

NAME CHANGES IN POLK COUNTY

Answers to commonly asked questions

1. Where to I get the forms?

(A) You can buy printed forms from some local stationary stores. Not all stores that sell name change forms carry the extra forms for changing the name of a minor.

(B) You can look at sample forms in a book called the Family Law CLE, which is published by the Oregon State Bar. You can find that book at the Polk County Law Library in the courthouse. These forms should be typed and must comply with the Uniform Trial Court Rules.

(C) You can hire a lawyer to prepare the forms.

2. Where do I file for a name change?

In the Circuit Court in the county where you live. The documents are filed in the Court Records Office.

3. How much does it cost?

In addition to any costs for forms, a name change costs \$99.00 for the filing fee. Please make checks payable to State of Oregon.

4. What forms do I file to change the name of an adult?

All together, you will file seven forms to change an adult's name. Not all of the forms are filed at the same time. Following is a list of the forms and an explanation of each:

a. Application for Change of Name

The application describes what names the applicant has used, explains the reason for the name change, and formally asks for the change. The application must be signed by the person whose name is being changed.

b. Order to Give Notice and Appear and Show Cause

This orders the applicant to give notice of the application, and sets a time for people to "appear" and "show cause" why the application should not be granted. The court fills in the date for the hearing.

To "appear and show cause" means to formally object and give reasons why the application should not be granted. The objections must be made in writing or in person by the hearing date set in the order.

c. Notice to All Persons

You will use two notice forms. The first notice is notice of the application for name change and of the time to object to the name change. This notice must be posted for 14 days before the date set in the Order to Give Notice and Appear and Show Cause.

d. Proof of Posting Public Notice

You will use two proof of notice forms. The first proof is proof that the first notice (of the application and time to object) was posted and the date it was posted. The proof of posting must be signed before a notary.

e. Order and decree Changing Name

This grants the name change and orders the applicant to give notice of the decree changing name.

f. Notice to All Persons

The second notice is a notice of the decree that changed the name. This notice must be posted for 14 days before the certificate of name change will be signed.

g. Proof of Posting Public Notice

The second proof is proof that the second notice (of the decree of name change) was posted and the date it was posted. The proof of posting must be signed before a notary.

5. What forms do I file to change the name of a minor child?

To change the name of a minor child, you need to file all of the forms described above, and also the following forms (which may not be available at stationery stores)

a. Application for Appointment of Guardian ad Litem

This is an application for an adult to act on behalf of the minor child in changing the child's name.

b. Order Appointing Guardian ad Litem

This appoints the adult as guardian ad litem. The guardian ad litem signs all of the paperwork for the name change.

c. Consent

The child's mother and father must either sign a consent to name change or receive written notice of the name change. If the child is 14 or older, the child must sign a consent to the name change.

d. Notice to Parent

The Guardian ad Litem must send to any parent who does not consent to the name change a written notice of the application and the time to object. This notice is like the first notice that is posted, only it is directed at the parent and is mailed to the parent.

e. Proof of Mailing Notice to Parent

This is proof that the Notice to Parent was mailed and the date it was mailed. The proof must be signed before a notary.

6. How do I post the notices?

- a. First, fill out and sign the notice.

Do not fill out the first notice (of the application and time to object) until the judge signs the Order to Give Notice and Appear and Show Cause. For the first notice, at the bottom :DO NOT REMOVE THIS NOTICE BEFORE” and the date of the hearing.

Do not fill out the second notice (of the decree of name change) until the judge signs the Order and Decree Changing Name.

- b. Make a copy of the notice to file with the proof of notice.

- c. Post the notice in a public place in Polk County. You can post the notices yourself, or have any other competent adult do it.

You can post on the public bulletin board in the Courthouse, which is located on the first floor of the historical section of the courthouse.

Other public places include city hall, fire stations, public laundry facilities, community centers and private stores open to the public.

- d. For the first notice you poste, the date you post the notice must be at least 14 days before the date set for people to object. If you don't get the notice posted in time, take another form of Order to Give Notice and Appear and Show Cause to the Court Records Office so the judge can sign a new order with a new date.

7. How do I file proof of posting?

- a. After posting the notice, fill out the proof form and sign it before a notary. If the proof says how long the notice was left posted (i.e. 14 days before the hearing date), do not sign the proof until that day has passed.

- b. Attach to the proof a copy of the notice that was posted.

- c. Mail or deliver the proof to the Court Records Office.

8. When is my name change final?

After all of the requirements have been met, the court prepares a Certificate of Change of Name. This certifies that the court has changed the name. If you provide a self-addressed stamped envelope, the court can mail the certificate to you.