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STATE OF TEXAS

NAME CHANGE

MINOR PACKET

Control Number - TX -NAME-2

This packet contains the following:

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

I. EXPLANATION OF PETITION FOR CHANGE OF NAME

- A. In Texas, an action for a court ordered Change of Name begins with the filing of a Petition in the county court in the county in which the minor resides. The forms must contain certain information. The forms in this packet include the necessary information for a Minor Name Change in the State of Texas.
- B. You can use this packet if:
- ▶ The Petition is filed on behalf of the Minor by the parent(s), managing conservator, or guardian;
 - ▶ The Minor is are less than 18 years of age and resident of the county in which the Petition will be filed;
 - ▶ There is proper and reasonable cause for the requested change of name;
 - ▶ You are not changing the minor's name to avoid debts or defraud creditors; and
 - ▶ The name change is in the best interest of the minor.

II. WHAT FORMS ARE INCLUDED

- A. Civil Case Information Sheet - (TX-CS-078A) - Mandatory cover sheet required to be filed with the initial filing of the Petition. Instructions are included with the cover sheet.
- B. Original Petition for Change of Name of Minor - (TX-NC-200) This form provides the necessary information to the court that forms the basis of the name change.
- C. Consent to Change of Name-Minor - (TX-NC-201) This form provides the written consent of the minor child's parent(s) to the name change request. If a parent is signing the formal petition, the other parent should submit this form consenting to the name change. In some counties, the court may require that both parents submit a formal consent even if one or both are signing the verified petition for name change as petitions.
- D. Affidavit of Due Diligence - (TX-NC-204) To be used when a parent is not consenting to the Petition and cannot be located.
- E. Affidavit of Publication - (TX-NC-202) This form provides proof of the publication of the Notice of Name Change.
- F. Order of Name Change - (TX-NC-203) 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.
- G. Citation - (TX-NC-205) This form is used to give formal notice to an absent party entitled to notice of the name change under the statute. Note: It is always accompanied by a copy of the Petition.

- H. Waiver of Service - (TX-NC-206) If a party entitled to notice of the name change executes the Waiver of Service, it informs the court that they have (1) received a copy of the Petition, (2) waive formal citation, and (3) waive further notice of any proceedings in the name change action.

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 (MINOR) FOR THE STATE OF TEXAS

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. It is recommended that you make two copy of the complete set of original forms after they have been signed and notarized. You will need to file the Original notarized forms with the court and a copy will be stamped "filed" by the Clerk. The third copy will be an extra to be used if needed. Note: Some courts want and original and a copy so the third set will be filed stamped and retained by the Petitioner.
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 Case "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: Complete all the forms using complete names - middle names instead of middle initials.
- Step 2: File the Petition in the County Court in the county in which the minor is a resident and pay the appropriate fee. A Hearing date and time will be assigned by the Clerk of the Court.
- Step 3: The following persons are entitled to "citation" regarding the action:
- a. a non-consenting parent of the child whose parental rights have not been terminated;
 - b. any managing conservator of the child; and
 - c. any guardian of the child.

The Citation is notice by the Court of the relief requested in the Petition and informs the person of the time and manner in which they must respond if they have any objection.

Citation must be issued by the Clerk and served by the Petitioner by personal service; registered mail, with limited delivery and return receipt requested; and, in some cases, by publication. See Texas Family Code Chapter 102.

SEE DISCUSSION OF NON-PARTY PARENT BELOW!

- Step 4: At the hearing, any persons objecting to the requested Name Change will be heard by the Court; and the Court may examine, upon oath, the Petitioner(s) or other persons concerning the Petition.

If the court is satisfied that the required information has been provided in the Petition and the Court finds it in the interest or to the benefit of the Minor and not adverse to the public interest, the Court will Order the change of name.

- Step 5: You can obtain a certified copy of the Order from the Clerk after it has been signed by the Judge. Also after the Order is signed, A person whose name is changed may apply to the clerk of the court ordering the name change for a change of name certificate. A certificate of name

change constitutes proof of the change of name of the person named in the certificate.

You are now ready to notify appropriate persons and governmental agencies of the change.

NOTICE TO A NON-PARTY PARENT

Interested individuals such as a non-party parent, a guardian, a conservator, etc. are entitled to "citation" or notice of the action for name change of a minor. These individuals may be handled in several ways that will satisfy the court that they have had proper notice and an opportunity to appear and respond to the name change action.

First, they can sign a "consent" form.

Second, they can sign a Waiver of Service after they are given a copy of the Petition.

Third, they may be served with the Petition and Citation and appear if they wish to object or have some other input in the minor name change action.

One of the above approaches may be used if the parent can be located. If the parent, or other interested individual, cannot be located, you must complete the Affidavit of Due Diligence in as much detail as possible and file it with the Petition.

The typical situation involves a parent filing on behalf of a minor where the other parent cannot be located. If the court can be satisfied that diligent efforts were made trying to locate the absent parent, the issue is closed and the name change will be granted if it is in the best interests of the minor.

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 file for this package can be located at the following address:

<http://www.uslegalforms.com/tx/TX-NAME-2.htm>

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