

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.

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 required to register as a sex offender under Chapter 301.45, Wis. Stats. (Class H felony) may not change his or her name. Sec. 301.47(2)(a), WI Stats. Please note that juvenile sex offenders may be subject to Chapter 301.45.

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. Please note that a Petition for Name Change must be signed in front of a notary. 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 and Order for Name Change Hearing form.** 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. 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, Notice and Order for Name Change Hearing and 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.

- 5. **Publish the Notice and Order for 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 city, village, or town **where the petitioner resides**. There will be a fee charged for publication. After the publication is completed, the newspaper will provide you with a "Affidavit of Publication". Follow local court rules 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 Notice and Order for 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 Notice and Order for Name Change Hearing far enough in advance 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 **Affidavit 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 be polite. Don't get emotional. You must have the original or certified copy of the birth certificate for the judge's review. The judge will ask you for the "Affidavit 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 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.