

## Basic Steps to Handling a Name Change

This guide provides a general outline of name change proceedings in Wisconsin. Procedure may vary by county. Any forms mentioned in this guide may be obtained from the Clerk of Court or online at <http://www.wicourts.gov/forms1/circuit.htm>. Please type or complete the forms in black ink.

If you would like to request a confidential name change where you won't have to publish notice of the proposed name change, you must prove to the court that publication of the name change could endanger you and that you're not seeking a name change in order to avoid a debt or conceal a criminal record. (§ 786.37(4), Wis. Stats.) If the court makes this finding, all records related to the name change will remain confidential and will not be available to the public. (§ 786.36(2m)(a), Wis. Stats.) There are specific forms to use for confidential name changes that are different than the forms listed below. The confidential name change forms can also be found online at <http://www.wicourts.gov/forms1/circuit.htm>. For additional information on confidential name changes, see CV 491 (Basic Steps to Handling a Confidential Name Change).

### Introduction

Any eligible resident of Wisconsin, whether a minor or an adult, may petition the court in the county where he or she resides to have his or her name changed.

If you hold a professional license (other than a license to teach in the public schools) and your name change is for a reason other than marriage or divorce, you may need the approval of your licensing board or commission to change your name to a name other than the name on your license. Contact the appropriate board to learn its requirements.

A person, including a juvenile, required to register as a sex offender under § 301.45(1g), Wis. Stats., may not change his or her name. (§ 301.47(2)(a), Wis. Stats.)

If you are already married and changing your last name to your spouse's last name or hyphenating your last names, a court order is typically not required. To change your name due to marriage, please see the additional information online at <https://www.wicourts.gov/services/public/selfhelp/namechange.htm>.

- 1. **Fill out a Petition for Name Change form.** There are two Petition for Name Change forms. If the person whose name is proposed to be changed is an adult or a minor age 14 or over, complete CV-450. Use CV-455 if the person whose name is proposed to be changed is a minor under 14 years of age. The form has step-by-step instructions on the left side. If the person whose name is proposed to be changed is a minor under 14 years of age, the petition must be made by:
  - a. Both living parents, the sole surviving parent, or the sole adoptive parent of the minor child.
  - b. One of the parents of the minor child who has two living parents and paternity has been established.
  - c. The mother, and the minor child is a non-marital minor child who is not adopted or whose parents have not married, and paternity of the minor child has not been established.
  - d. The legal guardian/custodian of the minor child because either both parents are dead or the parental rights of both parents have been terminated by judicial proceedings.

Once you have filled out the Petition for Name Change form, you should make at least two copies of the completed form.

- 2. **Fill out a Notice of Name Change Hearing form** or the Clerk of Court in your county may complete it for you. Ask your Clerk of Court whether, based on local practice, you may need to complete this form. If so, the form (CV-460) has step-by-step instructions on the left side. Once you have filled it out, you should make at least two copies of the completed form.
- 3. **Fill out an Order for Name Change form** or the Clerk of Court in your county may complete it for you. Ask your Clerk of Court whether, based on local practice, you need to complete this form. If so,

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the form (CV-470) has step-by-step instructions on the left side. Once you have filled it out, you should make at least two copies of the completed form.

4. **File the Petition for Name Change, the Notice of Name Change Hearing (if required by your county), and the Order for Name Change (if required in your county) forms.** The original forms and **any required copies** must be filed and a fee paid to the Clerk of Court in the county where you are filing your case. Exact procedures vary locally, but you will be assigned a date and time for the hearing and some of your copies will be authenticated and returned to you.

You should also ask your Clerk of Court if you need to bring the original or a certified copy of your birth certificate with you to the hearing. The birth certificate should not be filed with the court, but the judge may review it as part of their decision-making process.

You may also be asked to complete the Department of Health Services form, Report of Legal Name Change (F-05021). If the court grants the petitions, the Clerk of Court will sign and seal the form and send the certified copy to Vital Records. You can get this form by contacting Vital Records at 608-266-1939.

5. **Publish the Notice of Name Change Hearing form in a local newspaper.** State law requires publication of third class notice (printed once a week for three weeks) of the Notice of Hearing form in a local newspaper prior to the hearing date. There are official newspapers in many municipalities, but generally you can use any newspaper regularly published at least once a week in the area **where the petitioner resides**. There may be a fee charged for publication. After the publication is completed, the newspaper will provide you with a "Declaration of Publication." Follow local court practice for filing the proof of publication with the Clerk of Courts before the hearing date or presenting it at the name change hearing.

**If one parent is filing on behalf of a minor under 14 whose paternity has been established (1.b., above), have the non-petitioning parent served with a copy of the Petition for Name Change of Name and the Notice of Name Change Hearing forms.** For the court to hear the case, the non-petitioning parent must be provided with a copy of the Petition for Name Change and the Notice of Name Change Hearing no later than five business days ahead of the hearing. A sheriff or private process server must attempt to personally serve the non-petitioning parent. You will be charged a fee for this task. Once the documents have been served, you will be sent a proof of service. When proof of service is returned, take the original to the Clerk of Courts for filing after you make a copy of the proof of service for yourself. Bring the document to the hearing.

If personal service cannot be accomplished, proof of due diligence in service attempt must be filed with the court. An Affidavit/Certificate of Non-Service will be sent to you by the sheriff or process server and the Declaration of Attempted Service on Non-Petitioning Parent (CV-465) can be used to demonstrate attempted service on the non-petitioner. File these documents with the Clerk of Court at or before the first court date according to local court rules.

6. **Attend the Name Change Hearing.** Be on time and polite. Do not get emotional. If instructed by the Clerk of Court, you must have the original or certified copy of the birth certificate for the judge's review. The judge will ask you for the "Declaration of Publication." If one living parent is filing on behalf of a minor, proof of service or attempted service on the other living parent must also be provided at the hearing. You may be placed under oath and questioned about the information on the Petition. If your petition is granted, the judge will sign the Order for Name Change. If your petition is not granted, the judge will complete an Order Denying Name Change (CV-475).

For minors under 14 whose paternity has been established and one parent is the petitioning party, if the non-petitioning parent does not appear at the hearing or otherwise answer the petition, the action may proceed. If the non-petitioning parent appears at the hearing or otherwise answers the petition and shows that he or she has not abandoned the minor, or failed to assume parental responsibility for the minor, the court shall require the consent of the non-petitioning parent before changing the

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name of the minor. The Response of Non-Petitioning Parent to Name Change of Minor Child Under 14 form (CV-480) may be used to record the non-petitioning parent's position on the requested name change. File this document with the Clerk of Court according to local court rule.

- 7. **File the Order for Name Change according to local court procedure and complete any post-decision activities.** File the Order for Name Change with the Clerk of Courts office. Follow local procedure for recording a certified copy of the order in the Register of Deeds office in the county where the name change occurred. A fee will be charged.