

Name Changes:

**Naming your children;
Recording your child's name;
Changing your name;
Changing your child's name**

The information provided in this booklet does not constitute legal advice and is based on the laws of Massachusetts as of the publication date. It is always advisable to seek legal advice from an attorney. **A list of resources for low-income people is on the last page.**

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Corporation.

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This booklet is designed to answer some of the questions you may have about your rights regarding naming your children, recording your children's names, changing your name, or changing your children's names.

In particular, this booklet focuses on answering the following questions:

- **Deciding a child's name**
- **Where a child's name is recorded; How a child's name is recorded**
- **Correcting birth records to reflect the child's biological father**
- **Changing your name**
- **Changing your children's names**
- **If the other parent objects to changing the child's names**
- **Some other Name-Related Issues**
 - Adoption
 - Naturalization

Deciding a child's name:

Parents can name their child any name that they choose. The city or town clerk where the child was born records the child's name as instructed by the parents. The parents may give the child any first name and any last name that they wish. The child's last name may be the father's last name, the mother's last name, a hyphenated version of both names, or any other name. However, if married parents disagree upon what name to use, they may have to go to court to resolve the dispute, and the child may end up with one parent's surname or a hyphenated version.

Where a child's name is recorded:

The city or town clerk is responsible for recording information regarding the child's birth, including the child's name, the date and place of the birth, and the name of the father and mother, onto a birth certificate. If the child is born in a hospital, the information is generally reported by the doctor in charge. If the child is born at home, you are responsible for notifying the town or city clerk within 30 days after the child's birth.

How a child's name is recorded:

The mother's name is always recorded on the birth certificate. Whether the father's name is also recorded depends on the situation:

- q If the mother is UNMARRIED, the father's name is not recorded on the birth certificate UNLESS BOTH the mother and father request by affidavit that his name be recorded as the father of the child.
- q If the parents are MARRIED, the husband's name will be recorded on the birth certificate as the father. The husband will be recorded as the father even if he is not around and even if he is not the child's

biological father. This is because any child born to a married couple is presumed by law to be the biological child of the husband.
HOWEVER:

If you are MARRIED and your husband is not the father:

1. If the husband's whereabouts are known, both he and the mother may sign affidavits available at Probate & Family Court that he is *not* the father. Then the husband's name is not recorded.
2. If the husband's whereabouts are unknown, and the mother signs an affidavit stating that his whereabouts are unknown AND that he is not the biological father, then the husband's name will not be recorded.

The biological father may, if he wishes, also file an affidavit stating he is the father. These affidavits are submitted to the court for approval. If your request is approved, the husband's name is not recorded and the biological father's name is recorded.

Correcting birth records to reflect the children's biological father

If the mother is unmarried or married to someone who is not the biological father, paternity must be established in order to correct the birth records.

Paternity can be established when the biological father acknowledges



paternity, i.e. admitting that they are the biological father of the child.

Changing your name:

For information about How to Establish Paternity, please see *Information About How to Establish Paternity* available at the Lawyer-for-the-Day office and at Neighborhood Legal Services.

A name can be changed at any time for any reason that is not dishonest or fraudulent. You do not have to go to court to do this. However if you do not go to court to officially have your name changed, you cannot obtain official documents (such as a passport or driver’s license) in that name. To change your name officially, you must do the following.



File the following with the Probate & Family Court of the county in which you live:

- a. A petition for change of name (available at the court);
- b. The \$60 filing fee (If you are low income, the fee may be waived. Check with court personnel to see if you qualify under the income guidelines for a fee waiver);
- c. A certified copy of your birth certificate or any other prior judgment or record amending your name. Foreign birth certificates must be properly translated to English.

IMPORTANT NOTE: When the petition for Change of Name is filed, the Court will request a copy of your criminal record from the Commissioner of Probation.

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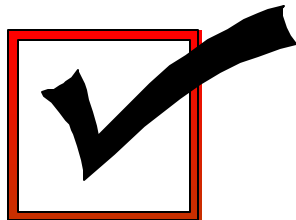
public notice that you are petitioning to change your name. This is done by publishing a notice in the local newspaper. You will get an order from the court stating that the information must be published and it will tell you which newspaper you must send the notice to. You should keep the original in a safe place. Fill in any blank spaces on the notice and send a copy to the newspaper asking them to publish it. There will be a fee for this service, which varies, usually starting around \$40. If your fees were waived by the court, send a copy of your approved Affidavit of Indigency along with the form to the newspaper explaining that the fee will be paid by the Commonwealth. Anyone who objects to your name change may do so by filing an appearance at the Probate Court.

NOTE: For an adult, the requirement for providing public notice of the Name Change Petition can be waived for “good cause”. You must file a “Motion to Waive Publication Requirement” along with your explanation of why it should be waived. You may also wish to file a “motion to Impound” so that the information in the file is kept safe.

Provide the court with proof that the notice was published. The newspaper will send you a copy of what was printed. If not, you can cut out the notice on the day that it was published. Take the publication and the original court notice to the Probate & Family Court for filing.



You will receive a notice of the date you must appear in Probate and Family Court. A judge may ask you to explain why you are changing your name. Name changes are generally allowed unless “inconsistent with public interests.” If your request is granted, the Court will issue a certificate of the new name.



Getting Divorced

If you are filing for a divorce or are involved in a divorce case, there is a box on the divorce complaint which you can check that allows you to resume your maiden name or a former married name without going through the name change procedure. You cannot obtain a new name in this way, only a former name. Also, you cannot change your child's name through this procedure. For more information on how to proceed in a divorce case, please see:

Information About How to File Papers in the Essex Probate and Family Court

Changing your children's names:

You must have custody of your children if you want to file a name change on their behalf. You follow the same procedure as changing your own name (see above). If you do not live with the child's other parent, you must send a copy of the petition to change the children's names to the other parent by certified mail in addition to publishing the notice in the paper. If you do not know that parent's current address, send the letter certified to the last known address. The post office will return the letter to you if it cannot be delivered. **DO NOT OPEN THE RETURNED LETTER.** File it with the court. If the other parent receives the certified letter, the post office will return a green card to you. File the card with the court.



If notifying the other parent will put the child's safety at risk, you may petition the court for permission to publish only the child's current name and to withhold publication of the new name. If you are changing your name and / or the child's name due to safety concerns, you should also consider changing your social security numbers. Contact the Social Security Administration for more information. Also for more information on this subject, contact the:

Relocation Counseling Project at: 1-800-323-3205

If the other parent objects to changing the children's names:

The court will decide based on what it believes to be in the children's best

interest. Some courts look at the parent's relationship with the children, whether the parent pays child support on a regular basis, and the harm caused to their relationship if the name is changed. **BE PREPARED** to provide the court with valid reasons why it would be better for the children's name to change. The court will not grant the name change simply because the parents do not get along or because one parent has remarried or changed their name.

Some other Name-Related Issues.

Adoption. If you are adopting a child, you can petition for the child's name to be changed when the court issues the adoption decree.

Naturalization. If you are an alien who is going to be naturalized, you may change your name as part of the naturalization procedure. The procedure is somewhat different because it is governed by federal statutes. If you were an alien and have already undergone naturalization and wish to change your name, you will do so according to the procedures outlined above. However, since your birth certificate is in a foreign language, you must either have it officially translated or provide the court with your naturalization papers.

Important Reminder:

Keep a file of all documents you send to the court including the petition, your birth certificate, the newspaper notice, and anything else you provided. Bring these to court with you in case there is a problem.

We hope this information is helpful to you. Please consult the last pages for a list of resources for low-income people and a list of other publications available in this series.

CHANGE OF NAME FORM

GUIDELINES

GENERAL INFORMATION:

- You must be a resident of Essex County to file a Change of Name Form at this Court.
- Fill out information only on those individuals whose name are being changed.
- All members of the immediate family (except those children age 18 and over) can be filed on the same form, unless minors have different fathers.
- When filling out form please type or print clearly.
- Please complete form in black ink only.
- The court needs the social security number of anyone age 10 and over who/whoever is/are changing their name(s).

BIRTH CERTIFICATES:

- Change of name forms must be accompanied by a certified copy of Birth Certificate of each person whose name is being changed, birth certificate from City Hall not hospital.
- Copies of certified copies are not acceptable.
- If the Birth Certificate is written in another language, you must submit an authorized translation with it.

SIGNATURES:

- Anyone changing their name must fill out and sign their full legal name as spelled on their birth certificate (except in the case(s) of last name being changed by marriage or previously changed by court).
- If you have a middle name you must include in FULL on the petition.
- NO INITIALS are to be used when signing or writing your name.

MINORS:

- Any child under the age of 18 must have the petition submitted by a parent or legal guardian.
- The parent submitting the petition for the child, must have physical custody of the child.
- An affidavit of disclosure must be filed with the petition.
- When it is the minor child/children(s) name being changed, the child is the petitioner; therefor, occupation and place of birth should be the child(s) not the parent presenting the petition.
- If child(s) name is being changed alone than the child's name must be signed by the presenting parent on the line that reads SIGNATURE OF PETITIONER.
- If at all possible, consent of both natural parents is requested for anyone under the age of 18. If the child/children lives with only one parent the other can give their consent on a separate piece of paper.
- If the child is taking the surname of the step-father then the step-father should give his consent on a separate piece of paper.

(OVER)

FILING FEE:

- The filing fee for change of name is \$60.00 per form.
- Checks can be written out to Essex Probate Court or Pamela Casey O'Brien, Register.
- Please send all correspondence to ATTN: CHANGE OF NAME DEPT.

ADDITIONAL INFORMATION:

- You will mail the Change of Name form, the certified copy of the birth certificate(s) and filing fee all together with any other necessary papers to :

PROBATE AND FAMILY COURT

36 Federal Street

Salem, MA 01970

ATTN: CHANGE OF NAME DEPT.

When your petition is ready you will receive a notice by mail informing you what number to call to schedule a date to come in and see the Judge.

After the name change is allowed, you will receive a certified copy of your decree, if you need anymore than one, you will pay \$1.50 per certified copy, (proof of your name change).

It is your responsibility to inform the Social Security Office and any other offices, such as Registry of Motor Vehicles, Banks, Schools, Etc.

When changing your last name a Citation will issue and has to be put in the newspaper one time. When changing the child's last name, the father also gets notice by certified mail.

Changing your name will not change your birth certificate if you were born in Massachusetts. Some states do change them, its up to you to find out if the state where you were born, does change them.

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

_____ Division

Docket No. _____

Change of Name(s)

Name of Petitioner: _____

(Street and No.)

(City or Town)

(County)

(Zip)

Occupation _____

Date and Place of Birth _____

Name of Spouse _____

Occupation _____

Date and Place of Birth _____

Names of Minor Children _____

Reason for change _____

Have parties ever changed their names prior to this petition? _____ If answer is yes, explain _____

Petitioner(s) pray(s) that his/her/their name(s) be changed as follows: _____

Names at Present:

To be changed to:

Petitioner _____

Spouse _____

Child _____

Child _____

Child _____

Child _____

Date _____

SIGNATURE OF PETITIONER

SIGNATURE OF SPOUSE

Signature of Minors as signed by father or
mother as next friend.

Decree

Notice having been given according to the order of the Court, and no objection being made, it is decreed that the above name(s) be changed as prayed for, which name(s) he/she/they shall hereafter bear, and which shall be his/her/their legal name(s).

Date _____

JUSTICE OF THE PROBATE AND FAMILY COURT

For Petitioner:

Tel. No. _____

For Respondent:

Tel. No. _____

Publication in the _____

Docket No. _____

Change of Name(s)

Petition — Decree

Filed _____ 19____

Citation Issued _____ 19____

Returnable _____ 19____


Allowed _____ 19____

Instructions

Refer to Massachusetts General Laws Chapter 210.

A certified copy of the birth certificate for each party must be filed with petition.

Note: You must fill out and file this form if you are trying to change the name of a minor in your custody.

AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS	TRIAL COURT OF MASSACHUSETTS		DOCKET NUMBER
Pursuant to Trial Court Rule IV		Name Of Case _____	

<input type="checkbox"/> Boston Municipal Court	<input type="checkbox"/> District Court Division _____	<input type="checkbox"/> Juvenile Court Division _____	<input type="checkbox"/> Probate & Family Court Division _____	<input type="checkbox"/> Superior Court Division _____
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Section 1 I, _____, NAME OF PARTY (PRINT) hereby declare, to the best of my knowledge, information, and belief that all the information on this form is true and complete:

Section 2 The name(s) of the child(ren) whose care or custody is at issue in this case are:
 A. _____ B. _____ C. _____
(LAST, FIRST) (LAST, FIRST) (LAST, FIRST)
 Use only the letter appearing in front of the child's name above when referring to that child in completing the remaining sections.

Section 3 The party filing this affidavit may request certain addresses to be kept confidential if the address is a shelter for battered persons and their dependent child(ren), or the party filing this affidavit believes that he/she or the child(ren) are in danger of physical or emotional abuse, or the party is filing an action under G.L.c.209A. If you believe that this provision applies to you, check the box at the right, complete sections 10 and 11 on the reverse side of this page and DO NOT complete sections 4 and 5 below.

Section 4 The address(es) of the above-named child(ren) whose care or custody is at issue in this case are:
Address(es) Address(es) During Last 2 Years, If Different

CHILD A. _____
 CHILD B. _____
 CHILD C. _____

Section 5 My address is: _____

Section 6 I have have not participated in and I know do not know of other care or custody proceedings involving the above-named child(ren) in Massachusetts or in any other state or country.

Certified copies of any pleadings or determinations in a care or custody proceeding outside of Massachusetts listed in sections 7 and 8 must be filed with this affidavit unless already filed with this court or an extension for filing these documents has been granted by this court.

Section 7 The following is a list of all pending or concluded proceedings I have participated in or know of involving the care or custody of the above-named child(ren):

Letter of Child	Court	Docket No.	Status of Case (Custody awarded to) (Date of award)	Witness (P)arty (O)ther (N)one
CHILD _____	_____	_____	_____	[]
CHILD _____	_____	_____	_____	[]
CHILD _____	_____	_____	_____	[]

Section 8 The names and addresses of parties to care or custody proceedings involving any of the above-named child(ren) or those claiming a legal right to these child(ren) during the last two years (not including myself) are:

Letter of Child	Name of Party/Claimant	Current (or last known) Address of Party/Claimant
CHILD _____	_____	_____
CHILD _____	_____	_____
CHILD _____	_____	_____

Section 9 If the box at the right is checked, this affidavit discloses the adoption of one or more of the above-named child(ren) and I am requesting the court to impound this affidavit. See instructions.

This affidavit must be personally signed by the party listed in section 1 above, unless he/she is under 18 years of age or has been adjudged incompetent in which case the attorney of record must sign. A revised affidavit must be filed with the court if new information is discovered subsequent to this filing.

Signed this _____ day of _____, 19____ under the penalties of perjury.

X _____
SIGNATURE OF PARTY OR ATTORNEY OF RECORD FOR INCOMPETENT/JUVENILE PRINTED NAME OF PERSON SIGNING

ADDRESS OF ATTORNEY OF RECORD FOR INCOMPETENT/JUVENILE

THE PARTY FILING THIS AFFIDAVIT MUST FURNISH A COPY OF IT TO ALL OTHER PARTIES TO THIS ACTION.

COURT 3 001

Note: This form can be found on the reverse side of the Affidavit Disclosing Care or Custody Proceedings.
ADDRESSES TO BE KEPT CONFIDENTIAL
 Fill out only if you checked the box in Section 3.

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The party filing this affidavit may request certain address(es) to be kept confidential if the address is a shelter for battered persons and their dependent child(ren), or the party filing this affidavit believes that he/she or the child(ren) are in danger of physical or emotional abuse, or the party is filing an action under G.L. c. 209A. If you checked the box in section 3 indicating that you believe the above provision applies to you, complete sections 10 and 11 below, and DO NOT complete sections 4 and 5.

Section 10

The address(es) of the child(ren) listed in section 2 whose care or custody is at issue in this case are:

Child(ren)	Address(es)	Address(es) During Last 2 Years, If Different
Child A.	_____	_____
	Street Address	Street Address
Child B.	_____	_____
	City, State, Zip Code	City, State, Zip Code
Child C.	_____	_____
	Street Address	Street Address
	_____	_____
	City, State, Zip Code	City, State, Zip Code

Section 11

My address is: _____
Street Address, City, State, Zip Code

Section 12

LIST OF ATTORNEYS AND GUARDIANS AD LITEM/INVESTIGATORS

Please list the names of all attorneys and guardians ad litem involved in the pending proceedings listed in section 7.

1. _____
Attorney(s) for child(ren). (Please specify if each child is represented by a different attorney.)
2. _____
GAL(s)/Investigator(s) (Please indicate if a GAL has been appointed to represent a specific child.)
3. _____
Attorney(s) for mother.
4. _____
Attorney(s) for father

(Fill Out Below If Applicable)

I, _____ attorney for D.S.S. or its agent have ascertained from the above checked off attorney(s) and guardian(s) ad litem/investigators a willingness to accept an appointment from the court to represent the same party should the court elect to make such an appointment.

 (Signature)

Helpful Phone Numbers

Lawyer-for-the-Day

Provides free assistance at the Courthouse in preparing forms and documents

Salem Division
36 Federal Street, Salem, MA 01970
Call the court at (978) 744-1020

*Monday, Tuesday, Wednesday and
Thursday mornings*

Lawrence Division
Fenton Judicial Center, 2nd Floor
2 Appleton Street, Lawrence, MA 01840
Call the clerk's office at (978) 686-9692

No regular schedule.

Legal Services

Provides free legal services for those who are income eligible.

Neighborhood Legal Services, Inc.
37 Friend St., Lynn, MA 01902
(781) 599-7730

*Provides direct representation, Pro Se
Divorce Clinic, and Helpline advice
to Southern Essex County*

Merrimack Valley Legal Services, Inc.
11 Lawrence St., Lawrence, MA 01840
(978) 687-1177

*Provides family law services to
Northern Essex County*

Reduced Fee Lawyer Referral Programs

Provides referrals to lawyers who charge reduced fees. Call for eligibility requirements:

Boston Bar Association (*Greater Boston*)
16 Beacon St., Boston, MA 02108
(617) 742-0625, (800) 392-6164

Mass. Bar Association (*statewide*)
20 West St., Boston, MA 02111
(617) 542-9103

National Lawyer's Guild
14 Beacon Street, Suite 407
Boston, MA 02108
(617) 227-7008

Essex County Bar Association
36 Federal Street
Salem, MA
(978) 741-7888

The Child Support Enforcement Division (CSE) of the Department of Revenue (DOR)

Provides assistance in establishing paternity and collecting child support.

Essex Division
36 Federal Street
Salem, MA 01970
(978) 744-1020

Lawrence Division
Fenton Judicial Center, 2nd Fl.
2 Appleton St., Lawrence, MA 01840
(978) 686-9692 (*open only Mon. & Wed. 8-1*)

Essex County Probate and Family Court, Pamela Casey O'Brien, Register

Salem Division

Lawrence Division

36 Federal St., Salem, MA 01970
(978) 744-1020

Fenton Judicial Center, 2nd Fl.
2 Appleton St., Lawrence, MA 01840
(978) 686-9692

The Family Law How-to Series includes:

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- The Process of Exchanging Information in Family and Probate Court
 - Divorce and the Alternatives
 - The Department of Social Services: Seeking Services, the 51A Investigation and Consumer Rights During an Investigation
 - Name Changes
 - Grandparent Visitation
 - How to Get Child Support
 - What Is Best for Your Child: Working Through Child Custody and Visitation Issues
 - Information About How to File Papers in Essex Probate and Family Court
 - How to Fill Out a Financial Statement
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Copies of these booklets are available at the Lawyer for the Day Office and Legal Services programs listed inside this booklet.

