

HOW TO CHANGE A NAME

FOR MINOR CHILDREN

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This packet is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk if your county has local rules and, if so, where you can get a copy.

HOW TO CHANGE A NAME FOR MINOR CHILDREN

1

PETITIONER FILLS OUT FORMS AND STARTS A CASE

To start a Minor Name Change, you begin by filling out a *Request for Name Change (Minor Child)*. Make sure the child's name matches the name on the birth certificate exactly. If the other parent agrees, they can sign the consent form on the *Request for Name Change - Child Information*. You will file it with the Circuit Clerk's office in the county where you live and get a case number and a court date.

Use these forms:

- *Request for Name Change (Minor Children)*
- *Request for Name Change - Child Information (Minor Children)*

2

GIVE NOTICE TO OTHER PARENT OR ASK THE COURT TO WAIVE NOTICE

If the other parent did not sign a consent form, in most cases after filing the petition you must notify the other parent or legal guardian. You can give notice by sending certified mail with return receipt requested **or** by having a sheriff or private process server deliver the notice. If you cannot find the other parent, you need to publish a notice in a local newspaper. If notifying the other parent would pose a hardship (such as a negative impact to health and safety), you can ask the judge to let you skip that step.

Use these forms:

- *Notice of Court Date Request for Name Change (Minor Children)*
- *Publication Notice of Court Date for Request for Name Change*
- *Motion to Waive Notice & Publication*

3

GO TO COURT AND ASK THE JUDGE FOR THE NAME CHANGE

In court, you will be placed under oath and asked questions about the name change. Answer the judge's questions truthfully. The other parent or legal guardian can object to the name change at the hearing. The judge will either Grant or Deny your *Request for Name Change*.

Use this form:

- *Order for Name Change (Minor Children)*

4

CHANGE YOUR DOCUMENTS IF THE COURT APPROVES YOUR NAME CHANGE

After you receive the court order approving the name change, ask the Clerk for certified copies of your *Order for Name Change*. Nothing changes automatically so you will need to bring this Order to update your child's identity records, such as changing your child's name on their social security card, driver's license/state ID card, and other documents.

Laws covering these forms: [735 Illinois Compiled Statutes, section 5/21-101 through section 5/21-104.](#)



ARE THESE FORMS FOR ME?

You may **use these forms to ask the court to change a minor's name if:**

- The person asking to change the children's names **MUST**:
 - Be at least 18 years old; AND
 - Have lived in Illinois for at least 6 months.
- The person asking to change children's names **MUST** also have one of the following relationships with the children:
 - Be the parent with custody;
 - Be a guardian with legal custody; OR
 - The children have lived in your home for 3 years and are recognized as your adopted children.
- If anyone seeking a name change has been **convicted of a felony**, you **MUST** have completed your sentence or been pardoned to get a name change.
- Anyone currently incarcerated in state or federal prison **cannot** get a name change.

Forms required to start a Name Change (Minor Child) case:

1. *Request for Name Change (Minor Children)*: gives the court the children's current and proposed new names.
2. *Request for Name Change - Child Information*: gives the court the information needed to decide if you can change each child's name. Complete one for each child.
3. *Notice of Court Date Request for Name Change (Minor Children)*: tells any parent whose parental rights have not been terminated and any person who has physical custody of the children that you are asking to change the children's names.
 - Do not use if you think publication would put the person whose name would be changed at risk. See "Important Information" on page 5.
4. *Order for Name Change (Minor Children)*: is used by the judge to approve or deny your *Request for Name Change (Minor Children)*. Complete one for each child.

Note: Make sure the current name **matches exactly** as it is on the birth certificate to avoid any delays or issues.

Forms that may be needed in some circumstances:

- *Request for Name Change - Additional Children*: use **ONLY** if you are trying to change the names of more than 4 children. If you are asking to change the names of more than 4 children, give the court the children's current and proposed new names.
- *Request for Name Change - Additional Parent*: use **ONLY** if there is more than one other parent or person who is not the parent with physical custody of the children. Do not include yourself. Tells the court each person's name and whether they agree with the name change.
- *Publication Notice of Court Date for Request for Name Change (Minor Children)*: use instead of *Notice of Court Date Request for Name Change (Minor Children)* **ONLY** if you do not know the location of the parents whose parental rights have not been terminated. Tells the public you are asking the court to change the children's names and it is published in a newspaper for 3 weeks. (Do not use if you think publication would put the person whose name would be changed at risk. See "special note for victims" on page 5.)
- *Motion to Waive Notice & Publication*: if you believe that notice or publication would put the person whose name would be changed at risk of physical harm or discrimination, use this **INSTEAD OF** the *Notice of Court Date Request for Name Change (Minor Children)* and *Publication Notice of Court Date for Request for Name Change (Minor Children)*.
- *Order on Motion to Waive Notice & Publication*: is used by the judge to say your *Motion to Waive Notice & Publication* is granted or denied.

You can find the all statewide forms at: ilcourts.info/forms.

How do I get my forms notarized?

- To get your forms notarized, you must sign them in front of an official notary public.
- You may often find a notary public at your local bank, county courthouse, or town/city hall. Some currency exchanges, real estate offices, and law firms offer this service. You may also find an independent notary public by searching online or the phone book yellow pages.
- Call ahead to find out if the location has a notary public and if you need an appointment.
- There may be a small fee for getting your form notarized.
- You must bring your photo I.D. to the notary public. Your I.D. cannot be expired and must show your current address.

EXTRA HELP WITH THE FORMS

Name Change Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and put your answers in the right places on the forms. At the end of the program, you can download or email your forms to e-file or print them.



Easy Forms are free to use. Visit ilao.info/child-nc-easy-form or scan the QR code to use the Easy Form.



For more information about going to court including how to fill out and file forms, **call or text Illinois Court Help** at 833-411-1121 or go to ilcourthelp.gov.

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at illinoislegalaid.org/glossary. You may also find more information, resources, and the location of your local legal self-help center at: ilao.info/lshc-directory.



IMPORTANT INFORMATION

► **WARNING:** Anyone who is required to register under the **Sex Offender Registration Act, the Murderer and Violent Offender Against Youth Registration Act, or the Arsonist Registration Act** in this State or a similar law in any other state and has not been pardoned, will be committing a felony under those laws by seeking a change of name during the registration period UNLESS the request for legal name change is due to:

- marriage;
- religious beliefs;
- status as a victim of trafficking; OR
- gender related identity as defined by the Illinois Human Rights Act.

Anyone who is required to register under these laws and is granted a legal name change **is required to notify the law enforcement agency with whom they are registered of the name change within 3 days for sex offense, 5 days for murder/violence against youth, or 10 days for arson.**

► **For victims/survivors of domestic violence, stalking, sexual assault, discrimination, or hardship:**

- You can ask the judge to change your children's names without notifying the other parent or publishing the request in a newspaper if one of the following is true:
 - If you believe that giving the other parent notice or that publishing notice will put the person whose name would be changed at risk of hardship, you may file a *Motion to Waive Notice & Publication*. Examples of hardship include: physical harm, discrimination, harassment, bullying, or threats of violence.
 - The child has or has previously had an Order of Protection, Stalking No Contact Order, Civil No Contact Order, or Protective Order issued in someone else's criminal case;
 - The child is a protected person under someone else's bail conditions.
- File your *Motion to Waive Notice & Publication* at the same time you file your *Request*.
 - If you or a member of your household are at risk of domestic violence, stalking, or sexual assault, you do not have to disclose your address and you can use an alternate address on these forms.
 - You do not need a separate court date for your *Motion to Waive Notice and Publication*. The judge will decide on whether to grant your motion at the court date for the *Request for Name Change*. If the judge grants it, they will then decide whether to grant the request for a name change. If the judge does not grant your motion, you will have to publish notice and a new court date will have to be scheduled for your *Request for Name Change*.

► **For people who have orders allocating parental responsibilities:**

As of January 1, 2016, courts in Illinois no longer award child custody. Instead, the law requires the court to assign "parental responsibilities," including significant decision-making responsibilities and parenting time. If your divorce or family case was decided after January 1, 2016, most judges probably will only allow you to bring a name change request if you are a parent who has been given significant decision-making responsibilities.

COSTS AND FEES

To start or respond to most cases in Illinois, there are filings fees and other costs, including:

- **Filing Fee:** to file your forms with the Circuit Clerk.
- **Service Fees:** to notify the other party about the case, such as by the sheriff or publication.
- **Certified Copy Fee:** if you need certified copies from your court file.

To ask the court to waive your costs and fees, you need to fill out the *Application for Waiver of Court Fees*. The *Application* tells the judge about your income, expenses, and any public benefits you receive so they can decide if you will pay no fees or reduced fees. You also need to fill out part of the *Order for Waiver of Court Fees*. The judge will use that order to approve or deny your *Application*.

Even if your *Application* is granted, you may have to pay fees if the judge orders it later, for example because your financial situation changed. A fee waiver order is good for one year. If you still need the fee waiver after it expires, you will need to file a new *Application*.



Find fee waiver forms at: ilcourts.info/fee-waiver-forms.

After filling out your *Application for Waiver of Court Fees* and *Order for Waiver of Court Fees*:

Step 1: File it with the Circuit Clerk's office with your other court documents (more information on how to file below).

Step 2: Wait for a decision - the judge will review your *Application for Waiver of Court Fees* and decide if you have to pay any court fees.

- The judge may need more information or want to have a hearing on your *Application*. The judge will notify you if you need to provide more information or go to court.
- After the judge decides, they will fill out the *Order for Waiver of Court Fees*. This *Order* will say if you have to pay any court fees.
- The judge or the Circuit Clerk will tell you how you will get a copy of the *Order for Waiver of Court Fees*.
- If the judge decides you have to pay all or some of the court fees, you have to pay by the deadline set in the *Order for Waiver of Court Fees*. If you do not pay by the deadline, the judge may dismiss your case or find against you.

Laws covering fee waivers in civil cases: [735 ILCS 5/5-105](#), [735 ILCS 5/5-105.5](#) and [Supreme Court Rule 298](#).

HOW TO FILE THE FORMS

E-filing



- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
 - You qualify for an exemption (see "Not E-filing" below) or
 - Your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileLL at ilcourts.info/efile.
- There may be fees to file your forms. See the previous Costs & Fees page for more information.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo.
- When you need to enter the filing code, look for the title of this form in the drop-down menu.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms.
 - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
 - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.

Not E-filing



- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - Inmates in prison or jail who do not have a lawyer.
 - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
 - Do not have internet or computer access in your home, and it is hard for you to travel.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at ilcourts.info/ExemptionCircuit. If you can't print this form, then ask for it at your local courthouse.
 - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk's office or by mail.
 - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
 - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you a fee to make copies.
- There may be fees to file your forms. See the previous Costs & Fees page for more information.
- If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send your copies back to you in the envelope.



WHAT'S NEXT

STEP 1

Ask for a Court Date.



Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.

- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date, or you may have to speak with other court staff.
 - Ask the person who schedules the court date if you need to bring the children to your court date.
- When you get your court date, complete the *Notice of Court Date Request for Name Change (Minor Children)* if you know the location of the parents whose parental rights have not been terminated.
- If you do not know the location of the parent whose parental rights have not been terminated, complete the *Publication Notice of Court Date for Request for Name Change (Minor Children)*.

Do you know the **location** of the other parent whose parental rights have not been terminated? If yes, go to the section below on Giving Notice. If no, you must try to locate that person's address by searching on the Internet and calling friends or relatives. If you still cannot find their address, follow the steps in *Publication Notice of Court Date for Request for Name Change (Minor Children)*.

You may ask the court to **waive the notice and publication requirement** if:

- You believe that publishing notice will put you at risk of hardship; OR
- You have or have previously been granted a protective order.

If this applies, go to the section to Ask the Court to Excuse You from Giving Notice to the Other Parent and Publishing Notice.

STEP 2

Give Notice of the Request for Name Change.



Give notice of the *Request for Name Change (Minor Children)*.

- You must give notice to the following people:
 - The biological parent of the children, unless there is a court order terminating the parent's rights;
 - A person who has legally adopted the children;
 - A person who was married to the biological mother at the time of the children's conception or birth; AND
 - Anyone who has physical custody of the children.
- There are two ways to give notice:
 - Certified Mail addressed to the person to be notified and request a return receipt (PS Form 3811, usually green paper); OR
 - Service of process by sheriff.
- How to give notice by USPS Certified Mail with return receipt (green card).
 - Mail a copy of your forms to each person who will get notice by USPS Certified Mail and return receipt requested (green card).
 - When you receive the return receipt (green card) back, make a copy for yourself, file the original with the Circuit Clerk, and have the Clerk file stamp your copy.
 - If the letter is returned to you as undeliverable, but you know the person's location, you will need to give the person your forms by service of process by sheriff. If you do not know the person's location you should go to Publishing your Notice section below.

Notify by the Sheriff.



How to give notice with the Sheriff

- You have to put the court date on the *Notice*.
- Staple a *Notice* to the front of the copy of your forms that will go to each person who will get notice.
- In person or by mail, ask the sheriff in the county where the person to be notified lives to give them your *Notice* and your forms.
 - In Person
 - Bring copies of your *Notice* and your forms to the sheriff's office in the county where the person to be notified lives.
 - Pay the sheriff's fees for each *Notice* OR give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) to not be charged a fee.
 - By Mail
 - Mail copies of your *Notice* and your forms to the sheriff's office in the county where the person to be notified lives.
 - Include the *Letter to the Sheriff* found at: ilcourts.info/forms.
 - Include a self-addressed and stamped envelope for the sheriff to mail the Affidavit of Service to you.
 - Pay the sheriff's fees for each *Notice* OR mail the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) to not be charged a fee.
- If the other parent or person who is not the parent with physical custody of the children does NOT live in the same county or state where the case was filed:
 - Get the name, address, and telephone number of the sheriff for the county or the state where the other parent or person who is not the parent with physical custody of the children lives.
 - Call the sheriff in that county or state to find out:
 - If it is the correct sheriff's department for the address where you want the other parent or person who is not the parent with physical custody of the children to be notified;
 - The address where you should bring or mail your *Notice* and forms;
 - The number of copies of your *Notice* and forms to bring or send; AND
 - The sheriff's fees for service and if they will honor your *Order for Waiver of Court Fees* (if you have one).
- Confirm the sheriff gave your forms to the other parent or person who is not the parent with physical custody of the children.
- After the sheriff notifies the other parent or person who is not the parent with physical custody of the children with your court forms, they will fill out an Affidavit of Service and file it with the Circuit Clerk OR mail it to you.
- If the sheriff files the completed Affidavit of Service directly with the Circuit Clerk, call the Circuit Clerk to find out if it has been filed. If it has been filed, ask the Circuit Clerk how to get a copy.
- If the sheriff mails the completed Affidavit of Service to you, make a copy for yourself, file the original with the Circuit Clerk, and have the Clerk file stamp your copy.
- If the sheriff was not able to notify the other parent or person who is not the parent with physical custody of the children, ask them why. You should try to fix the problem and ask the sheriff to try to notify the other parent or person who is not the parent with physical custody of the children again.



If you have given notice to the other parent or person who is not the parent with physical custody of the children, **skip to Step 3 - Get ready for your court date section.**

Publish Your Notice.



If you can't find the other parent, publish your *Publication Notice of Court Date for Request for Name Change (Minor Children)* in a newspaper in the county where you live once a week for 3 weeks in a row.

- Contact an Illinois newspaper in your county and set up publication of the *Notice*.
- If there is no newspaper in your county, contact a convenient newspaper published in Illinois.
- Give a copy of the *Publication Notice of Court Date for Request for Name Change (Minor Children)* to a newspaper. You should not have to send them any other court documents, that *Notice* should contain all the information they need to publish.
- The *Notice* must appear in a newspaper for the first time at least 6 weeks before your court date.
- Newspapers may charge you a publication fee.
- If you have an *Order for Waiver of Court Fees* giving you a full or partial fee waiver, the newspaper is not required to waive or reduce their fee for publication. You will need to file a *Motion* asking the judge to order the county to pay the cost of publication (if you are given less than a full waiver of your costs, you will be responsible for your portion of the cost of publication). A copy of the order must be given to the newspaper so that they know how much to bill the county. You can find the *Motion* form at: ilcourts.info/forms.
- After the *Notice* appears in a newspaper for 3 weeks, get a Certificate of Publication from the newspaper.
- Ask the newspaper how you will get the Certificate of Publication. The newspaper will either:
 - Send the Certificate directly to the Circuit Clerk;
 - Mail the Certificate to you; OR
 - Tell you to pick up the Certificate in person.
- File the Certificate of Publication with the Circuit Clerk before your court date.
- If the newspaper sends the Certificate directly to the Circuit Clerk, make sure it arrives before your court date and ask the newspaper to send you a copy.



If you have given notice to the other parent or person with physical custody of the children through the sheriff, in person or by certified mail or have published notice, **skip to Step 3 - Get Ready for Your Court Date section.**

Get Excused from Giving Notice.



Ask the court to excuse you from giving notice to the other parent and from publishing notice.

- File the *Motion to Waive Notice & Publication* with the Circuit Clerk.
- Ask for a court date for your *Motion to Waive Notice & Publication*.
 - You must tell the judge that:
 - You have or have had an Order of Protection, Stalking No Contact Order, Civil No Contact Order, or Protective Order issued in someone else's criminal case;
 - You are or have been a protected person under someone else's bail conditions; OR
 - Publication would put you at risk of hardship.
- You should gather and make copies of documents you want the judge to see. If you want the judge to hear from other people, those people will have to come to court and be witnesses.
- Go to your court date. Bring your documents and a completed *Order on Motion to Waive Notice & Publication*.

Getting Ready and Going to Court.



Get ready for your court date.

Decide and write down:

- What you want to ask the judge to do for you;
- If there is a disagreement with another parent about changing the children's names, decide and write down:
 - What you will say to the judge if asked to tell your side of the case; AND
 - Questions you have for witnesses, if there are any.
 - Gather and make copies of documents you want the judge to see. Bring the original for the judge and one copy for you and an additional copy for each of the people in the case.
 - If you want the judge to hear from other people, those people will have to come to court and be witnesses (in most cases, you cannot bring in written statements of witnesses).

STEP 3 Go to Court and Ask the Judge for the Name Change.

Go to your court date to ask the court to change your children's names.

- Bring the children with you to court, unless you have been told not to by court staff.
- You should have received a court date and time from the Circuit Clerk when you filed your court forms. If you cannot find your court date and time, call the Circuit Clerk.
- Bring these items with you to court:
 - Copies of all the documents you filed with the Circuit Clerk;
 - Children's birth certificates;
 - Photo I.D.;
 - *Order for Name Change (Minor Children)* for each child; AND
 - Any documents you want the judge to look at (like papers relating to criminal records).
 - **In Cook County (1st District) only:** If you have not e-filed your birth certificate and I.D., you should bring those to court or to your remote hearing. If your court hearing is remote (on Zoom), you should be ready to hold the birth certificate and I.D. up to the camera to show the judge.

- If you were born outside of Illinois, some states require you to include additional information in the *Order* to change birth records (for example the date, location of birth, and Certificate Index Number). Make sure to **check the birth state's requirements and you can include that in the Misc. section on the Proposed Order.**

Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video, it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit ilcourts.info/CircuitClerks.

Your court date could be in person, by phone, or by video.

- If your court date is in person:
 - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
 - Go to the courtroom number listed on your court form.
 - If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask someone at the Circuit Clerk's office.
 - Check in with the courtroom staff and wait for your name and case number to be called.
- If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.
 - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court, or visit their websites for specific technology instructions.
 - Start trying to log-in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
 - Follow these tips to attend court by phone or video: ilcourts.info/AllRemoteCourtResources.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.

If you believe that a parent will contest the children's name change:

Tell the judge your side of the case and answer questions.

- Show your evidence, including documents and photos. Give a copy to the judge. Be prepared to explain why the document or photo is important.
- Tell the judge the name of your witnesses.
- Ask the witnesses questions you prepared in advance.
- The judge and the people you notified of the court date can ask questions of your witnesses when you are done.
- The judge decides whether the documents, photos, or witness testimony can be considered in making a decision about your case.
- The other parent or person who is not the parent with physical custody of the children presents their case.
 - The other people you notified of the court date will also get to present their case by testifying, giving the judge evidence, and questioning witnesses.
 - You will get to see any documents and photos the other people you notified of the court date bring to court. If you do not think the judge should consider them in making a decision about your case, tell the judge why.
 - You may ask questions of the witnesses brought by the other people you notified of the court date. Write down your questions while they are speaking to the other people you notified of the court date or to the judge.

STEP 4

The Judge Makes a Decision.



The judge makes a decision.

- The decision is called a court order.
- If the judge needs more information to make a decision, the judge may set up another court date. Make sure you understand what information is needed and get it before the new court date.
- If the judge needs to think about it more, the judge may let you know the decision later by mailing a court order or at another court date.
- If the judge has enough information, the judge may decide right then and fill out a court order.
 - Get a file-stamped copy of the order.
- If GRANTED, get certified copies of the *Order* from the Circuit Clerk. You need a certified copy of the *Order* to change the children's names on records like birth certificate, social security card, and a driver's license.
- There may be a fee for the certified copies.



YOU'VE COMPLETED THE STEPS OF A NAME CHANGE CASE!