

Self-Help Center

Procedures for Adult Name Change Petition

The following procedures are intended to be used as a guideline for completing and filing an Adult Name Change Petition, whether Individual or Joint. If you have any questions or concerns regarding your petition, you may want to seek the advice of an attorney.

Before you file your Name Change Petition, make sure you have completed the following:

- Name Change Petition. Make sure your petition is completely filled out and that your signature has been notarized by a Notary Public.
- Name Change Order. Make sure you have filled out the necessary sections of the order. This order will be signed by the judge assigned to your case.
- Application for Index Number. The Index Number is the number specifically assigned to your case. The fee for this form is \$210.00.
- Request for Judicial Intervention. This is the form the court uses to assign your case to a judge.
- Proof of date and place of birth. If you were born in New York State, attach a certified copy of your birth certificate to your petition. A “certified” copy will have a raised seal (you can feel it) and a signature to show that it is real. If you were not born in New York State, check with the court where you will file your petition to find out what will be accepted as proof of your birth.
- Proof of marriage. If you are filing a Joint Name Change Petition, you may be required to provide a certified copy of your marriage certificate. Please check with the court where you will be filing your petition to see if this is required.
- If you have a criminal record, you need to provide one or both of the following.
 - A written explanation of your crime. This includes what you were convicted of, if you had a trial, if you served any jail time, how long you were in jail and if you are, or were, on probation.
 - Certificate of Incarceration or Certificate of Disposition (if you have completed your sentence). This may not be required by all courts. You may want to check with the clerk in the court where you will file your petition to find out if this is necessary.
- If you have ever been granted a bankruptcy, or if there are any pending judgments or liens against you, or if there are any civil actions/proceedings pending against you or concerning you, you need to provide the following.
 - A written explanation regarding the circumstances of the bankruptcy, judgment and/or court proceeding. You may want to check with the clerk in the court where you will file your petition to find out what is necessary.

- You should make a copy of all your documents for your records before filing them with the court. There is a copy machine in the public access law library and in most County Clerk's Offices. Copies are .65¢/page, minimum of \$1.30 at the County Clerk's Office.
- Go to the County Clerk's Office to file the Application for Index Number form with the original petition and pay the \$210.00 fee for the Index Number. If you take your file copy with you, it can be "date stamped" by the County Clerk. Please be aware that depending upon the County where you will file your petition, you may need to file an original **and** a copy of the petition. Please check with the Supreme & County Court Clerk where you are filing your papers to be sure. *(Please note that the County Clerk and the Supreme & County Court Clerk are two different offices.)* The cashier at the County Clerk's Office will give you a receipt with the Index Number printed on it. Write the Index Number on your documents. Make sure to keep your receipt as this is proof that you have paid.
- Bring the original papers (petition and order) to either the Supreme Court Clerk's Office or the County Court Clerk's Office in the county where you live for submission to a judge.
- Allow a few days for review of your petition as to consent and compliance with the law.
- If your petition is approved, then you must publish your name change in the designated newspaper within 60 days after your order was signed by the judge. It is your responsibility to take a copy of the entered order (see next arrow paragraph) to the newspaper named in the order so that the notice can be published. It is recommended that you contact the newspaper at once and make arrangements for publication and payment of the publication fee. Credit cards are usually accepted.

In this packet is a Sample Publication Notice showing you the format that should be used when publishing your name change in the newspaper.

Please Note: If you feel that your personal safety, or the safety of your children could be jeopardized by having your name change printed in the newspaper, then you may ask the court to do without (waive) this requirement based on your explanation of the reasons.

- Go to the County Clerk's Office record room and fill out a form to obtain your file. Take out the signed order from the file. There should be a "file stamp" by the judge's signature. This is known as the "entered order". You need to make a complete copy of the 2 page order but before you make the copy, make sure that the date the order was signed is filled in on the original order. If it's not, let the clerk know so that they can insert the date. Don't get the copy of the order certified at this time! See the section below entitled "How to Obtain a Certified Copy of the Name Change Order". Return the file to the County Clerk's record room.
- It is your responsibility to submit proof of publication with the County Clerk within 90 days of the date your order was signed by the judge. You will be sent proof of publication from the newspaper. Contact the newspaper to make arrangements for obtaining and filing this proof on a timely basis.

How to Obtain a Certified Copy of the Change of Name Order

- * You must have the order certified by the County Clerk's Office. The certification fee will be \$5.20. If you faxed your publication request to the newspaper, you should have a copy of

the order in your possession. If you hand-delivered your copy of the order to the newspaper, then you must make a new copy of the order so that you can get it certified.

- * Go to the County Clerk's record room. Fill out the form to obtain your file. Bring the file and a copy of the order to the cashier's window and ask for a certified copy of the order. The clerk needs to compare the copy to the original order in order to certify the copy. Again, the fee for certifying the copy will be \$5.20.

- * Return the file to the County Clerk's record room.

Other Instructions

- Once you have obtained a certified copy of the order you must send it to the Department of Health in the state that issued your original birth certificate and request an amended birth certificate. There is a form letter to the New York State Department of Health on our website where you found the petition and other forms. In New York State there is no fee for an amended birth certificate, *unless* you are requesting more than one copy. After the first copy, each additional copy is \$30.00.

- Remember, it is your responsibility to notify all appropriate agencies that you have legally changed your name. This includes the Social Security Administration, the DMV, schools, insurance companies, banks, credit card companies, etc.

- If you are an alien or permanent resident, you will need to take the extra step of filing Form I-90 *Application to Replace Permanent Resident Card* with U.S. Citizenship and Immigration Services. Once filed, you will be given notification of an in-person appearance appointment, which you must attend. You will need to either bring the original name change order or a certified copy of same with you to your in-person appearance appointment. For more information about the filing fee, instructions and where to file, you can either call their National Customer Service Center at 1-800-375-5283 or visit their website at www.uscis.gov. You can download this form and its instructions if you click on the tab at the top of the website entitled "Immigration Forms".

- If you are a naturalized citizen, you will need to take the extra step of filing Form N-565 *Application for Replacement Naturalization/Citizenship Document*, along with a copy of your name change order, with U.S. Citizenship and Immigration Services in order to amend your naturalization certificate. For more information about the filing fee, instructions and where to file, you can either call their National Customer Service Center at 1-800-375-5283 or visit their website at www.uscis.gov. You can download this form and its instructions if you click on the tab at the top of the website entitled "Immigration Forms".

(Disclaimer)

The information provided in this handout is designed to help the court user gain a better understanding of court policy and procedures, and for general informational purposes only. The information in this handout should not be relied upon as a substitute for professional legal help. As always, if you have any questions or concerns about filing paper in New York State, we urge you to seek the help of a qualified attorney.