

**GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDALL**

CHECKLIST – NAME CHANGE AND LEGAL NAME CONFORMITY (MINOR)

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten or legibly handwritten, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court’s Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-226-7339. If you decide to proceed without assistance from your attorney or from the Court’s Help Center, then you should read the Probate Information Sheet titled “Name Change and Legal Name Conformity,” Geauga Probate Local Rule 78.15, and R.C. Chapter 2717 before taking any action:

Initial Considerations

- Applicant Residency Requirement. The applicant (including the minor) of an application to change the name or to conform a legal name of a minor must have resided in that county for at least 60 days before the filing of the application.¹
- Venue. An application to change name or to conform legal name must be filed in the county where the minor, whose name to be changed or legal name to be conformed, resides.²
- Qualification of Applicant.³ The applicant for a name change or to conform the legal name of a minor must be made on behalf of the minor by (i) a parent, (ii) legal guardian, (iii) legal custodian, or (iv) guardian ad litem.
- Avoidance of Creditors. A probate court will not order a change of legal name or conform the legal name of a minor if (1) the application is made for the purpose of evading any of the minor’s creditors or other obligations or (2) the minor is a debtor in any currently pending bankruptcy proceeding.
- Criminal Prohibitions. The Court will not order a name change if the minor (1) has a duty to comply with the reporting requirements of R.C. 2950.04 or 2950.041 regarding a sexually-oriented offense or a child-victim offense; or (2) has been adjudicated a delinquent child for having committed a crime regarding identity fraud as set forth in R.C. 2913.49.

Filing Requirements – Name Change

1. Form 21.2 - Application for Change of Name of Minor
2. Form 21.02 – Affidavit in Support of Application for Change of Name of Minor
3. Form 21.3 - Judgment Entry Changing of Name of Minor

¹ See R.C. 2717.03 and R.C. 2717.05

² R.C. 2717.02 and 2717.04

³ R.C. 2717.13

4. Form 21.4 – Consent to Change Name of Minor (signed by the legal parents and any legal guardian of the minor (if any) to the extent possible, otherwise the Court shall set the matter for hearing (see R.C. 2717.14). Both parents should sign this form if possible even if one of the parents is the applicant.
5. If Form 21.4 – Consent to Change Name of Minor is not signed by all interested persons, then Form 21.5 - Notice of Hearing on Change of Name (Clerk will insert the hearing date information)
6. If needed, then Form 21.6A - Application to Waive Publication and Seal File and Judgment Entry (together with all supporting documents proving the need for confidentiality and safety such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages) – only if the applicant (including the minor) has a concern for personal safety and desires to have the court records sealed or a waiver of hearing notice.
7. Identity Documents of Applicant.
 - [if not represented by an attorney] (i) photocopy of the applicant’s driver’s license or other government-issued photo I.D. card (redact identification numbers) and (ii) evidence of current mailing address of the applicant and the minor (e.g., recent utility bill, bank statement account, property tax bill, voter registration card)
8. Official identity documents⁴ of the Minor (see Geauga Probate Local Rule 78.15(A))
 - certified copy of the minor’s birth certificate (the long form showing city, county and state of birth)
 - photocopy of the minor’s social security card (redact social security number)
 - photocopy of the minor’s driver’s license or other government-issued photo I.D. card, if any (redact identification numbers)
9. Evidence of Applicant’s Relation to Minor – if the applicant is the minor’s (i) legal guardian, (ii) legal custodian, or (iii) guardian ad litem, or (iv) a parent whose name is not shown on the minor’s birth certificate, then the applicant must file with the Clerk a copy of the court order appointing the Applicant as such or other evidence that is satisfactory with the Court.
10. Court Cost Deposit – unless indigent, arrange for payment of the court cost deposit. See the “Probate Court Costs” on the Court’s website. See additional note below regarding indigent applicant.

OR

Filing Requirements – Legal Name Conformity

1. Form 21.9 – Application to Conform Legal Name of a Minor
2. Form 21.09 – Affidavit in Support of Application to Conform Legal Name of Minor
3. Form 21.10 – Judgment Entry Conforming Legal Name of Minor
4. Form 21.13 - Consent To Name Conformity of Minor (signed by the legal parents and any legal guardian of the minor (if any) to the extent possible, otherwise the Court shall set the matter for hearing

⁴ See definition of Official identity document in R.C. 2717.01(D)

(see R.C. 2717.14). Both parents should sign this form if possible even if one of the parents is the applicant.

5. If Form 21.13 - Consent To Name Conformity of Minor is not signed by all interested persons, then Form 21.12 - Notice of Hearing on Conforming Legal Name (Clerk will insert the hearing date information)
6. If needed, then Form 21.6B - Application to Waive Publication and Seal File and Judgment Entry, depending upon the judgment entry that you seek (together with all supporting documents proving the need for confidentiality and safety such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages) – only if the applicant (including the minor) has a concern for personal safety and desires to have the court records sealed or a waiver of hearing notice
7. Identity Documents of Applicant.
 - [if not represented by an attorney] (i) photocopy of the applicant's drivers license or other government-issued photo I.D. card (redact identification numbers) and (ii) evidence of current mailing address of the applicant and minor (e.g., recent utility bill, bank statement account, property tax bill, voter registration card)
8. Official identity documents (Geauga Probate Local Rule 78.15(A))
 - certified copy of the minor's birth certificate (the long form showing city, county and state of birth)
 - photocopy of the minor's driver's license or other government-issued photo I.D. card, if any (redact identification numbers)
 - photocopy of the minor's social security card (redact social security number)
 - photocopy of the minor's marriage license(s) (if any)
 - photocopy of the minor's divorce decree(s) (if any)
 - photocopy of the minor's passport (if any)
9. Evidence of Applicant's Relation to Minor – if the Applicant is the minor's (i) legal guardian, (ii) legal custodian, or (iii) guardian ad litem, or (iv) a parent whose name is not shown on the minor's birth certificate, then the Applicant must file with the Clerk a copy of the court order appointing the Applicant as such or other evidence that is satisfactory to the Court.
10. Court Cost Deposit – unless indigent, arrange for payment of court the cost deposit. See the “Probate Court Costs” on the Court's website. See additional note below regarding indigent applicant.

Additional Notes (applicable for both Name Change Proceeding and Legal Name Conformity Proceeding)

11. Minor's Birth Certificate. If the father identified on Form 21.9 – “Application to Conform Legal Name of a Minor” is, in fact, the father and is not identified on the birth certificate (e.g. – father is noted on the birth certificate as “unknown”), then there is likely to be a hearing and the court will require some form of identification for the father (e.g. DNA test results).
 - Hearing and Notice.⁵ The Court will order a hearing if any of the living, legal parents and legal guardian of the minor (if any) do not sign and file Form 21.4 Consent to Change Name of Minor or Form 21.13

⁵ See generally R.C. 2717.14

Consent To Name Conformity of Minor, as applicable or the Court determines that the application presents any irregularities or issues, or if the Court determines that the legal interests of another party may be adversely affected by the proceeding. If the Court sets the matter for hearing, then (except as provided in the next paragraph) (i) the Clerk will provide the applicant with the date and time of the hearing, (ii) the applicant will complete and serve the applicable notice of hearing (i.e., Form 21.5 - Notice of Hearing on Change of Name or Form 21.12 - Notice of Hearing on Conforming Legal Name) upon all interested persons with a known address by certified mail, return receipt requested, and (iii) provide the Court with proof of service in accordance with Geauga Probate Local Rule 78.13 at least seven Calendar Days before the hearing date. If ordered by the Court, the Clerk will publish that notice in the News-Herald newspaper at least 30 days before the hearing,⁶ and the costs will be charged to the applicant.

- Confidentiality. With respect to either an application to change name or an application to conform the legal name, if for reasons of the applicant's personal safety the applicant desires a court order that (a) dispenses with a notice of hearing (including a notice by newspaper publication) or (b) seals the court records, then the applicant shall prepare and file Form 21.6B – Application to Waive Publication and Seal File and Judgment Entry if the matter is conforming legal name. Moreover, file with that application all supporting documents such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages).
- Personal Identifiers - see Geauga Probate Local Rule 57.2(C). Do not insert protected personal identifiers (e.g., social security number or driver's license number) into a court document. If ordered by the Court, prepare and file SC Form 45(D) - Confidential Disclosure of Personal Identifiers. Moreover, redact all personal identifiers from submitted Official identity documents (e.g., driver's license number, state I.D. number, social security number, etc.)(see Geauga Probate Local Rule 78.15(D)).
- Indigent. If the applicant is indigent and prepares and files form GCPF 65.0 Financial Disclosure Affidavit together with the filing, then the Clerk will permit the filing without payment of the court cost security deposit; provided however that if the Court disapproves that form, then the applicant must pay the security deposit no later than 30 Calendar Days after the court order of disapproval. (See Geauga Probate Local Rule 58.2(A)).
- Prohibition of Action to Conform Legal Name (see R.C. 2717.18) The Court shall not conform a legal name in lieu of:
 - correction of a birth record under R.C. 3705.15; or
 - changing a legal name to a name that is not used in any existing Official identity document.

⁶ R.C. 2717.14(C)