

STATE OF UTAH

NAME CHANGE

MINOR PACKET

Control Number - UT -NAME-2

This packet contains the following:

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

I. EXPLANATION OF PETITION FOR CHANGE OF NAME

- A. In Utah, an action for a court ordered Change of Name for a Minor begins with the filing of a Petition in the District Court. The Petition must contain certain information. The forms in this packet include the necessary information for a Minor Name Change in the State of Utah.
- B. You can use this packet if:
- ▶ The minor must live in the county where the name change petition will be filed for at least one year before the petition is filed.
 - ▶ The name change petition cannot be filed while the minor is involved in any kind of lawsuit, or while the minor is on probation or parole.
 - ▶ The name change petition cannot be filed to avoid creditors, fines, or sentences in criminal actions.
 - ▶ The name change process cannot be used for an unworthy motive, or to commit fraud on the public.
 - ▶ The court will not change a name to one that is bizarre, unduly lengthy, ridiculous, or offensive to common decency and good taste.
- C. Before changing a minor's name, the court must find that the name change is in the minor's "best interest." It will do so by considering several facts, which may include but not be limited to the following:
1. The minor's preference, in light of the minor's age and experience;
 2. The effect of a name change on the development and preservation of the minor's relationship with each parent;
 3. The length of time a minor has used a name;
 4. The difficulties, harassment, or embarrassment a minor may experience from the present or proposed name;
 5. The possibility that a different name may cause the minor insecurity and lack of identity; and
 6. The motive or interests of the custodial parent.

II. WHAT FORMS ARE INCLUDED - The number of forms required for a minor name change in Utah depends on the complexity of the action. If it is a basic minor name change consisting of a petition where both natural parents are either petitioners or consenting to the name change, only the following forms are required: Cover Sheet, Petition, Consent to Minor's Name Change (for consenting non-party parent or child of sufficient age to have an opinion) and Order Changing Minor's Name.

- A. Petition for Minor's Name Change - (UT-NC-200) This document states the reasons and other required details for your name change.
- B. Application for Appointment of Guardian ad Litem - (UT-NC-201) This document requests that a specific person be appointed as Guardian Ad Litem for the minor child during the process of the name change. This form is used IF the name change is contested by a parent or guardian. If both parents are consenting to the name change the Application will not be needed.
- C. Order Appointing Guardian ad Litem - (UT-NC-202) This document orders that a specific person be appointed as Guardian Ad Litem for the minor child during the process of the name change. Use only if the Application is used.
- D. Consent to Minor's Name Change - (UT-NC-203) This document provides the written consent of the parent or guardian who is not the petitioner requesting the name change. Two forms are provided for use by the parents even if acting as petitioner as they are required by some courts even if parent is the Petitioner.
- E. Consent to Minor's Name Change - (UT-NC-203-A) This form is the second form to document the written consent of the parent or guardian in favor of the minor's name change.

NOTE: Forms UT-NC-205, 207, 208, 209, 210 and 212 are not needed if all interested parties are joining in or consenting to the minor's name change.

- F. Summons - (UT-NC-205) This document summons interested parties to appear in court with regard to the Petition for the minor's name change.
- G. Notice of Hearing - (UT-NC-206) This document puts any interested party on notice of the hearing regarding the petition for name change.
- H. Motion to Waive Service - (UT-NC-207) This document is used to request that service of notice to certain interested parties be waived.
- I. Affidavit in Support of Motion to Waive Service - (UT-NC-208) This document provides the reasons why service to interested parties should be waived by the court.
- J. Order to Waive Service - (UT-NC-212) This document is issued by the court allowing service to be waived to interested parties.
- K. Proof of Service by Mail - (UT-NC-209) This document provides proof to the court that service of the Summons was properly made.

- L. Return of Service - (UT-NC-210) This document is completed by the person who served the Summons, Petition or other documents upon the respondent.
- M. Request for Hearing - (UT-NC-211) This document requests that the court set the matter down for a final hearing.
- N. Order Changing Minor's Name - (UT-NC-213) 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.
- O. Cover Sheet for Civil Actions - (UT-NC-105) This document provides the court with necessary information about the nature of your case.

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 UTAH

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 "Civil 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: Fill in all the blanks on the Petition for Minor's Name Change.

Make copies of all documents to keep for your records, and for anyone who is a parent, custodian, guardian, or who, by law, is entitled to notice of the name change action. Also give notice to a minor old enough to independently decide whether the minor wants the name change.

Sign the Petition in the presence of a notary public or court clerk, who must verify your identity and your signature. It is best to do this before going to court. Most banks have a notary, although many may charge a fee for this service to non-customers. By signing in front of a notary, you are stating under oath that the document is true.

Complete the Cover sheet by inserting the name and address of the Petitioner – the adult filing the action on behalf of the minor. On page two of the Cover Sheet, in the Probate section, check the box for “name change”.

- Step 2: Obtain written consent to changing the name from the minor's natural parent(s), guardian, or custodian. (A form is included for this purpose.) File these written consents with the court, when you file the Petition. If you do not obtain this consent, the court will require that notice and the Petition be sent to these persons. The hearing will then be re-scheduled to allow them time to respond and to participate in the hearing.

- Step 3: File your case with the court, and obtain a hearing. Take the documents identified in Steps 1 and 2 (Cover Sheet, DOC Certification, any necessary Consent, and Petition) above to the district court in the county where the minor has lived for the past year. Locate the counter for the court clerk, and give these documents to the clerk, along with the required filing fee.

If the Petition was not yet signed in the presence of a Notary Public, you must sign it before the clerk at this

time. When you file the Petition, ask the court clerk whether the district court automatically sets a hearing. If a hearing is automatically set, the clerk will notify you of your hearing date, either by phone or in writing. If you do not hear from the clerk within a week, you should contact the clerk and ask about your case status. Be sure to have your case number ready to give to the clerk.

If the court does not automatically set a hearing, but requires you to file a request for a hearing, use the Request for Hearing form included here.

Step 4: Serve any required notices about the Name Change petition. If you do not obtain written consent to changing the name from the minor's natural parent(s), guardian, or custodian, you must serve that person with a Summons and a copy of the Petition before the hearing. The necessary Summons document is included with these forms.

Include the court's address in the Summons, and on all the forms. If the court's address is not on the Summons, the judge may make you serve these documents again. You may serve the Summons and Petition by United States mail (first class, certified, return receipt requested), or by commercial courier (such as Federal Express or United Parcel Service). --NOTE: Service will only be complete if **the receipt is personally signed by the person to whom the documents are sent, and then returned to you by the post office or commercial courier service.** No one else is allowed to sign the receipt for the documents.

After the signed receipt is returned to you, attach it to the document called Proof of Service by Mail. Also attach the summons to the Proof of Service by Mail, and then file these documents with the court.

If you cannot obtain service by mail, you should use a sheriff or constable to serve the Summons and Petition, instead of a friend or relative. Provide the sheriff or constable with a copy of the Petition for Minor's Name Change and two properly completed Summonses. --After delivering the Petition and one Summons to the party being served, the sheriff or constable will return the other Summons to you, along with a document they create called a Return of Service. Make copies of these for your records, and then file the originals with the court. The person served will have twenty days to respond if served in Utah, and thirty days if served outside Utah.

Step 5: If it is not possible to serve the other parent, complete the forms for asking the court to waive service. Some examples of when it might be impossible to serve the other parent are if a father has never acknowledged paternity, or if the other parent's parental rights were terminated. To ask the court to waive service on the other parent, complete the following documents, and file them with the court when you file your Cover Sheet and Petition (Step 3 above):

Motion to Waive Service

Petitioner's Affidavit in Support of Motion to Waive Service

Order to Waive Service

Step 6: If the case is contested, consider retaining an attorney and/or asking for appointment of a guardian ad litem. If you receive a response to the Petition that opposes a name change for the minor, then the case is contested. The party filing the response will probably appear at the hearing, perhaps with an attorney. You should consider whether to proceed without an attorney. If you proceed without an attorney, you and the contesting party must move the case along according to the Utah Rules of Civil Procedure (i.e., file appropriate motions, do discovery, attempt mediation and settlement, certify that the case is ready for trial, etc.). Directions about how to do this are beyond the scope of these instructions.

Whether or not you decide to hire your own attorney, you may want to ask the court to appoint a guardian ad litem for the minor. The guardian ad litem represents the interests of the minor and therefore is concerned with doing that which is in the best interests of the child. Remember that the primary concern of the Court is to do that which is in the best interests of the child.

There is an Application for Appointment of Guardian ad Litem and an Order Appointing Guardian ad Litem included in this package. If there is a cost for doing so, the court will decide who shall pay the cost. The petitioner may have to pay some or all of the cost, or the person opposing the name change may have to pay some or all of the cost.

Step 7: Attend the hearing, if the judge requires one. Most courts do not require a hearing if no objections have been filed

to the name change request. If a hearing is not required, the court will sign the order or otherwise rule on your request to change the minor's name.

If an answer objecting to the name change has been filed with the court and there is a hearing to resolve the name change issue, this is what you should do:

Because most name changes are granted, prepare the final Order Changing Minor's Name before the hearing, and bring it with you.

Arrive early at court, and bring the minor with you. Both of you should be dressed appropriately. Persons who show up in shorts, tank tops, or other causal wear may be asked to leave.

Check the written calendar of cases to make sure you are in the right courtroom. Usually, a calendar of cases is posted outside the courtroom. A calendar may also be placed on courtroom tables.

If your case is not on the calendar, ask the court clerk about this. Speak to the clerk before or after the court session; never interrupt court proceedings to talk to the clerk.

The court almost always sets more than one hearing at a time. Take a seat in the audience section of the courtroom until your case is called. When the judge enters, everyone stands until the bailiff says they may be seated.

When your case is called, announce to the judge that you and the minor are present by standing up, saying your name and that the minor is with you, and saying that you are representing yourself. When the judge indicates, walk to the podium. (Sometimes, the judge may ask that you be sworn in to testify from the witness stand about the information in your Petition.)

Always address the judge as "Your Honor." Be courteous to all court personnel. Remember, the judge has the power to fine you or send you to jail if you are rude or discourteous.

Answer any questions from the judge. Tell the judge that the minor has been a county resident for

one year immediately before filing the petition, the reasons for changing the minor's name, and that what you wrote in the petition shows the name change is in the minor's best interest. Also, tell the judge that no one else will be affected by the name change. If someone will be affected, tell what that impact will be. Be prepared to tell the judge about any court cases in which the minor is involved, and whether the minor is on probation, parole, or out-of-home placement with the Dept. of Youth Corrections.

Depending on the child's age, the judge will probably want the minor to testify about whether the minor wants the name change. The judge may also choose to interview the minor in the judge's chambers (the judge's personal office), because it is usually less stressful on the minor than taking the witness stand in open court. The judge may have the minor wait in the hall during testimony from you or other witnesses.

If another party is present, he or she will be allowed to ask you questions. After that party or other witnesses testify, you will be allowed to ask them questions.

Some courts are so busy that the judge will not allow the hearing to proceed if anyone contests the name change. Instead, the judge may set a later trial date to allow more

If everything is proper and it is in the minor's best interest to change the minor's name, the judge will announce this at the end of the hearing. After the judge makes a decision, you should ask permission to hand the judge the Order you have prepared. The judge will usually sign it at the end of the hearing, if it is correct.

If the case is contested and there is a trial, the judge will announce the final decision and order at the end of the trial. Whoever is ordered by the judge to draft the written Order must include what the judge finds and orders. If an attorney did not represent you, take careful notes when the judge announces the findings and order. At the end of the hearing, the judge will almost always ask if there is anything else. That is a good time to ask about anything you did not understand. If your

notes are not adequate, obtain a copy of the proceedings so that you will include everything that the judge said. (A fee will be charged for this copy, even if your filing fee was waived.)

The Order must be completed within 15 days after the hearing or trial. Copies must be sent to any opposing parties, or to their attorneys, if they had attorneys. They have five working days to object to the Order. (If you mailed the copies, they have eight days to object.) If an objection is made, the Order should be checked to make sure it accurately reflects what the judge said. If there is an error, it must be corrected. If there are no errors, submit the Order to the judge to review and, hopefully, sign.

If the judge is not ready to decide your case after the hearing or trial, the judge will take it "under advisement." Later, the judge will send you a written decision. If the written decision grants the name change, then you should file the Order Changing Minor's Name with the court, so that the judge can sign it. Read the written decision carefully, and make sure that the Order reflects what the judge's written decision actually states. You have 15 days to do this.

If the matter was contested, send a copy of the completed documents to the opposing parties or their attorneys. They will have five working days to file an objection. (If you mailed the copies, they have eight days to object.)

Step 8: Give notice of the name change to anyone to whom the judge directs notice. Whether the judge signs an order granting or denying a minor's name change, the judge may also order that the petition notify the minor's school, church, and others of the minor's correct name. The court will have specific directions as to how notice is to be given but it generally involves serving some party with a copy of the Order of Name Change and executing a Proof of Service by Mail (Form D. above)

Step 9: Return to the court after the judge has signed the Order Changing Minor's Name, and ask the clerk for one or more certified copies of the Order. Keep these copies in a safe place, with other important papers. Then you will have the Order whenever you need it for purposes of changing the minor's name (such as on the minor's birth certificate,

social security records, etc.). The court will charge a fee to copy and certify the Order.

Step 10: If the name change is denied, re-write the Order Changing Minor's Name to reflect the judge's decision, and file it with the court. After the order denying the name change has been entered, you will have 30 days to appeal. An appeal is beyond the scope of these instructions.

Step 11: If you want to change the minor's birth certificate after obtaining a court order changing the minor's name, you may do so by filing the order with the state registrar in one of the following ways:

Obtain an amended birth certificate by going to the Vital Records office, paying the fee, and presenting a certified copy of the court's name change order, as well as valid picture identification.

An amended birth certificate may also be obtained through the mail. That process involves some delay, because a notarized signature must be returned to the office before the amended birth certificate can be issued.

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

You may access a summary for this package by going to the following address:

<http://www.uslegalforms.com/ut/UT-NAME-2.htm>

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