Petitioner may request to publish notice of the hearing. If the Petitioner is requesting permission to publish, he/she should file the form, "Request to Publish Notice to Non-Custodial Parent of Change of Minor's Name and Publication Order" along with the documents listed in 4) above. (This form may be obtained from the clerk's office.) The publication must run for 5 consecutive weeks in a paper that is published in Jefferson County.
- 6) At the subsequent hearing, the Petitioner must bring in either **proof of personal service, green certified mail card showing that non-custodial parent signed for the letter, or proof of publication.**