



THE CIVIL COURT OF THE CITY OF NEW YORK

GENERAL INSTRUCTIONS To Change A Name

A petition for leave to assume another name may be made by a resident of New York State to either the County Court or the Supreme Court of the County in which s/he resides, or, if the person resides in the City of New York, to any branch of the Civil Court of the City of New York.

*NOTE: If the intent of the change is to correct an error in the Birth Certificate, the application **must** be made to the Supreme Court.*

The application must be typed or neatly printed, signed by the petitioner and “verified in like manner as a pleading in a court of record.” Failure to follow the rules will lead to rejection of the Change of Name application by the Clerk.

A. GENERAL REQUIREMENTS FOR ALL PERSONS

1. Proof of date and place of birth.

If the individual was born in the State of New York, a certified copy of the birth certificate, with the raised seal of the local governmental agency, is required.

If the individual was born outside the State of New York, the Judge may permit a copy of the birth certificate, baptismal certificate, a passport or other legal document(s) indicating the date and place of birth as proof of birth.

NOTE: These documents will, in general, be made a part of the Court record, and will not be returned to the Petitioner.

2. Criminal Record

If the individual has been convicted of a crime, an explanation of the offense, time served, etc. must be provided. If the sentence has been satisfied, a copy of the Certificate of Incarceration or Certificate of Disposition may be provided.

3. Financial Status

If the individual has been adjudicated a bankrupt, if there are any pending judgments against the petitioner or if there are any civil actions or proceedings pending regarding the petitioner, specific details must be provided.

4. Reason

The petitioner must provide the Court with the reason for wanting the change of name.

B. PUBLICATION REQUIREMENTS

The statute requires that after the Court orders the change of name, a copy of the Order be published in a local newspaper. The cost of such publication is the responsibility of the person whose name is changed. Civil Rights Law, Section 61 and 62 place limitations on the changing of a name by a person currently confined under a series of sections of the Penal Law. An individual in this position must consult these laws.

C. ADDITIONAL REQUIREMENTS

Individuals requesting legal permission to change their name normally fall into one of the four categories listed below. Based upon your category, be sure to get all of the required papers before filing the petition with the Court.

1. Petitioner is unmarried and is requesting permission to legally change his/her name.

Normally the General Requirements will be sufficient.

2. Petitioner is married, but is requesting permission to legally change only his/her name.

In addition to the General Requirements, the spouse may have to be notified of the request for the change by the petitioner.

3. "Family" requesting permission to legally change the names of the adults and the names of the minor children*.

General Requirements and consents.

4. Petitioner is requesting to change his/her child's name.

(a) with consent of the other parent. In addition to the General Requirements the written consent of the other parent, the step parent and the child, if she/he is between the ages of 14 and 18 must be filed.

NOTE: This *is not* an adoption and confers *no rights*.

(b) without the *consent* of the other parent. This situation is extremely complicated and usually requires the assistance of an attorney. Civil Court forms do not cover this category.

***Children**

For the purposes of a change of name, children fall into three categories:

Birth to age 13

No additional requirements. The child is the responsibility of the parents.

14 but less than 18 years of age

The child must *consent*, in writing, to the request for a change of name.

18 years of age

These individuals are no longer minors, and must file their own change of name.

Additional Factors Which Should Be Considered

A. The statute requires that the petitioner arrange for the publication of the change of name in at least one newspaper which is deemed appropriate by the Court.

B. The Judge may require that the petitioner notify such parties as:

United States Citizenship and Immigration Services

Selective Service System

A former spouse

Bankruptcy Court

New York State Criminal Justice Services

Any other party the Court deems appropriate.

Procedures

After you have read this booklet you should gather all of the necessary documentation. Come to the courthouse and request a Change of Name pack. Information and forms are also available on line at <http://nycourts.gov/courts/nyc/civil/namechanges.shtml>. The Clerk is not permitted to assist you in the preparation of these forms.

After the forms have been filled out, take the forms back to the Clerk. After the Clerk reviews the papers you will have to pay the filing fee. A single filing fee is charged for either a single individual petitioner (adult or minor) or for two or more of persons who are considered a "family" and who file a "family" Petition.