

CHANGE OF NAME PROCEDURE
Packet B (under age 14)
Sec.786.36 WI Stat.

PLEASE NOTE: Both biological parents must sign the petition for Name Change. If only one signs the other must be served personally by the Sheriff's department with proof of service being filed with the Clerk of Courts office.

FORMS CAN BE OBTAINED FROM:

Lincoln County Clerk of Courts Office
1110 E Main St
Merrill WI 54452

FILING WITH THE CLERK'S OFFICE:

Completed paperwork & the filing fee of \$164.50

A file number and Judge are assigned.
The file is sent to Judge's Assistant to be set for a hearing date & a signature of the Judge.

PUBLISHING:

The Notice & Order for Name Change Hearing must be published with our legal newspaper for three consecutive weeks prior to the hearing.

The Tomahawk Leader: 315 W. Wisconsin Ave, Tomahawk WI. 715-453-2151.

The FotoNews: 921 E Main St Merrill WI 715-536-7121

PROOF OF PUBLICATION:

The proof of publication must be filed with the Clerk of Courts office **before** the hearing date.

AFTER THE ORDER FOR NAME CHANGE HAS BEEN SIGNED BY THE JUDGE:

One (1) certified copy of the "order" is given at no charge. This is to be recorded in the Register of Deeds Office. Additional copies are \$6.25. Should you like to change the birth certificate the Clerk of Courts office has a form that needs to be completed and mailed to the state. Please note that there is a fee to do so.

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. (§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>.

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), WI Stats.)

- ☐ 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:
- Both living parents, the sole surviving parent, or the sole adoptive parent of the minor child.
 - One of the parents of the minor child who has two living parents and paternity has been established.
 - 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.

Enter the name of the county in which this case was filed.	STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
Enter the name of the minor child whose name is proposed to be changed in this Petition.	IN THE MATTER OF THE NAME CHANGE OF _____ <div style="display: flex; justify-content: space-between; font-size: small;"> First Name Middle Name Last Name </div>	
Enter Petitioner's and Co-Petitioner's (if any) name(s). You are the Petitioner(s).	By: (Petitioner) _____ <div style="display: flex; justify-content: space-between; font-size: small;"> First Name Middle Name(s) Last Name </div>	
The clerk will enter the case number.	By: (Co-Petitioner) _____ <div style="display: flex; justify-content: space-between; font-size: small;"> First Name Middle Name(s) Last Name </div>	<input type="checkbox"/> Amended Petition for Name Change for Minor Child under 14 (30708) Case No. _____

☐ One or both parties require the services of an interpreter. Which party? _____
 Which language? _____ Complete and file the Interpreter Request (GF-149) form.

In 1, check a, b, c or d.	The petitioner(s) state(s): 1. The Petition is brought by <input type="checkbox"/> a. both living parents, the sole surviving parent, or the sole adoptive parent of the minor child. <input type="checkbox"/> b. one of the parents of the minor child who has two living parents and paternity has been established. <input type="checkbox"/> 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. <input type="checkbox"/> d. the legal guardian/custodian of the minor child because either both parents are dead or the parental rights of both parents has been terminated by judicial proceedings.
In 2, enter petitioner's and co-petitioner's address and the county in which the minor child lives.	2. Petitioner's address is [County, Street Address, City, State and Zip] _____ Co-Petitioner's (if any) address is [County, Street Address, City, State and Zip] _____ The minor child lives in _____ County, Wisconsin. The minor child address is _____
In 3, enter the date and state of birth of the minor child.	3. The minor child was born on [Date] _____ in the state of _____.
In 4, enter the name on minor child's birth certificate.	4. The name that appears on the minor child's birth certificate is [First Name] _____ <div style="text-align: right; font-size: small;">[Middle Name] _____</div> <div style="text-align: right; font-size: small;">[Last Name] _____ </div>
In 5, enter the state that the minor child's birth certificate was issued.	5. The birth certificate was issued in the state of _____.
In 6, check the appropriate box.	6. The minor child <input type="checkbox"/> is <input type="checkbox"/> is not a sex offender required to register under §301.45, Wis. Stats., or a similar law of any other state.

In 7, enter the proposed new name of the minor child. Enter the reason(s) for the change.

7. I/we wish to change the minor child's name to

[First Name] _____

[Middle Name] _____

[Last Name] _____

For the following reason(s): _____

Check 8, if you want the name changed on the child's WI birth certificate.

☐ 8. I/we wish to change the name on the child's Wisconsin birth certificate.

I declare under the penalty of false swearing that the information I have provided is true and accurate.

▶

Petitioner's Signature

Name Printed or Typed

Address

Email Address

Telephone Number

Date

State Bar No. (if any)

I declare under the penalty of false swearing that the information I have provided is true and accurate.

▶

Co-Petitioner's Signature

Name Printed or Typed

Address

Email Address

Telephone Number

Date

State Bar No. (if any)

Enter the name of the county in which this case was filed.	STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY
Enter the current legal name of the person whose name is proposed to be changed.	IN THE MATTER OF THE NAME CHANGE OF
Enter Petitioner's and Co-Petitioner's (if any) name(s) if the name change is for a minor under 14 years of age. Enter the case number on the far right.	<div style="text-align: right; margin-bottom: 10px;"> <input type="checkbox"/> Amended </div> <div style="text-align: center; font-weight: bold; margin-bottom: 10px;"> Notice and Order for Name Change Hearing </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> By (Petitioner) _____ <div style="display: flex; justify-content: space-between; font-size: small;"> First Name Middle Name Last Name </div> </div> <div style="width: 35%;"> Case No. _____ </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> By (Co-Petitioner) _____ <div style="display: flex; justify-content: space-between; font-size: small;"> First Name Middle Name(s) Last Name </div> </div> </div>
Enter the current legal name. Enter the proposed new name.	NOTICE IS GIVEN: A Petition was filed asking to change the name of the person listed above: <div style="margin-left: 40px;"> From: [First] _____ [Middle] _____ [Last] _____ To: [First] _____ [Middle] _____ [Last] _____ </div>
Enter the name as it currently appears on the birth certificate.	Birth Certificate: [First] _____ [Middle] _____ [Last] _____
The court will enter the judge's name, county, place, date and time for the name change hearing.	IT IS ORDERED: This Petition will be heard in the Circuit Court of _____ County, State of Wisconsin: Judge's Name _____ Place _____ Date _____ Time _____
If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.	
Note: Enter the name of the newspaper and the county. You must publish this notice in the newspaper as ordered here.	IT IS FURTHER ORDERED: Notice of this hearing shall be given by publication as a Class 3 notice for three (3) weeks in a row prior to the date of the hearing in the _____ a newspaper published in _____ County, State of Wisconsin.

Notice to Printers: Do not print the instructional text in the boxes along the left-hand column when publishing this notice. Print bolded text in bold typeface.