

Filing Fee	\$175.00
Certified Letter Fee	\$12.00
Fee to Publish in County Paper	\$_____

## **Change of Name Minors through 21 Years Old**



# CHANGE OF NAME INSTRUCTIONS MINORS THROUGH 21 YEARS OLD

Self Help Legal Resource Center  
811 Port Street, St. Joseph, MI 49085 • 269.983.7111  
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

## **INSTRUCTIONS FOR FILING A NAME CHANGE**

These basic instructions will help you complete and file a *Petition for Name Change*. The Probate Court can help you with your procedural questions, but we cannot give legal advice. If you have legal questions or complex issues, we suggest that you consult with an attorney.

## **MINORS THROUGH 21 YEARS OLD**

- ♦ There is a \$175 filing fee for this process.
- ♦ There is an additional \$12 fee for certified letters.
- ♦ You must have been a Berrien County resident for at least one year prior to filing.
- ♦ Forms must be typed or printed legibly in black ink (please do not write in cursive).
- ♦ You must attach the birth certificate of the minor to the petition.
- ♦ The interested parties are the legal parents.
- ♦ You will be required to publish in a bonified county paper. There will be a fee.

## **THINGS YOU SHOULD KNOW BEFORE YOU BEGIN**

- ♦ **You do NOT need to file a petition for name change if:**
  - A. You would like to use a different combination of your current name such as, “J. Michael Smith” to “Michael J Smith”, or “John M. Smith”, etc. (unless you are intending to use the change on legal documents).
  - B. To correct a MISTAKE on the original birth certificate (check with the Department of Public Health, Office of the State Register for the proper procedure.)

## **CHANGING NAME IN CONJUNCTION WITH AN ADOPTION**

When an adoption is finalized, the court will include in the Order of Adoption, a section about the new name after adoption. When a certified copy of that order is presented to the Public Health Department with the proper fee, a new birth certificate is prepared with the new information.

## **CHANGING LAST NAME AFTER PETITION IS ESTABLISHED**

If the father’s name is not indicated on the birth certificate and, therefore, the child has the mother’s last name, that last name can be changed to the father’s last name **after** paternity is established. Both parents must agree. Check the Department of Public Health, Office of the State Registrar to use this procedure and confirm the fee.

## **PETITION FOR NAME CHANGE BY CUSTODIAL PARENT(S)**

To change the name of a child who is less than 14 years old, both legal parents must agree to the proposed name change, or the custodial parent must prove to the Court that the non-custodial parent

has not provided regular or substantial support for the child, or has not substantially complied with the Court order for support, for 2 years **before the filing of the petition**, **AND** the non-custodial parent has substantially failed to contact or visit the child for 2 years **before the filing of the petition**. The non-consenting non-custodial parent must be given notice of the hearing and an opportunity to object to the proposed name change. The legal parents' rights are not terminated by a name change. **A copy of a divorce decree, custody orders, support orders and statements of arrearage must be attached to the petition if the name change is sought for a minor and the custodial parent is the sole petitioner.**

## **COMPLETING THE PETITION**

- ♦ Ensure that all blanks are filled in on both sides of the Petition to Change Name and that all information is complete and accurate. Sign and date where required. Make as many copies as will be necessary for your records and to serve the interested parties. Attach to the original petition all items that are required from the instructions on the previous page and bring the documents to the Probate Court with the correct filing fee.
- ♦ If you are the legal custodial parent, and the non-custodial parent is consenting to the name change, have him/her fill out and sign #10 on the back page of the petition OR have him/her complete the Waiver/Consent form in the back of this packet. If the legal non-custodial parent is not consenting to the child's name to be changed, (s)he must be **must be served a copy of the Petition to Change Name and Notice of Hearing at least 14 days prior to the hearing date. The petitioner must provide the Court with a completed Proof of Service form that states that the non-custodial parent was served these documents. If the whereabouts of the non-custodial parent are unknown you must make serious effort to attempt to locate him/her including, but not limited to, contacting friends, relatives, co-workers, checking whitepages.com, and then complete an Affidavit of attempts to locate Minor's Parent including having it notarized.** If the minor is age 14 or over, please ensure items #11 or #12 is completed **and the minor is present for the hearing.**
  - a. After the petition has been accepted for filing you will be contacted by the Probate Court to set a hearing date. After receiving the hearing date you must complete "Publication of Notice of Hearing" specifically addressing the non-custodial parent if he/she has not consented (form PC 563) and take it to a newspaper that publishes in Berrien County. **You cannot publish in the Trade Lines or Mailmax, or any trade lines paper.** You must get the form to the newspaper in time for the information to be published **14 days or more before your court date.** The newspaper will charge you a fee to publish. You will only need to publish one time. A copy of the "Affidavit of Publication" must be filed with the Court prior to your scheduled hearing date.

***Following the hearing, if the requirements of the statute are met, the Order for Name Change will be signed by the Judge and the Probate Court will forward a copy to the petitioner or the Petitioner's attorney along with an "Application to Change a Michigan Birth Certificate" form, (if item #9 requesting the issuance of a new live birth certificate is completed on the order.) If you/the minor were not born in the State of Michigan you must contact the state in which you were born to obtain a copy of the application for a new live birth certificate and the address to which it must be mailed. There is a fee involved.***

The petition is required to attend the court hearing to provide testimony. If the minor is 14 years old, or older, they are required to attend the hearing.

## **List of required documents needed to file**

1. Petition to Change Name

2. Minor's Birth Certificate (required only when changing a minor's name)
3. Publication of Notice of Hearing
4. Notice of Hearing (required only when changing a minor's name)
5. Order following Hearing on Petition to Change Name
6. Proof of Service (required only when changing a minor's name)
7. Original Affidavit of Publication (from the newspaper)
8. If legal non-custodial parent does not consent to the name change you will also need:
  - a. Copy of divorce decree or order of filiation
  - b. Custody and support orders
  - c. Statement of arrearage from Friend of the Court



# AREA NEWS MEDIA – NEWSPAPER

Self Help Legal Resource Center

811 Port Street, St. Joseph, MI 49085 • 269.983.7111 Ext. 8793  
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

<b>Berrien County Record</b> .....	269.695.3878
324 E. Dewey St., Buchanan, MI 49107	
Fax .....	269.695.3880
Website.....	<a href="mailto:www.bernews@bernews.net">www.bernews@bernews.net</a>
<b>Harbor Country News</b> .....	269.469.1410
122 N. Whittaker St., New Buffalo, MI 49117	
Fax .....	269.469.3029
Email.....	<a href="mailto:www.harborcountynews@yahoo.com">www.harborcountynews@yahoo.com</a> or <a href="mailto:news@hargborcounty.news.com">news@hargborcounty.news.com</a>
<b>Herald Palladium</b> .....	269.429.2400
3450 Hollywood Rd., St. Joseph, MI 49085	
Toll Free in Michigan only .....	1.800.356.4252
News Desk Fax.....	269.429.4398
Website.....	<a href="http://www.HeraldPalladium.com">www.HeraldPalladium.com</a>
<b>Journal Era</b> .....	269.473.5421
P.O. Box 98, Berrien Sprints, MI 49103	
Fax .....	269.471.1362
Email.....	<a href="mailto:thejournalera@yahoo.com">thejournalera@yahoo.com</a>
<b>New Buffalo Times</b> .....	269.469.1100
140 N. Whittaker, New Buffalo, MI 49117	
Fax .....	269.469.6397
Email.....	<a href="mailto:newbuffalotimes@i2k.net">newbuffalotimes@i2k.net</a>
<b>South Bend Tribune</b>	
Niles Bureau, 2232 S. 11 <sup>th</sup> St. ....	269.683.2269
Fax.....	269.684.6115
Wedbsite .....	<a href="http://www.southbendtribune.com">www.southbendtribune.com</a>
South Bend Bureau, 225 W Colfax Ave.....	574.235.6161
Email.....	<a href="mailto:webmaster@sbtrinfo.com">webmaster@sbtrinfo.com</a>
<b>Tri-City Record</b> .....	269.463.6397
138 N. Main St., Watervliet, MI 49098	
Fax .....	269.463.8329
Website.....	<a href="http://www.tricityrecord.com">www.tricityrecord.com</a>