

Getting Started

Request for Name Change (Minor Children)

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to change the name of a child under 18. Your use of these forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to Change Children's Names* instruction sheet and the instructions on the forms.

Names of forms:	Required forms: <ul style="list-style-type: none">• <i>Request for Name Change (Minor Children)</i>• <i>Request for Name Change - Child Information</i>• <i>Order for Name Change (Minor Children)</i> Optional forms depending on the facts in your case: <ul style="list-style-type: none">• <i>Notice of Court Date Request for Name Change (Minor Children)</i>• <i>Publication Notice of Court Date for Request for Name Change (Minor Children)</i>• <i>Request for Name Change - Additional Children</i>• <i>Request for Name Change - Additional Parent</i>
Purpose of the forms:	To ask the court for a name change for minor children.
Types of cases the forms CAN be used for:	<ul style="list-style-type: none">• Cases asking the court to change the names of children under the age of 18 if:<ul style="list-style-type: none">○ you are the legal parent and you have custody or significant decision making responsibility;○ you are the legal guardian with legal custody; OR○ the children have lived in your home for 3 years and the children are recognized as your adopted children.
Types of cases the forms CANNOT be used for:	<ul style="list-style-type: none">• Cases asking the court to change the names of the children if you have not lived in Illinois continuously for 6 months are not allowed.• Cases asking the court to change the name of an adult require a different form which can be found at: http://www.illinoiscourts.gov/Forms/approved/
Cost to file the forms:	There is a fee for filing. If you cannot afford to pay the filing fee, you can ask the court to file for free by filing the <i>Application for Waiver of Court Fees</i> found at: http://www.illinoiscourts.gov/Forms/approved/
Special information or papers needed to complete the forms:	Papers relating to the children's criminal record if there is one. A criminal record may prevent the court from changing the children's names.
Statutes covering the forms:	735 Illinois Compiled Statutes, section 5/21-101 through section 5/21-104
Where to find the forms and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>How to Change Children's Names</i> instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local county self help center at: http://www.illinoislegalaid.org/minornamechange

HOW TO CHANGE CHILDREN'S NAMES

Who can ask the court for a name change?

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; OR
- Be a guardian with legal custody; OR
- The children have lived in your home for 3 years and are recognized as your adopted children.

Special note 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.

You **CANNOT** change the name of a child if the child has been convicted of:

- A felony and have not been pardoned or they finished their sentence less than 10 years ago; OR
- Identity theft or aggravated identity theft and have not been pardoned; OR
- Felony or misdemeanor: criminal sexual abuse when the victim at the time is under 18 years of age, sexual exploitation of a child, indecent solicitation of a child, indecent solicitation of an adult, or any other offense that requires the child to register as a sex offender and the child has not been pardoned.

What forms do I need to fill out to change the children's names?

- Required forms
 - **Request for Name Change (Minor Children):** gives the court the children's current and proposed new names. A person who knows you must also sign the form as a witness.
 - **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.
 - **Notice of Court Date Request for Name Change (Minor Children):** tells any parents 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.

- **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.
- Other forms you may need depending on the facts in your case
 - **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 another parent whose parental rights have not been terminated, or a person who has physical custody of the child. Tell 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 is published in a newspaper for 3 weeks.

How do I get my forms notarized?

- To get your forms notarized, you must sign them in front of an official Illinois 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.

What costs will I need to pay to file *Request for Name Change (Minor Children)*?

- There is a fee for filing a *Request for Name Change (Minor Children)* with the Circuit Clerk.
- If you cannot afford to pay the filing fee, you can ask the court to file for free. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

What do I do after I fill out my forms?

Step 1: File your forms with the Circuit Clerk in the county where your court case should be filed.

- File your case in the county where you live.
- Make copies of your forms for yourself and each parent or person who is not the parent with physical custody of the child.
- Call the Circuit Clerk and ask how much it will cost to file your forms and the types of payment (cash, check, credit, online) they take.
- If you cannot afford the fee, fill out and file an *Application for Waiver of Court Fees* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
- In most counties it is best to file your forms with the Circuit Clerk in person but in certain counties, you **MUST** file online. Check with your Circuit Clerk: <http://www.ilcourtclerks.org/illinois-court-clerks/>
- How to File In Person
 - Go to the courthouse in the county where your court case should be filed.
 - Give the Circuit Clerk your original forms and the copies to stamp.
 - The Circuit Clerk will keep the original forms and give back your copies.
 - Pay the filing fee or file your *Application for Waiver of Court Fees*.
- How to File By Mail
 - If you will be asking for a fee waiver, there may be local rules requiring you to file your *Application for Waiver of Court Fees* in person. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.
 - In Cook County, you must go in person to have your fees waived.
 - If you do not need to appear in person, mail your original forms including your *Application for Waiver of Court Fees* and one copy to the Circuit Clerk to stamp.
 - If you do not need to have your fees waived, mail your original forms and one copy to the Circuit Clerk to stamp.
 - Include the *Letter to the Circuit Clerk* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
 - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the copy to you.
- How to File Online
 - Check your local Circuit Clerk's website to see if online filing is an option or requirement for you at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
 - Follow the instructions for filing online provided by the Circuit Clerk.
 - Pay the filing fee as instructed online or file your *Application for Waiver of Court Fees*.
 - Even if you can file online, you may have to appear in person to apply for a fee waiver. Ask

the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.

Step 2: 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.
- You may need to bring the child with you to court. Ask the person who schedules the 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 parents 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 Step 3. 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 Step 4.

Step 3: Give notice of the *Request for Name Change (Minor Children)*.

- There are two ways to give notice:
 - Service of process by sheriff; OR
 - Certified Mail addressed to the person to be served and request a return receipt (green card).
- You must give notice to the following people:
 - The biological parent of the child, unless there is a court order terminating the parent's rights;
 - A person who has legally adopted the child;
 - A person who was married to the biological mother at the time of the child's conception or birth; AND
 - Anyone who has physical custody of the child.
- How to Serve by 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 served lives to serve 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

Find Illinois Supreme Court approved forms at: <http://www.illinoiscourts.gov/Forms/approved/>.

person to be served 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 served lives.
 - Include the *Letter to the Sheriff* found at: <http://www.illinoiscourts.gov/Forms/approved/>
 - 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 child 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 child 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 child to be served;
 - 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 served your forms on the other parent or person who is not the parent with physical custody of the child.
 - After the sheriff serves the other parent or person who is not the parent with physical custody of the child 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 serve the other parent or person who is not the parent with physical custody of the child, ask them why. You should try to fix the problem and ask the sheriff to try to serve the other parent or person who is not the parent with physical custody of the child again.
- 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 serve your forms by service of process by sheriff. If you do not know the person's location you should go to Step 4.

Skip Step 4 and go to Step 5 if you have given notice to the other parent or person who is not the parent with physical custody of the child under Step 3.

Step 4: 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.
- 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 a fee waiver in your court case, the newspaper is not required to waive your fee for publication. You will need to file a *Motion* asking the court to order the county to pay the cost of publication. You can find the *Motion* form at: <http://www.illinoiscourts.gov/Forms/approved/>.
- File the proof of service with the court.
 - 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

Find Illinois Supreme Court approved forms at: <http://www.illinoiscourts.gov/Forms/approved/>.

- Clerk; OR
 - Mail the Certificate to you; OR
 - Tell you to pick up the Certificate in person.
- Take the Certificate of Publication to the courthouse and file it with the Circuit Clerk before your court date.

Step 5: 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 6: Go to your court date.

- 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 the child with you to court, unless you have been told not to by court staff.
- 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.
- Get to the courthouse at least 30 minutes early.
- 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 the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself and explain to the judge why you want to change the children's names.

If you believe that a parent will contest the children's name change, you should be prepared to also follow Steps 7 & 8

Step 7: 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.
- Question your witnesses.
 - 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.

Step 8: The other parent or person who is not the parent with physical custody of the child 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 the judge.

Step 9: 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 child's name on records like birth certificate, social security card, and a driver's license.
- There may be a fee for the certified copies.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	REQUEST FOR NAME CHANGE (MINOR CHILDREN)	<i>For Court Use Only</i>
Instructions ▼ Enter above the county name where you will file this case. Enter the name of the person asking the court to change the names of minor children. DO NOT enter a Case Number, the Circuit Clerk will add it.	REQUEST OF: _____ <i>First, Middle, Last Name</i> TO CHANGE NAMES OF MINOR CHILDREN	_____ Case Number

In 1, enter the current first, middle, and last name of the children and the new first, middle, and last name that you would like for the children.

In 1, if you have more than 4 children, list additional children on the *Request for Name Change - Additional Children* form and check the box.

I ask the court to enter orders to change the names of the minor children listed below, and state:

1. Names.

	Current Name of Minor Child	Proposed New Name of Minor Child
a.		
b.		
c.		
d.		

I am requesting name changes for more than 4 children. I have attached a *Request for Name Change – Additional Children* form.

2. I have attached a *Request for Name Change - Child Information* form for each child.

- Yes
 No

3. I have lived continuously in Illinois for at least 6 months. I started living in Illinois on:

_____ *Date*

In 2, complete a *Request for Name Change - Child Information* form for each child and attach it to this *Request for Name Change (Minor Children)*.

In 3, enter the date you started living in Illinois. You must have lived in Illinois for 6 months before you can file this *Request*.

Under the Code of Civil Procedure, 735 ILCS 5/1-109 , making a statement on this form that you know to be false is a Class 3 Felony.
After you finish this form, sign and print your name.
Enter your complete current address and telephone number.

I certify that everything stated on the *Request for Name Change (Minor Children)* and on the attached *Request for Name Change - Child Information* form is true and correct to the best of my knowledge. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Your Signature

Street, Apt #

Print or Type Name

City, State, Zip

Telephone

GETTING COURT DOCUMENTS BY EMAIL: if you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.
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I agree to receive court documents by email. _____
Email

NOTE This section must be filled out by someone else, not by you.
Witness: Enter your full name.
Under the Code of Civil Procedure, 735 ILCS 5/1-109 , making a statement on this form that you know to be false is a Class 3 Felony.
Witness: Sign and print your name.
Witness: Enter your complete address and telephone number.

VERIFICATION BY WITNESS

I, _____
First Middle Last

certify that what is stated above and on the attached *Request for Name Change (Minor Children)* form is true and correct to the best of my knowledge and belief. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Witness Signature

Street, Apt #

Print or Type Name

City, State, Zip

Telephone

In 4, select all the reasons it is in the child's best interest to change their name. Use "Other" to add other reasons.

4. It is in the best interest of the child that their name be changed because (check all that apply):

- I wish to have the child's name changed.
- The child wishes to have their name changed.
- Other: _____

In 5, if there is another parent, list their name and address. If not, check "None."

5. I am providing the following information about other parents (do not include yourself or parents whose rights as parents have been terminated by a court order).

- None
- Name and address of other parent:

First Middle Last

Street, Apt # City State ZIP

In 6, if the parent listed above agrees to this name change, have them sign their name in front of an Illinois notary public if they are not going to be at the court date.

6. The other parent listed above agrees to this name change.

- I don't know
- No
- Yes (If yes, have the other parent sign below)

I, _____

First Middle Last

consent to the child's name change.

Signature (sign in front of an official Illinois notary public)

Notary Public

State of Illinois
County of _____

Signed and sworn to before me on _____ by _____ .

Date Name

Seal

Signature of Notary

In 7a or 7b, if there is a second parent or a person who is not the parent with physical custody of the child, check "Yes" and fill out and attach the Request for Name Change - Additional Parent form. If not, check "No."

7. There is a second parent or person who is not the parent with physical custody of the child.

- a. There is a second parent.
 - Yes (If yes, fill out and attach the Request for Name Change - Additional Parent form.)
 - No
- b. There is a person who is not the parent with physical custody of the child.
 - Yes (If yes, fill out and attach the Request for Name Change - Additional Parent form.)
 - No

Enter the Case Number given by the Circuit Clerk: _____

Service of process by sheriff

Name: _____
First Middle Last

Address: _____
Street, Apt # City State Zip

By: Certified Mail with return receipt (green card)

Service of process by sheriff

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is a Class 3 Felony.

After you finish this form, sign and print your name.

Enter your complete current address and telephone number.

I certify that everything in the *Notice Of Court Date Request For Name Change (Minor Children)* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Your Signature

Street, Apt #

Print or Type Name

City, State, Zip

Telephone

