

INSTRUCTIONS FOR CHANGE OF NAME OF A MINOR

ALL FORMS MUST BE TYPEWRITTEN

These instructions are being provided as a public service of the Butler County Probate Court, and are intended as a guideline only. Depending on the circumstances of each case, additional steps may be required that are not listed below.

Please review the Change of Name packet, the clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation.

The documents that you file *must be typewritten, legible AND completed in their entirety.* (Forms on our web site may be filled in prior to printing). Illegible or incomplete documents may be refused for filing or if filed, could result in your application being denied, delayed or dismissed.

The minor child must be at least one year old (1) at the time of filing the application both the applicant and the minor child must have lived in Butler County for at least one (1) continuous year immediately preceding the filing of the application.

Ohio law requires that all applications for change of name be published one (1) time in a newspaper of general circulation in Butler County Ohio at least thirty (30) days prior to the hearing date. Failure to publish the notice of hearing (form 21.5) at least thirty days prior will result in your name change being delayed and additional costs to you to re-publish.

A deposit of \$100.00 is required at the time of filing. Additional costs are required for the publication and are to be paid directly to the newspaper. Please confirm the amount with the clerk and Cox Publishing since filing fees may have changed subsequent to the publication of this instruction sheet. This fee must be paid in cash, check or money order. After the application is filed, your filing fees **will not** be refunded.

An application for change of name of a minor can only be made on behalf of a minor by a parent, a legal guardian, or a guardian ad litem (**a person having custody through Juvenile Court cannot be the applicant**). Both living, legal parents must consent in writing to the name change, if a parent refuses to consent, the applicant must send notice of the hearing to the non-consenting parent(s) by certified mail, return receipt requested. If the non-consenting parent(s) address is unknown, service must be attempted at their last known address as well as publication of the notice of hearing to the individual at his last known address.

If a parent's name and/or address are unknown a pretrial is required prior to a hearing date being scheduled on the name change application. The applicant must be able to show credible evidence that prove reasonable diligence in attempting to obtain the unknown address.

LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND DESIRE TO AVOID COSTLY ERRORS, MOST INDIVIDUALS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, PLEASE BE ADVISED THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE AND EMPLOYEES OF BUTLER COUNTY PROBATE COURT FROM PROVIDING YOU WITH LEGAL ADVICE OR ASSISTING YOU IN THE SELECTION OR PREPARATION OF LEGAL FORMS. IF YOU NEED ADDITIONAL ASSISTANCE YOU WILL NEED TO CONTACT AN ATTORNEY OF YOUR CHOOSING.

If you choose to submit a Change of Name for a Minor, you will need to complete and present the following documents and forms:

- **Application for Change of Name of Minor (Form 21.2)**
[R.C. 2717.01]
 - When completing the application you must state the minor's full legal name (first, middle and last) as it is now and the full name (first, middle and last) that you are requesting. Do not use initials.
 - The applicant must complete the form in its entirety including initialing and signing in the appropriate areas. Failure to complete the form in its entirety may result in your application being denied, delayed, or returned without being filed.
 - Leave the case number and the Journal Entry Setting Hearing on page two blank, a deputy clerk will complete this information.
- **Consent to Change of Name (Form 21.4)**
 - The consent of each living, legal parent is required and must be signed in the presence of a Notary Public or Deputy Clerk.
- **Certified copy of the Minor's Birth Certificate**
- **Certified copy of the Minor's Name Change (if previously changed)**
- **A Certified Copy of the Deceased Parent's Death Certificate (if applicable)**
- **A Certified Copy of the Letters of Guardianship or the Entry Appointing Guardian Ad Litem (if applicable)**
- **Notice of Hearing on Change of Name (Form 21.5)**
 - Complete the form leaving the hearing date and time blank. A clerk will schedule the hearing and complete that portion of the form.
 - See information below on publication of the notice.
- **Judgment Entry – Change of Name of Minor (Form 21.3)**
 - Complete the form in its entirety.

After completing the forms and obtaining the necessary documents mail or bring the completed forms and \$100.00 in cash, check, or money order to the Butler County Probate Court located on the Second Floor of the Historical Butler County Courthouse, 101 High Street Hamilton, OH 45011.

A Deputy Clerk will review the forms and if completed properly will assign a case number and file the documents. At that time the clerk will schedule either a hearing or a pretrial. If no pretrial is required, the clerk will return a filed copy of the Notice of Hearing which you as the applicant will be required to mail by certified mail, return receipt required to the non-consenting parent, you will also be required to publish this notice in the newspaper.

Publication may be made in the Middletown Journal, Hamilton Journal News, or Today's Pulse Butler County Edition. The current cost to publish is \$45.00 and must be pre-paid directly to Cox Media Group prior to publication. You may submit the notice of hearing to Cox Media by email at swglegals@coxohio.com or by fax to 937.225.2043. For further information about publication, please contact Cox Media directly at 937.225.7367.

After completion of the Name Change, if granted, the applicant will need to forward a certified copy of the Judgment Entry – Change of Name to:

Ohio Bureau of Vital Statistics
225 Neilston Street
P.O. Box 15098
Columbus, OH 43215

The Bureau of Vital Statistics will then issue a Certificate of Birth in the new name with a notation that there was a Name Change Proceeding. For questions on this procedure please call (614) 466-2531.

If the minor was born outside of Ohio, the applicant must send a certified copy of the Judgment Entry – Change of Name to the Bureau of Vital Statistics located in the birth state.