

## BUTLER COUNTY PROBATE COURT

**Procedure For: NAME CHANGES**

**Date Last Reviewed: 1/28/2011**

### **Filing Requirements**

- Adult files an application in the probate court of the county in which the person resides.
- For a minor, the parent, legal guardian or guardian ad litem files the application.
- The adult applicant or the minor child must have resided in Butler County for 1 year or more immediately prior to the date the application is filed.
- Applicant must file Form 21.5 Notice of Hearing on Change of Name. The applicant will be given a hearing date when the application is filed (Front Room TIOE).

### **Applicant's Responsibilities**

#### ➤ PUBLICATION

An announcement to “all interested persons” of the date and time of the hearing must be published in a newspaper of general circulation at least 30 days prior to the date of the hearing.

Newspapers of general circulation are: Hamilton Journal News, Middletown Journal, Oxford Press, Cincinnati Enquirer. The Supreme Court has held that a weekly newspaper is not a newspaper of “general circulation.”<sup>1</sup>

The newspaper will supply the applicant with an “Affidavit of Publication” which is brought to the hearing. Cutting the announcement out of the newspaper is not sufficient.

Noncustodian parent may be notified by publication if:

Custodial parent testified that “reasonable diligence” has been exercised to locate noncustodial parent. Minimal efforts do not satisfy the reasonable diligence standard.

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<sup>1</sup> Record Publishing Co. v. Kainrad (1990), 49 Ohio St.3d 296, 301, 551 N.E.2d 1286.

Reasonable diligence includes: taking steps than a prudent individual would expect to be successful in locating an address – checking telephone records, auto title, property records, talking to neighbors or family members, Facebook, internet search.<sup>2</sup>

Publication to noncustodial parent must include a notice to “all interested persons” and noncustodial parent’s name and last known address.<sup>3</sup>

➤ CONSENT

Consent of both living legal parents is required in a minor name change.

Notice of the hearing may be given to a nonconsenting parent by certified mail, return receipt requested. Notice shall be given to a known or putative parent.

➤ JUDGMENT ENTRY

The applicant must bring a typewritten and completed judgment entry to the hearing.

➤ BIRTH RECORD AMENDMENT

After the hearing the applicant mails a certified copy of the judgment entry to the Bureau of Vital Statistics, 246 North High Street, P. O. Box 15098, Columbus, OH 43215-0098.<sup>4</sup>

All legal changes are attachments to the existing birth certificate. When the applicant requests a copy of the birth certificate, she will receive a one page computer generated birth abstract showing the name change. This is a legal document certifying the change of name and will be accepted as such by all agencies, such as passport office, social security, etc.

### Judicial Officer Findings

➤ HEARING

Residency requirement met – Court has jurisdiction.

Consents filed or service otherwise perfected.

Reasonable and proper cause exists to grant the name change.<sup>5</sup>

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<sup>2</sup> Civ. R. 4.4(A); First Bank of Marietta v. Cline (1984), 12 Ohio St.3d 317, 318, 466 N.E.2d 567, citing Brooks v. Rollins (1984), 9 Ohio St.3c 8, 457 N.E.2d 1158; and Sizemore v. Smith (1983), 6 Ohio St.3d 330, 453 N.E.2d 632.

<sup>3</sup> In the Matter of Hayden Frederic Randolph, 2005 WL 280832 (Ohio App. 11 Dist.)

<sup>4</sup> R.C. 3705.13



Was adjudicated a delinquent child for having committed a *sexually oriented offense or a child-victim oriented offense.*<sup>9</sup>

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<sup>9</sup> 11 Dist. Court of Appeals upheld denial by trial court of application of sex offender on the basis that granting the application would impede the purposes of the registration requirement and allow the applicant to evade his past criminal history. In re Name Change of Whitacre, 2004-Ohio-2496.