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STATE OF NEW YORK

NAME CHANGE

FAMILY PACKET

[Parent(s) and Minor Child(ren)]

Control Number - NY -NAME-3

This packet contains the following:

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

I. EXPLANATION OF PETITION FOR CHANGE OF NAME

- A. In New York, an action for a court ordered Change of Name begins with the filing of a Petition in the in the County Court or the Supreme Court of the county in which they reside, or, if they reside in New York City, either with the Supreme Court or to any branch of the Civil Court of the City of New York. The Petition must contain certain information. The forms in this packet include the necessary information for a Family Name Change in the State of New York.
- B. You can use this packet if:
- ▶ You are a resident of the county in which you file.
 - ▶ There is no reasonable objection to the requested change of name.
 - ▶ You are not changing your name to avoid debts or defraud creditors.

II. WHAT FORMS ARE INCLUDED

- A. Request for Judicial Intervention - (NY-UCS-840) - This document provides the Court with certain required information needed to categorize the action and collect the proper fees.
- B. Petition for Family Change of Name - (NY-NC-301) - This document states the reasons and other required details for your name change.
- C. Order Granting Leave to Change Name - (NY-NC-302) 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.
- D. Publication Notice - (NY-NC-303) - Notice that you intend to seek a name change for publication purposes.
- E. Certificate of Service - (NY-NC-304) - This form is used to submit proof that copies of the Petition and other pleadings have been officially served on other parties are directed by the court.
- F. Affidavit of Publication (NY-NC-305) - Sworn statement by official at newspaper affirming that Notice of the Change of Name was published as directed.
- G. Affidavit - (NY-NC-306) and (NY-NC-307) -This document provides under oath certain information about the Petitioners that is necessary for the court to grant the name change. Principally, the form establishes prior marriages and any pending child support obligations. There are two copies of the forms in the package. Use one of these forms for each adult petitioner.

- H. Consent to Change Name of Minor - (NY-NC-308 and 309) - by parent(s) or guardian. Two copies are provided and should be completed by both parents.

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.

III. PROCEDURE FOR CHANGE OF NAME (FAMILY) FOR THE STATE OF NEW YORK

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 "Index No." will be assigned by 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. The following will be required for the initial filing:
 - a. If born in the State of New York, Original or Certified Copy of Birth Certificates;
 - b. Self-Addressed/Stamped Envelope;
 - c. Original and Copy of Name Change Order & Petition;
 - d. Request for Judicial Intervention form in Triplicate (Original & 2 copies) no fee necessary;
 - e. Index Number Fee made payable to your county's County Clerk.

When a form is filed with the court, request the clerk "file-stamp" one copy of the form for your file.

B. Procedure

Step 1: Complete all the forms using complete names - middle names instead of middle initials.

Step 2: File the Request for Judicial Intervention, Petition, Order, and pay the necessary fee in the in the County Court or the Supreme Court of the county in which they reside, or, if you reside in New York City, either with the Supreme Court or to any branch of the Civil Court of the City of New York.

Note that all applications for change of name by persons born in the state of New York shall have attached to such petition either a birth certificate or a certified transcript thereof or a certificate of the commissioner or local board of health that none is available.

Step 3: If the court to which the petition is presented is satisfied thereby, or by the affidavit and certificate presented therewith, that the petition is true, and that there is no reasonable objection to the change of name proposed, the court shall make an order authorizing the petitioner to assume the name proposed.

Step 4: The Order will also direct the publication, at least once, within twenty days after the making of the order, in a designated newspaper in the county in which the order is directed to be entered of a notice giving notice of the Order and where and when it may be examined by members of the general public. The Clerk will direct you to the appropriate newspaper for publication of the Notice of Name Change.

Step 5: After the Notice has been published an Affidavit of Publication must be filed with the Court. The Affidavit of Publication must be filed within 45 days of the issuance of the Order of Name Change. The Affidavit of Publication verifies that the Order of the Court has been complied with and once the Order has been fully complied with the Petitioner is free to assume their new name.

Note that an Affidavit of Publication form is included in this package, but many newspapers supply their own form.

NOTE ABOUT COMPLETING THE FORMS

The forms 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.

If you do not see the gray shaded 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.

The forms are locked which means that the content of the forms cannot be changed. You can only fill in the information in the fields.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click 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**. After you make the changes relock the document before you begin to complete the fields.

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. If problems, please let us know.

LAW SUMMARY

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

<http://www.uslegalforms.com/ny/NY-NAME-3.htm>

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