

Intake Assessment/Triage for Name Changes

Someone comes to the court asking for forms to change a name. The following list of questions can help to assist people with the proper forms and procedure or direct them to other resources as appropriate.

Preliminary Questions:

1. **Are you changing the name of an adult or a minor?**
 - a. If the answer is “minor,” skip to 2 below. If the answer is “adult” continue with b:
 - b. **Are you changing your name to revert to a maiden name or prior married name following a divorce?** Yes No
 - (1) If Yes: the person can be directed to file the request in the original divorce case. There is no filing fee and no requirement to publish in a newspaper.
 - (2) If No: **Are you changing your name in order to protect yourself as a crime victim, such as a domestic violence victim under the “Safe at Home” program?** Yes No
 - A. If Yes: the person can be directed to the victim services unit of the local District Attorney’s office or a local non-profit program or agency that assists victims of domestic violence.
 - B. If No: the person can be directed to one of the public access computers to complete the adult name change PDF file forms completion programs, or if the person prefers, given the forms packet for a change of name for an adult and instructions on how to complete and file them.

Name Change for Minor(s):

2. **Are both birth parents or adoptive parents petitioning for the minor’s change of name?** Yes No
 - a. If Yes: the person can be directed to one of the public access computers to complete the minor’s name change PDF file forms completion programs, or if the person prefers, given the forms packet for a change of name for a minor with instructions for their completion and filing.
 - b. If No: proceed to (1):
 - (1) **Do you know if the non-custodial parent will consent?** Yes No
 - A. If “Yes” proceed with (a) above, and have non-custodial parent sign a letter of consent in front of a notary and attach the letter to the petition.
 - B. If “No” explain that the non-custodial, non-petitioning parent needs to be personally served with the order to show cause, so the next question to ask is: **Do you know where or how to locate the non-custodial parent?** Yes No

I. If Yes: explain how personal service must be performed by a non-party and the proof of service filed with the court prior to the hearing.

II. If No: explain the requirement for conducting a due diligence search to locate the person, and give the form for the declaration re: due diligence and order dispensing with notice. Ask the following questions:

(i) **Is the minor going to be 18 soon?** Yes No

(A) If Yes: explain that if the minor will reach the age of majority soon, it may be easier for her/him to wait to change her/his name once s/he turns 18, by petitioning on her/his own without the need for parental consent or service of process on the parents.

(B) If No: another question to ask the petitioning parent is: **Have you remarried?**

Yes No

(*) If No: return to II above.

(#) If Yes: inquire whether the stepparent might want to adopt the minor, because the minor's name can be changed through the stepparent adoption process without additional cost and without any requirement to publish in a newspaper.

REMEMBER: The court cannot recommend a particular course of action, but informing people about their options and the consequences of each can help them make informed decisions and select a course of action most suited to accomplishing their goals. Without such information, people can easily pursue a particular court action, only to find at the end that it cannot accomplish their goals, but that a different course of action could. This causes needless frustration and cost for both court staff and the people they are trying to serve.