



Child Name Change Procedure for Erie County

How can I legally change my child's name?

By getting a Supreme Court Name Change Order IN THE COUNTY WHERE THE CHILD LIVES.

What forms do I need?

The following forms need to be filled out, printing neatly and using black ink:

- Application for an Index Number
- Request for Judicial Intervention
- Petition for Name Change
- Consent (complete only if other parent agrees)
- Notice of Presentation of Petition (complete if there is no Consent)
- Affidavit of Service (if no consent signed)

FORMS ARE AVAILABLE AT THE COURT HELP CENTER or ONLINE at www.nycourts.gov/courts/8jd/helpctr.shtml

Check with the Court Help Center staff to see if you need any additional copies.



Do not sign the Petition until you are in front of a Notary Public!

A Notary is available at the Court Help Center.

Do I need anything else?

YES. You will need to bring either:

- original or certified copy of child's birth certificate (if born in NYS)
 - baptismal certificate
 - a passport
 - other legal document
 - filing fee
- } which shows date & place of child's birth

How much does it cost?

YES. There will be fees:

- It will cost \$210 for an index number, payable to the Erie County Clerk. Only cash and personal checks are accepted with picture ID.
- When the order is granted, the law requires it be published in a local newspaper.
- Fee for certified copies of final name change order.

What if I can't pay the fee?

You can ask the Court for an order to file without paying the fee. Please see the Poor Person Application Instructions brochure, available at the Court Help Center or Online at

www.nycourts.gov/courts/8jd/helpctr.shtml

What happens at the County Clerk's Office?



Take all completed papers and filing fee to the **Erie County Clerk's Office, Actions & Proceedings Department, at 92 Franklin Street, Buffalo, NY, (or appropriate county where the child lives)**, where an index number will be assigned. You will need 3 copies of the RJ1. You will also need to make a copy of the papers if you want a copy for your record.

What do I do with the papers?

After you have your index number, go to the **Chief Clerk's Office at 25 Delaware Avenue, Ground Floor (or appropriate Chief Clerk's Office where the child lives)**, and submit 1 time-stamped copy of the RJ1 and your original completed documents.



What's next?

A Judge will be assigned to your case.

Your papers will be reviewed. If additional information is needed or if your child's name change request has been granted, you will be contacted. If the child's other parent did not sign the consent form but was served with the name change papers, you must appear in court on the date selected by the judge.

What if the other parent does not agree to complete the consent form to change the child's name?

The Petition and Notice of Petition with the court date must be served on this parent. And the parent asking to change the child's name can NOT do this. Anyone over 18 years old and not involved in this matter can do it by:

- Serve the Petition and Notice of Petition.
- The person who served the documents must complete an Affidavit of Service.
- The completed Affidavit must be filed with the County Clerk's Office, with a time-stamped copy to the judge assigned to this name change matter.

What happens after the Judge signs the order?

The original signed order and petition must be filed in the County Clerk's Office. You will need a time-stamped copy of the name change order to take to the newspaper listed in your order and have the name change published. Publication MUST be within 60 days of the signing of the order.



Is my child's name legally changed now?

The newspaper will give you an Affidavit of Publication which must be filed in the County Clerk's Office within 90 days of the signed order.

What happens after the Affidavit of Publication is filed?

Congratulations! Your child's name can now be legally changed. You will want a certified copy of the name change order for your records. You will also need to purchase a few certified copies of the name change order to send to the different agencies so your child's name can be changed on their records.

How do I receive an amended birth certificate?

You must contact:
NYS Department of Health
Vital Records Unit, Amendment Unit
P.O. Box 2602
Albany, New York 12220-2602

Web address: www.nyhealth.gov/vital_records/birth.htm

Email address:
vr@health.state.ny.us

What if I have more questions about changing my child's name?

Come to the Eighth Judicial District Court Help Center with any questions you may have.

77 West Eagle Street
Buffalo, New York 14202

Open Monday—Thursday 10:00 a.m. to 4:00 p.m.
and Friday 2:00 p.m. to 4:00 p.m.