

INSTRUCTIONS FOR MINOR NAME CHANGE

Clackamas County Circuit Court
Fifth Judicial District

You may use these forms only for the name change of a minor (i.e. under the age of 18) who is a resident of Clackamas County. Forms must be filed at the Clackamas County Courthouse, Civil Case Unit, Room 104. *Please complete all forms **completely and legibly**. Once filed these are legal documents, and errors may affect your rights or delay the name change process.*

The forms that are required to change the name of a minor will vary depending upon the circumstances. We do not have forms for every possible situation, and it may be necessary to consult with an attorney. You will NOT need to use every form in this packet. Please review the following guidelines carefully before you begin; this will help you decide which forms you will need. Form numbers refer to the number at the bottom of the form following the letters "CP-PR".

The following forms are included in your minor name change packet:

07 - Petition for Change of Name of a Minor; Motion and Order to Appoint Guardian Ad Litem

08 – Consent/Objection to Name Change by Minor Age 14 or Older

09 – Consent to Name Change of Minor by Parent

10 – Notice to Parent of Proposed Name Change of a Minor

11 – Objection to Name Change of Minor and Request for Hearing

12 – Affidavit of Service

13 – Motion and Order to Allow Alternate Form of Service

14 – Proof of Service on Parent by Alternate Service Method

15 – Declaration That No Notice to Parent Required

16 – Notice of Petition for Change of Name of a Minor

17 – Proof of Posting Notice of Petition for Change of Name of a Minor

18 – General Judgment of Name Change of a Minor

19 – Notice of General Judgment of Name Change of a Minor

20 – Proof of Posting Notice of General Judgment of Name Change of a Minor

- a) Every name change of a minor will require each of the following forms to be correctly filed before a name change of a minor will be complete: **07, 16, 17, 18, 19** and **20**. Those forms are in ***bold and italics*** in the list above. (Form **08** is required if the child is over 14 years old.)
- b) Each parent must be notified of a proposed name change of their child and either consent, or have a right to object prior to issuance of a judgment changing the name. There are only two situations in which notice to a parent is not required:
 - i. If a parent declares under penalty of perjury that the minor has never resided with the other parent, nor has that other parent ever contributed to or attempted to contribute to the financial support of the minor. In that event, **form 15** is the only additional form required.
 - ii. If paternity has never been established, and the father's name does not appear on the birth certificate. In that event, this should be made clear in question 7 of the PETITION (**form 07**) and the father does not need to receive notice of the proposed name change.
- c) If the minor whose name is being changed is 14 years of age or older, s/he must sign **form 08** indicating whether s/he approves of or objects to the name change.
- d) The rest of the forms deal with notification to the minor's parents of the proposed name change. It is essential that the judge is satisfied that parents who are entitled to notice have been given notice of the proceedings and had an opportunity to object. This is a summary of the most common situations:

- i. If the other parent (assuming one parent files the petition and is the Guardian Ad Litem) consents to the name change, s/he should indicate that consent on **form 09**. That completes the process, and the remaining forms regarding notice are not necessary.
- ii. Otherwise, the other parent must be **served with three forms - 07, 10, and 11** - and given a minimum of twenty-one days to object to the name change. The twenty-one days begins on the date of service. "Service" requires compliance with Rule 7 of the Oregon Rules of Civil Procedure, which is part of this packet of information and forms. Service is usually accomplished by a county sheriff or process server who hand delivers the three forms to the other parent, then files a return of service with the Court verifying compliance with this requirement.
- iii. If personal service by the above method is not possible, then you may ask the court to authorize another method of notifying the other parent by completing and filing **form 13**. This other method is called "alternate service" and may include any means the court concludes is reasonably calculated to make the other parent aware of these proceedings. The judge will decide whether or not to allow alternate service. If it is allowed, alternate service might be publication in a newspaper, posting on the bulletin board, mailing which complies with ORCP 7D(2)(d), or other means. If the court authorizes alternate service, then you must comply with the court's order and when done file **form 14** explaining how you complied with the order. You should attach copies of the documents served, and any supporting documentation (such as certified mail return receipts, proof of publication, etc.).

It is important to understand that a person under the age of eighteen cannot start any legal proceedings in his/her own name. Merely being a parent does not give you the right to start legal proceedings for the child. You must be appointed by the court as a "Guardian Ad Litem" to start this process. If you are already a court-appointed guardian you do not need to be appointed Guardian Ad Litem, but you **must** provide a current copy of your Letters of Guardianship.

1. Filing the petition and being appointed Guardian Ad Litem

Begin by completing **form 07**, "PETITION FOR CHANGE OF NAME OF A MINOR; MOTION AND ORDER TO APPOINT GUARDIAN AD LITEM." Fill in all the blanks on the form, **except** the signature line that says "Petitioner's Signature," the case number, and the bottom of the second page which is for the judge or probate coordinator to appoint the Guardian Ad Litem. **You must sign the Petition in front of either a notary public or court staff and provide either one government-issued photo ID or two signature IDs.**

Next, complete **form 16**, "NOTICE OF PETITION FOR CHANGE OF NAME OF A MINOR." In the blank provided for the deadline to file objections, enter a judicial day at least 15 days after the date you will post the notice. You will need to put this **same** date in the area that says: "DO NOT REMOVE THIS NOTICE BEFORE ____."

Bring the PETITION and the NOTICE OF PETITION to Room 104 – Civil Case Unit. The court staff will review the forms and assign a case number for use on all forms. You must then pay the filing fee, currently \$105.00, at the cashier's window: Room 104 - Cashier. (You may review the entire fee schedule for this court at <http://www.ojd.state.or.us/cla/fees.htm>.) The matter will be reviewed and if approved, you will be appointed Guardian Ad Litem.

2. Posting the First Notice

After you have filed the PETITION, obtained a case number, and been appointed as Guardian Ad Litem, you must post the NOTICE OF PETITION (**form 16**). Attach it to the bulletin board in the courthouse, marked "Public Notices - Name Change – First Posting." The bulletin board is located on the bottom floor of the courthouse outside of Room 12.

(You may have another person post the notice for you, but s/he must then be the person who also removes the notice and completes the proof of posting.)

3. Consent, Notice and Objections

Before the court will consider signing a judgment of name change, the court must be satisfied that the other parent either consents, or does not need to be notified, or has received notice of the proceedings and not objected. Please refer to the discussion about this on the first two pages of this instruction sheet.

In general, you will need to either file a consent of the other parent (**form 09**), a declaration that notice is not required (**form 15**), or proof that the other parent has been served as described above. A hearing will be held **ONLY** if an objection is filed. You will be notified by mail of the hearing date. It is your responsibility to keep the court informed of your current address. At the hearing, the judge will decide whether to grant the name change.

If the minor is 14 years of age or older, **form 08** must be filed.

4. Submitting the Judgment

At least fifteen days after you posted the notice and after the notification/consent of the other parent has been satisfied, return to the courthouse.

First, remove the NOTICE OF PETITION (**form 16**) from the bulletin board.

Second, complete **form 17**, "PROOF OF POSTING OF PETITION FOR NAME CHANGE OF A MINOR", but do not sign it.

Third, complete **form 18**, "GENERAL JUDGMENT OF NAME CHANGE OF A MINOR" except for the three blanks in the middle of the form where a judge will sign, date and print his/her name. **Print very clearly**; this is the legal document which you will use to prove the name change, so errors in spelling or illegible letters may result in a name change that was not what you intended.

Fourth, take **forms 16, 17 and 18** back to the Civil Case Unit window of Room 104. You may sign **form 17** at the window. The documents will be entered in the court records, then forwarded to the judge for review and signature. The process generally takes at least seven business days, sometimes longer depending upon case volume, staffing and the judge's schedule. You may phone (503) 655-8447 after seven (7) business days to have a clerk determine if the judge has signed the judgment.

5. Posting the Last Notice

After the judgment has been signed, you must post an additional notice. **Even though a judgment has been signed, the name change is not legally effective until you comply with this requirement.** Fill out **form 19**, "NOTICE OF GENERAL JUDGMENT OF NAME CHANGE OF A MINOR" and post it on the same bulletin board as before, except in the area entitled "Second Posting". As before, another person may do this for you.

At least fifteen days after you posted **form 19**, return to the courthouse and remove it from the bulletin board. Complete **form 20**, "PROOF OF POSTING NOTICE OF GENERAL JUDGMENT OF NAME CHANGE OF A MINOR", but do not sign it. Take both **forms 19 and 20** to the Civil Case Unit, and the clerk will review. You may sign **form 20** at the window. (Remember that this form must be completed by the person who posted and removed the notice.)

NOTE: If the proof of posting (form 20) is not filed, the Court may set aside the judgment without further notice or hearing.

6. Certified Copy of Judgment

This completes the process, and the name change is valid. The clerk will mail a certified copy of the Judgment signed by a judge (**form 18**) to you at the address you provide. This is the legal document showing that the minor's name has been changed. You may obtain additional certified copies for \$5.25 per copy.

7. Changing Name in Other Official Records

In order to change a name on other official records (such as driver's license, passport or social security card), you will need the certified copy of the GENERAL JUDGMENT (**form 18**). Changing a name at the court does not change that name with other state or federal agencies; you must do this yourself.

To change a birth certificate to show a new name, contact the Center for Health Statistics, P.O. Box 14050, Portland, OR 97214, (503) 731-4108.

8. Important Reminders!

Please note that these forms are designed to work for most people in most situations, but we cannot address all possible situations. Court staff cannot provide legal advice. 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, you should 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. Each county in Oregon has its own procedures for name changes. These forms have not been approved by, and may not be accepted by, any county other than Clackamas County.