

INSTRUCTIONS FOR MINOR NAME CHANGE

Clackamas County Circuit Court
Fifth Judicial District

IMPORTANT NOTES

Please read all instructions carefully. These are legal documents that must not contain mistakes. Do not alter the documents.

Not all states will change a birth certificate, so if the minor was not born in Oregon and that is your purpose for seeking a legal change of name, you should check in advance to see whether that state will do so, and if there are any other requirements necessary to accomplish such change.

These forms are only for use for the name change of a minor (under 18 years of age) who is a resident of Clackamas County. If the person whose name is sought to be changed is over the age of 18, please refer to the "NAME CHANGE FOR AN ADULT" packet.

If you are simultaneously seeking to change the minor's sex, additional forms are necessary. You may file both requests at the same time for a single filing fee, but separate case numbers may be issued for the requests depending upon the information provided in the petition. Please refer to the "SEX CHANGE FOR MINOR" packet.

WHAT IS A JUDGMENT OF NAME CHANGE?

A judgment that a person's name has changed is an official statement by a court of this state that their name has been legally changed. It is the document needed to change other important documents, with both the state and federal governments.

WHAT ARE THE STEPS TO OBTAIN A JUDGMENT OF NAME CHANGE?

The forms necessary to change the name of a minor will vary depending on the circumstances in your case. The MINOR NAME CHANGE packet contains forms that you may not need and forms that may not cover every situation. You will not need every form in this packet. It may be necessary to consult with an attorney if the packet will not work for you. Please carefully review the instructions here, as well as the forms included in the packet to determine which forms are appropriate.

Generally, the name change of a minor involves using the appropriate forms to ensure that the following occurs:

1. Filing a petition for name change
2. Filing a request to be appointed guardian ad litem for the minor (**forms are available in a separate packet**)
3. Ensuring that appropriate parties entitled to notice have received notice or have consented
4. Submitting a judgment for the Judge to approve the proposed change

More thorough instructions as to these steps are explained below. If you initiated your case before January 1, 2018, different steps apply. Please refer to the instructions included with the earlier forms or contact an attorney.

You may use these forms only if the minor is a resident of Clackamas County (i.e. the minor resides in the county). Forms must be filed at the Clackamas County Courthouse, Civil Case Unit, Room 104. **If you are an attorney filing on behalf of the petitioner, you may not electronically file because of the guardian ad litem filing requirements.**

*Please complete all forms **completely and legibly**. Once filed these documents have legal consequence, and errors*

may affect your rights, or delay the name change process.

HOW MUCH WILL IT COST TO GET THE JUDGMENT?

The court fee for filing a minor name change is \$117.00. The charge for a printed packet of the forms is \$5.00. You may also download and print the packet from the Clackamas County Circuit Court's website. A certified copy of the General Judgment, necessary to show completion of the process, is \$5.00, plus \$.025 per page of the judgment.

For additional information regarding copies, please contact the Records Department of the Clackamas County Circuit Court (email requests available by calling 503-655-8447 or by emailing: CLAPublic.Records.Request@ojd.state.or.us).

WHAT FORMS ARE IN THE PACKET?

Form numbers refer to the number at the bottom of each form following the letters "CP-PR".	FORM #
Petition for Change of Name of a Minor	(CP-PR07a)
Consent to Appointment of Guardian ad Litem and Name Change by Minor Age 14 or Older	(CP-PR08)
Consent to Appointment of Guardian ad Litem and Name Change of Minor by Parent	(CP-PR09)
Notice to Parent of Proposed Name Change of Minor	(CP-PR10)
Objection to Name Change of Minor & Request for Hearing	(CP-PR11)
Motion to Allow Alternate Form of Service	(CP-PR12a)
Order to Allow Alternate Form of Service	(CP-PR12b)
Proof of Service on Parent by Alternate Service Method	(CP-PR13)
Declaration that No Notice to Parent Required	(CP-PR14)
General Judgment of Change of Name	(CP-PR15)
Affidavit of Service	(CP-PR16)

Every name change of a minor will require filing two forms listed in **Bold Type** above. Every name change of a minor will require some combination of the forms not listed in bold type above. The forms needed for your specific case are explained in the instructional sections that follow below.

HOW DO I FILL OUT THE FORMS?

Fill out the forms using blue or black ink. Be sure to write clearly and legibly. Answer each question and, as with all court documents, tell the truth. Do not fill in the Judge's name or any space where the Judge will write. Bring identification that contains your current legal name. Acceptable forms of identification include a current, state-issued driver's license or identity card; current passport; current U.S. military identification card; current identity card issued by a federally recognized tribe; or another current, government-issued document containing your photograph, signature, and physical description.

Please keep in mind that court staff may not answer legal questions.

WHAT IF I NEED AN ACCOMMODATION OR AN INTERPRETER?

If you have a disability and need an accommodation, or you are unable to speak English and need a foreign language interpreter, you must tell the Court as soon as possible. If you need or prefer assistance, you may ask the clerk at the time of filing, but please be aware there may be a delay in processing while your request is accommodated.

INSTRUCTIONS FOR COMPLETING THE CHANGE OF NAME FOR A MINOR

1. FILING THE PETITION

Begin by completing **Form 07a** “PETITION FOR CHANGE OF NAME OF A MINOR.” Fill in all the blanks on the form, **except** the signature line that says “Petitioner’s Signature” and the line designating the case number. Make sure to list the minor’s present (current) name and their proposed new name in the appropriate spaces.

It is important to understand that a person under the age of 18 may not initiate any legal proceedings in his/her own name. Merely being a parent does not give you the right to initiate any legal proceedings in the child’s name. You must be appointed by the Court as a “Guardian Ad Litem” in order to begin the process. The petition does not include a request to be appointed as the guardian ad litem, which is required unless there is already a court-appointed guardian for the minor in a different proceeding. If the minor already has a guardian, appointment of the guardian ad litem is not required, but you **must** provide a current copy of the letters of guardianship. Documents for the appointment of a guardian ad litem are available in separate packets and are provided on the court website and from the information center.

The filer (proposed guardian ad litem) should be prepared to show identification at the time of filing.

Bring all forms (including Guardian Ad Litem documents) to **Room 104 – Civil Case Unit**. The staff will review the documents for completeness and assign a case number for use on all forms. The front counter clerks are not completing a thorough evaluation of your documents for name change requirements. The individuals are reviewing your documents to verify the basic requirements for filing have been met. If further information is needed, a clerk will follow-up with you after an extensive review of your filing. An order appointing a guardian ad litem must be approved before a judgment will issue. Depending on your situation, you may be able to file some of the documents required in Step 2 below at the time you file your petition. Please refer to the instructions in Step 2 to determine when to file the name change notice documents.

You must also pay the filing fee at the time you file the petition at the Court Cashier’s window. The filing fee is currently \$117.00, but legislative changes to filing fees do occasionally occur on short notice.

2. ENSURING THAT APPROPRIATE PARTIES ENTITLED TO NOTICE WILL RECEIVE NOTICE OR HAVE CONSENTED

Before a Judge will consider approving the name change, the Court must be satisfied that other parties who are entitled to notice have received notice and received adequate time to object to your request (if they want to object). **Carefully read the following instructions** to determine who needs to consent or receive notice, *and* how to make sure you are completing your obligation to do so.

The minor (14 years of age or older) whose name is being changed and consents to the name change must complete **Form 08** “CONSENT TO APPOINTMENT OF GUARDIAN AD LITEM AND NAME CHANGE BY MINOR AGE 14 OR OLDER.” This form may be filed at the time you file the petition, but *must* be filed before you submit the general judgment.

Each parent must be notified of a proposed name change of their child and either consent to the change or have an opportunity to object prior to the Judge approving the requested change. If a non-filing parent consents to the requested change he or she should complete **Form 09** “CONSENT TO APPOINTMENT OF GUARDIAN AD LITEM AND NAME CHANGE BY PARENT.” If both parents consent (either by the consent form or by signing the petition), there are no further name change forms required of the parents. **Form 09** may be filed at the time you file the petition, but *must* be filed before you submit the general judgment. If the parent does not consent, please continue reading.

If the consent form cannot be completed, the parent must be served with three forms and given a minimum of 21 days to object to the proposed name change. The parent must be given a copy of **Form 07a** (“PETITION”), **Form 10** (“NOTICE TO PARENT OF NAME CHANGE OF MINOR”), and **Form 11** (“OBJECTION TO NAME CHANGE OF MINOR AND REQUEST FOR HEARING”). The 21-day period begins on the date of

service (i.e. the date that the parent was given the documents), so you will write a date at least 21 days from that date when completing **Form 10** (“NOTICE TO PARENT”). Proper service requires compliance with Rule 7 of the Oregon Rules of Civil Procedure. Service must be made by an adult who is not a party to the case. The County Sheriff or a process server can perform service for a fee. To prove that the parent was properly served, the person completing service must complete **Form 16** (“AFFIDAVIT OF SERVICE”). Proof of service (**Form 16** “AFFIDAVIT OF SERVICE”) must be filed before a Judge will consider the requested name change. If service can be completed using these forms, please skip to Step 3 of these instructions. Otherwise, please continue reading this section.

If personal service using **Form 16** is not possible, you may ask the Court to authorize another method of notifying the parent. This is called “alternate service” and may include service by any means the Court concludes is reasonably calculated to make the other parent aware of the proceeding. To request alternate service, you will complete **Form 12a** (“MOTION TO ALLOW ALTERNATE FORM OF SERVICE”) and **Form 12b** (“ORDER TO ALLOW ALTERNATE FORM OF SERVICE”). Do not fill in any of the body of **Form 12b** – it is reserved for the Judge to detail how alternate service must be completed. Serving by alternate means will increase the amount of time necessary to complete the name change process because it will require a Judge to carefully consider how best to complete notice to the parent. If the Judge orders alternate service, you must comply with that order, and after you have completed the requirements of the order, you will complete **Form 13** (“PROOF OF SERVICE ON PARENT BY ALTERNATE SERVICE METHOD”). **Form 13** explains to the Court how you complied with the order in **Form 12b**. Be sure to include proof of the alternate methods of service (e.g. green card if certified mail is required).

There are only two situations in which notice or consent to a parent is not required:

- a. If a parent declares under penalty of perjury that the minor has never resided with the other parent, nor has that parent ever contributed to or attempted to contribute to the financial support of the minor. If these conditions are true, you may use **Form 14** (“DECLARATION THAT NO NOTICE TO PARENT IS REQUIRED”) instead of the forms previously listed in this step.
- b. If paternity has never been established, and the father’s name does not appear on the birth certificate. In that event, this fact should be made clear in the petition, and the father does not need to receive notice of the proposed name change. *You may be asked to show the Court a copy of the birth certificate to prove this fact, but the birth certificate will **not** be made part of the public case record.*

3. **OBJECTIONS**

A hearing will be held ONLY if an objection to the petition is filed. If an objection is filed, you will be notified by mail of the objection hearing date. It is your responsibility to keep the court informed of your current address and contact information. If a hearing occurs, the judge will hear argument in order to decide whether to grant the change(s) requested in the petition.

4. **SUBMITTING THE JUDGMENT**

The GENERAL JUDGMENT OF CHANGE OF NAME (**Form 15**) may be submitted to the Court after Steps 1 and 2 have been completed. If filing all consents (**Form 08** and/or **Form 09**) at the time of filing the petition, you may also submit the general judgment immediately. Otherwise, the general judgment may be submitted when the requirements in Step 2 have been completed.

5. **OBTAINING YOUR JUDGMENT**

After filing the GENERAL JUDGMENT OF CHANGE OF NAME (**Form 15**), the case is forwarded to the Judge for review and signature. This typically takes about seven business days, but may take longer depending upon case volume, staffing, and the Judge’s schedule.

You may view the status of your case through the Oregon Judicial Department Online Records Search.

This search will show when a judgment is entered. The website is:

<https://webportal.courts.oregon.gov/portal/Home/Dashboard/29>.

If you have questions after the judgment is entered, you may contact the Court at (503) 655-8447 option 6. If you have questions about a delay or denied judgment, please contact the Court at (503) 655-8447 option 4.

Once the judge has signed the judgment and the clerk has entered the document the minor's name change becomes valid. The certified copy of the judgment is the legal document showing that the minor's name has been changed. You may request a certified copy of the judgment in the Records Center or through the Records Center request process by sending an email to: CLAPublic.Records.Request@ojd.state.or.us.

CHANGING THE MINOR'S NAME IN OTHER OFFICIAL RECORDS

In order to change the minor's name on other official records (such as a driver's license, passport, and social security card), you will need a certified copy of **Form 15** ("GENERAL JUDGMENT"). Changing the minor's name with the Court **does not change the minor's name** with other state or federal agencies; you must do this yourself.

To change an Oregon birth certificate contact:

Center for Health Statistics
P.O. Box 14050
Portland, OR 9793

Tel.: (971) 693-1190
health.webmaster@state.or.us

If the minor was born in another state, you will need to contact that state to find out more information about making changes to that state's records.

IMPORTANT REMINDERS

Please note that these forms are designed to work for most people but cannot address all possible situations. **Court staff cannot provide legal advice.** These forms have been prepared by the Clackamas County Circuit Court for use in Clackamas County. They have not been approved by, and may not be accepted by, any other county in the State of Oregon. If these forms do not cover your situation, if you cannot understand these instructions, or if you have questions that are not covered by these instructions, please consult an attorney.

The Oregon State Bar can provide assistance locating an attorney, including lawyers willing to provide a low cost initial consultation. For more information, call (503) 684-3763, or (800) 452-7636 within Oregon, or visit www.osbar.org/public.