

# ORANGE COUNTY SUPERIOR COURT COURT REQUIREMENTS ON NAME CHANGES

## (Code of Civil Procedure Sections 1275-1279.5)

Deputy clerks and court staff cannot advise you about completing your forms or your case. If you need legal advice about your forms or other things required in your case, you may wish to retain an attorney. The telephone number of the Orange County Bar Association, Lawyer Referral Service is: (949) 440-6747.

12. **FILING FEE:** <http://www.occourts.org/geninfo/rcdfees.asp>
13. **HEARING DATES/ATTENDANCE:** Name changes are heard on Fridays at 1:45 p.m. in Department 73. All adult petitioners and minors 12 years of age and older, **must** attend and arrive at 1:30 p.m. to talk to court staff.
14. **BIRTH CERTIFICATES:** All adults petitioning for a change of his or her name should be prepared to submit to the court at the hearing a certified copy of his or her birth certificate (if born in the United States), or documents issued by Immigration and Naturalization Service, such as a Certificate of Citizenship or Resident Alien Card (if not born in the United States), so that the court can determine the correct spelling of the name. If the petition contains a request for change of name of a minor, the parent should be prepared to submit to the court a certified copy of the child's birth certificate, if born in the United States, or a properly authenticated copy of a foreign birth certificate together with an English translation, (including a declaration as to the qualifications of the translator), if the child was born outside the United States. A hospital certificate is not sufficient.
15. **The Civil Case Cover Sheet (form 982.2(b)(1)), referred to on page 1 at #4, is not required in Orange County.**
16. **FORMS TYPED/COPIES:** All forms must be typed or printed and submitted in duplicate; an original and one (1) copy. Forms may be presented for filing in person or by mail to Superior Court of California, County of Orange, Probate, 341 The City Drive South, Orange, CA, 92868.
17. **NUMBER OF PETITIONS REQUIRED:** Families may petition together. For example: husband and wife; parent(s) and minor children; and brothers and sisters who are all under 18 years of age. Adults or emancipated children require a separate set of documents and a separate filing fee.
18. **NAME/ADDRESS:** If the petitioner is not represented by an attorney, the petitioner's name, address and telephone number is to be typed in the upper left hand corner of each document.
19. **CAPTIONS:** Examples of the caption and first line of each document (where the present name(s) are to be used) as follows:
  - a. **Adult Individual Petitioner**  
John Doe
  - b. **Husband and Wife Petitioning Together**  
John Doe and Mary Doe
  - c. **Parents on Behalf of a Minor Child for Change of the Child's Name Only**  
John Doe and Mary Doe on behalf of James Doe, a minor.
  - d. **Husband, Wife and Minor Child-All Names to be Changed**  
John Doe; Mary Doe; and John Doe and Mary Doe on behalf of James Doe, a minor.
20. **COMPLETION OF PETITION:** If the petition is for the change of more than one person's name, all paragraphs must be completed for each person whose name is to be changed.
21. **SIGNATURES:** The petition must be signed by each adult who is applying for a change of name, using that person's present legal name. If the petition requests the change of a minor child's name, the petition must be signed by one of the parents, if living, or if both are dead, then by the guardian; and if there is no guardian, then by some near relative or friend.
22. **PUBLICATION OF ORDER TO SHOW CAUSE:** A copy of the filed Order to Show Cause for Change of Name must be published in an adjudicated Orange County newspaper pursuant to California Government Code Section 6064 (publication once a week for four successive weeks). The publication must include both pages of the Order to Show Cause, including all

language in the attachment page as follows:

*All persons interested in this matter are directed to make known any objection that they may have to the granting of the petition for change of name by filing a written objection, which includes the reasons for the objection, with the court at least two days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition for change of name should not be granted. If no objection is timely filed, the court may grant the petition without a hearing.*

A list of newspapers is available. Publication must be made by the newspaper designated in the Order to Show Cause. Cost of publication varies depending on which newspaper is selected.

23. **FILING DEADLINE:** Proofs of newspaper publications-proof of service on none-petitioning parents-and verified supplements must be submitted no later than 4:00 p.m. four (4) court days (Monday) before the Friday hearing. They will not be accepted at the hearing and the hearing will be continued. Certified copies of birth certificates should be brought to the court on the hearing date and not filed.
24. **CONTINUANCE:** A petition will only be continued one time without an appearance. After that, the petition and counsel (if represented by counsel) must attend and show good cause for any more continuances, or the petition will be ordered off calendar.
25. **DECREE:** On the date of the hearing the DECREE CHANGING NAME, which you have provided, will be signed and filed if your matter is approved by the Court. (certified copies may be obtained in the Clerk's Office after your hearing for an additional fee.)

### **ADDITIONAL INFORMATION-CHANGE OF NAME FOR MINOR CHILD WHEN ONLY ONE PARENT PETITIONS**

If only one parent petitions to change a child's name, paragraph 7 of the petition must be completed to state the name and address, if known, of the other parent (who is call a non-petitioning parent). If a non-petitioning parent resides outside of California, the parent must be served with either a copy of the Order to Show Cause or a copy of the Notice of Hearing To Non-Petitioning Parent by either personal service or by first-class mail, postage prepaid, requiring return receipt **with signature of the non-petitioning parent (mark "restricted delivery" on the post office form.)** (See Packet L316 for Notice of Hearing forms.) The non-petitioning parent residing in the State of California must be personally served thirty (30) days or more before the hearing. If notice is served by mail on the out-of-state non-petitioning parent, it must be mailed forth (40) days or more before the hearing. (Mailed notice can only be used if the non-petitioning parent resides outside California).

The service must be made by a person who is at least 18 years of age and not a party to the action (see CCP 415.10 or CCP 415.40). A proof of service form (either Proof of Service of Notice of Hearing/form #937 or Proof of Service of Order to Show Cause on Non-Petitioning Parent/form #937 and Proof of Service of Order to Show Cause on Non-Petitioning Parent/form #938 are available from the clerk.

If the location of the non-petitioning parent is unknown, he/she must be served by publication of the Notice of Hearing to Non-Petitioning Parent. An application for order for publication (accompanied by a declaration of diligent search) and order for publication should be submitted to the court when the petition for name change is filed or at least seven (7) weeks before the hearing date. (See CCP 415.50) FORMS FOR THIS PURPOSE THAT ARE SPECIFIC TO NAME CHANGES ARE NOT AVAILABLE. You may wish to obtain and modify the civil forms nos. 253 and 254.

**NOTE:** If the non-petitioning parent is not properly served before the scheduled hearing date, the petition cannot be granted and the petition will go off calendar unless continued. If continued, the non-petitioning parent must be served with an amended Order to Show Cause or a newly completed Notice of Hearing to Non-Petitioning Parent which states the time, date, and place of the continued hearing.

**YOU MAY VIEW EXAMINER NOTES REGARDING YOUR CASE AT:  
<http://www.occourts.org/calendars/probatenotes.asp>**