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**STATE OF MARYLAND**

**NAME CHANGE**

**MINOR PACKET**

**Control Number - MD-00003**

This packet contains the following:

1. Instructions;
2. Forms List; and
3. Access to Maryland Law Summary.

## I. EXPLANATION OF PETITION FOR CHANGE OF NAME

### A. Summary of Procedure

**Child Less Than 1 Year Old:** If the child is less than one-year old, you may be able to change the child's name without a court order. Read MD HEALTH GEN. CODE ANN. § 4-214.

**Child Aged 1 Year or Older:** To change a child's name you, as his/her parent or guardian, may file a Petition for Change of Name. Ordinarily the court will look at whether all parents, guardians and custodians, as well as the child, are in agreement with the name change. The request to have the name changed must also be published in a newspaper of general circulation in the county in which you are filing the Petition. The Clerk of the court will arrange for publication once you have filed. After the notice has been published, other persons are given the opportunity to object. If someone objects, they must file this objection and serve you a copy. You will have 15 days to respond to the objection by filing a written response with the Court.

### B. You can use this packet if:

- ▶ If the child is one year old or older and a resident of the county in which the Petition will be filed.
- ▶ You have proper and reasonable cause for the requested change of name.
- ▶ You are not changing your name to avoid debts or defraud creditors.
- ▶ The name change is not in connection with an adoption.

## II. WHAT FORMS ARE INCLUDED

- A. Civil Domestic Case Information Sheet - (MD-NC-101) This form provides the court with basic information regarding the parties and the nature of the action.
- B. Petition for Change of Name - (MD-000031) This document states the reasons and other required details for your name change.
- C. Consent to change of name - (MD-000032) This document provides the written consent of the parent, guardian or custodian who is not a party to the action. Use one for each parent.
- D. Consent to Change of Name - (MD-000033) This is a consent form for the individual originally listed on the birth certificate and who is stating that it is his belief that he is NOT the father of the child. This form is normally used **ONLY** when there is an issue of paternity.

- D. Notice of Filing - (MD-000034) Notice that your Petition for Change of Name has been filed and the matter has been set for hearing. This should be published in a newspaper prior to the hearing.
- E. Order of Name Change - (MD-000035) This is the final statement of the legalities and terms of your name change. Once this form is signed by the Judge and filed with the court, the name change is effective.
- F. Affidavit and Motion for Service by Alternate Means - (MD-000036) This form is used when one interested party, such as a parent, cannot be notified of the minor's name change in the usual way.
- G. Affidavit - (MD-000037) This is the form where you enumerate the efforts you have made to contact the non-party parent. It is in support of the Motion for Alternate Service.
- H. Motion for Alternate Service - (MD-NC-310) This is a form for when the court papers have already been filed, but the other side is yet to have been served and the party to be served can NOT be located.
- I. Certificate of Publication - (MD-NC-104) This form is used to prove to the court that the Notice of Name Change was published and the particulars for the courts information.

If you did not order a completion package and need access to the download page again for any of the above forms, please check your email for a link to that will redisplay the page for you.

Note: This package contains forms for use throughout your State. However, some Counties, or Judges may require a different form, or modification to these forms. If this happens, please consult with your local Court Clerk. If you are required to use additional forms, please advise us by sending an e-mail to [orders@uslegalforms.com](mailto:orders@uslegalforms.com).

### **III. PROCEDURE FOR CHANGE OF NAME (MINOR) FOR THE STATE OF MARYLAND**

#### **A. Preliminary Note:**

1. The attached forms may be completed by:
  - a. Printing the forms and completing by hand. Use black ink and print neatly.
  - b. Printing the forms and completing using a typewriter.
  - c. By completing the forms on your computer using a word processing program and then printing the forms.
2. Use complete names and not initials. Check your spelling carefully, a misspelled word can delay your name change.

3. Print three (3) complete sets of forms.
4. All forms with a heading - the name of the court, the Petitioner's name, the case number, and the name of the document - require that the heading be completed. You will need to add the name of the court and the full name of the Petitioner. The "Action/Cause No." will be assigned by the court clerk at the time of filing.
5. Forms that require your signature and include a notary block **MUST** be signed in the presence of the notary or court clerk who will complete the acknowledgement. Use your complete name - first name, middle name, last name.
6. When a form is filed with the court, request the clerk "file-stamp" one copy of the form for your file.
7. A Law Summary is available and can be printed for your State. To do so, go to the end of this package and select the Law Summary link under the form title and print. Review the Law Summary before beginning the process of completing the forms.

## **B. Procedure**

### **STEP 1 - Securing Consent of Parents, Guardians or Custodians**

It is usually preferable to submit the Petition with signed consents from all parents, guardians and custodians. Before preparing the Petition for Change of Name, contact each parent, guardian, or custodian. Ask that person to sign a Consent form. File this consent form with your petition.

If the location of an absent party is known and it is possible that the missing parent will consent, it is suggested that the absent parent be served with a copy of the Consent, Petition and the Notice for Publication by certified mail return receipt requested.

### **STEP 2 - Completion of the Petition for Change of Name (Minor), Notice and Order for Change of Name**

- A. Fill out the Petition for Change of Name, as indicated, using full named - first name, middle name, and last name.
- B. Sign the Petition.
- C. Fill out the top section and first paragraph of the Notice for Publication. Leave the second paragraph blank.
- D. Fill out the proposed Order for Change of Name, except for the date and Judge's signature.

### **STEP 3 - Attachment of Consent Forms and Birth Certificate**

Attach to the documents to be filed with the court, each signed consent, and a copy of the child's birth certificate or other document reflecting the child's *current name* (the one you want it changed *from*).

#### **STEP 4 - Filing of Documents**

File the above documents with the Clerk of the court at the circuit court for the county in which you reside. Pay the filing fee. The Clerk will send the Notice to the newspaper for publication.

#### **STEP 5 - Service**

If you have not obtained the consent of each parent, guardian and custodian of the child, you will need to serve each person who has not consented with the following papers which you have filed or which have been provided by the Court:

1. Petition for Change of Name
2. Notice for Publication
3. Order for Change of Name
4. All attachments you filed with these documents
5. Writ of Summons (This will be given to you after you file your documents)

**IF** you have not been able to locate the non-party parent to serve them with the petition and other documents, you will need to file a Motion for Alternate Service. See Section C. (below)

#### **STEP 6 - Pay for the Publication of the Notice**

The newspaper will send you an invoice to have the Notice published. You are required to pay this invoice. Publication can be expensive. After the Notice has been published, you and the Clerk will be sent a confirmation from the newspaper.

#### **STEP 7 - Consideration of Petition and Issuance of Order**

After the Clerk receives the confirmation from the newspaper, they will send your Petition to a judge. The judge will review all of the information.

If someone has contested the name change, if you have not secured the consent of all parents, guardians or custodians, or if the judge has any questions about your petition, a hearing may be scheduled. (Remember to Respond to any objection within 15 days after you receive it and include a Request for Hearing or Proceeding, DOM REL 59, if you want the court to hold a hearing on the objection).

If no one has contested the change, and everything has been done properly, then the judge may sign the proposed Order for Name Change. You will receive a certified copy of the signed Order in the mail, and, for a small fee, you may obtain additional certified copies of the Order from the Clerk. You

will need to use a certified copy of the Order for Name Change to change the child's name at the Motor Vehicle Administration (you may need other identification for this), the Bureau of Vital Statistics, the Social Security Administration, with creditors, or at the child's school.

C. **Motion for Alternate Service:**

What You Should Do Before Completing This Form:

Before completing this form, be sure you have made a good faith effort to locate and serve the opposing party. The court will not grant your motion until you have made several attempts at service. Below are examples of steps you can take to locate and serve the opposing party. Try as many as you can, and document your efforts as indicated:

- A. Serve them by **certified mail** at their last known address. Try more than once. Each time, save the mail receipt and have the person who mailed it for you complete an Affidavit of Service.
- B. Send **letters to their relatives or friends**, asking if they know their whereabouts. Each time, save a copy of your letter, mail return receipts, and any response you receive.
- C. Write to their last **employer**, asking if the employer knows their current address. Save a copy of your letter, any mail return receipt, and any response you receive.
- D. Hire a **private investigator or attorney** to locate them. Attach an Affidavit signed by the investigator or attorney indicating what they did and whether or not they were successful.
- E. Look the opposing party up in the **telephone directory** or call **directory assistance**. Keep a record of the times you looked, in which volume or within what location did you ask for directory assistance.
- F. Contact the **Motor Vehicle Administration of Maryland** to see if they have a current address for the other party.
- G. Contact the Military Worldwide Locator for the other party's branch of service if they are a member of the armed forces.
- H. Ask their former **neighbors** whether they know their whereabouts. Have any neighbors you spoke with complete an affidavit stating what they do or do not know.
- I. Contact the local **child support enforcement agency** to see if they have any record of the opposing party and know their

current address. Keep a record of the date and numbers you called.

- J. Try any **additional means** you can think of that might help you locate them.

If you have tried all of these methods to locate and serve the opposing party and have not been successful, then you are ready to file a Motion for Alternate Service.

## **STEP 1 — Complete form DOM REL 70 .**

### **Page 1 of DOM REL 70 .**

*Caption (Top Section).* Fill in the name of the court, the case number, your name and address, and the name and last known address of the Defendant.

*Paragraph 1.* Indicate the type of complaint or petition you originally filed with the court (i.e., the document you have been trying to serve on the opposing party). Indicate the court you filed it in and the date filed.

*Date and sign the form.*

**Affidavit.** Complete the Affidavit, but DO NOT SIGN IT YET.

*Paragraph 1 and Item 1.* Fill in your name, as indicated, as well as information about the document(s) you filed with the court, including the name of the court and the date filed.

*Item 2.* Check off the boxes indicating each method you have used to try to locate and serve the opposing party. Attach all supporting documents as indicated. Use the Affidavit form, DOM REL 73 if you need to have investigators, neighbors or others provide an affidavit.

### **Page 2 of DOM REL 70 .**

*Item 3.* Indicate the date you last saw the opposing party, and indicate what you know by checking off the appropriate boxes.

*Take the completed document to a Notary Public. Sign the Affidavit portion of the document **in front of a Notary**. Have the Notary complete the Notarization.*

## **STEP 2 — Complete the Caption (Top Portion) Only of the Order for Alternate Service, DOM REL 71.**

## **STEP 3 — Complete the Caption (Top Portion) Only of the Notice, DOM REL 72.**

**STEP 4 — File the Forms and Pay the Filing Fee.**

Take the original copies of the completed Motion for Alternate Service, proposed Order for Alternate service, proposed Notice, and all supporting documents to the Clerk of Court.

Payment of a filing fee is generally required to file the motion.

**STEP 5 — The Judge will Consider Your Motion.**

Once the motion and accompanying documents have been properly filed, they will be forwarded to a judge for consideration. If the motion is granted, you will receive a copy of the Order for Alternate Service, signed by a judge.

If the judge orders service by posting, the Clerk of Court will arrange to have the Notice posted for the time indicated by the judge. Once that time period is past, if no response has been filed by the opposing party, you may proceed to seek a default judgment or to move forward with your case.

If the judge orders service by publication, you will need to check with the Clerk of Court regarding publication of the Notice. In some jurisdictions publication arrangements are the responsibility of the party asking for publication. In other jurisdictions the Clerk of Court will arrange to have the Notice published. The newspaper will send you an invoice to have the Notice published. You are required to pay this invoice. Publication can be expensive. After the Notice has been published, you and the Clerk will receive a confirmation from the newspaper.

After the period has passed indicated in the judge's Order, you may proceed to seek a default judgment or to move forward with your case.



## NOTES ON COMPLETING THESE FORMS

The form(s) in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

It is also helpful to be able to see the location of the form fields. Go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a “shaded letter “a”. Click in this button and the form fields will be visible.

In order to use the form fields properly, it is necessary to “lock or protect” the document. If you wish to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form.

This is done by clicking on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**.

It is very important to understand that, once the document is unprotected, any data entered in the form fields will be lost when the document is again protected. If changes are necessary, unlock the document, using the password “uslf” if necessary, and make any changes that you feel are required. Then protect the document once again.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. Inserting data will result in the default line disappearing. You will have sufficient space to enter any required information.

## LAW SUMMARY

The law summary for this package may be located and printed from the following address:

<http://www.uslegalforms.com/md/MD-00003.htm>

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