

LANE COUNTY LAW LIBRARY LEGAL RESEARCH GUIDE -- # 4: NAME CHANGES

Lane County Law Library

Lane County Public Service Building
125 East 8th Avenue
Eugene, OR 97401

Christine Phillips

Law Library Manager

(541) 682-4113

Christine.PHILLIPS@co.lane.or.us

Disclaimer: It is against state law for library staff members to engage in any conduct that might constitute the unauthorized practice of law (ORS 9.160, 9.166 and 9.21). They may not interpret statutes, cases or regulations, perform legal research, recommend or assist in the preparation of forms, or advise patrons regarding their legal rights. They may, however, assist patrons in locating materials or links that would aid in individual research.

In Oregon, any person over eighteen years of age can choose and use any name he or she wishes as long as the purpose of the change in the name is not to defraud another. For example, it is not legal to change names to avoid creditors or to escape obligations such as child support.

The following excerpt is from The Oregon State Bar:

http://www.osbar.org/public/legalinfo/1137_NameChange.htm

It is not strictly necessary to go to court to change your name. You can change your name without legal proceedings merely by using the new name. This name change must not be used for fraudulent purposes, or it will not be effective. Be aware, however, that such an informal name change may cause difficulties in governmental offices that will ask for documentation proving that you are in fact you. You may have chosen to change your name when you married, which will be documented by your marriage certificate. A change of name is given in an adoption and in a divorce so there is no need to file for one. You may petition the court for a name change. If you are under age 18, written notice must be given to your parents or legal guardian. You may also need to have your parents' consent, or have a guardian appointed for the purpose of changing your name. A name change for a minor child is not an adoption.

The Lane County Circuit Court rules on Change of Name procedures.

<http://courts.oregon.gov/Lane/CivilandLandlord/NameChange.page?>

(Please Note: The following information applies to Adult Name Changes. Information about Change of Name and Minors is below.)

You must be a resident of Lane County to file an adult name change in Lane County. If you choose to obtain a name change without an attorney, forms are available at any stationery store or bookstore that sells legal documents, for example: Willamette Stationers on 5th and Oak Street in Eugene, Oregon. Additional information and examples of forms are also available at the Lane County Law Library. Please consult: **FAMILY LAW**, by Oregon State Bar, c. 2002, with 2008 supplement. v. 3, ch. 20. Located on reserve at the Lane County Law Library: **KFO 2494.Z9 2002 RES**. However, law library staff cannot advise you about which form to use or how to fill it out (see disclaimer at the top of this page). Before using any forms from any source, you should check with the court as well as with an attorney as to whether these forms are appropriate for your situation)



The forms needed are:

- Petition for Change of Name
- Notice of Change of Name Hearing
- Affidavit-Proof of Posting Notice of Hearing
- Affidavit-Proof of Posting Notice of Name Change
- Change of Name Decree
- Notice of Change of Name Decree
- A filing fee must be paid at the time the petition is filed.

The documents filed with the court should be signed using your current name throughout the entire procedure. Some documents need to be notarized. The documents must be signed in front of the court clerk or a notary public and you must show identification. The identification must be either one piece of I. D. issued by a government organization with a photograph, signature and a physical description or two pieces of I. D. issued by a government organization or business with the person's signature. The court does not notify any agency or department of the name change.

Name Change Procedures

1. Complete the Petition for Change of Name form. This form starts the name change process and is the first document filed with the court. It must be notarized by a court clerk or a notary public and the filing fee must be paid. At the same time that this petition is filed, the completed Notice of Change of Name Hearing form must be filed. On that form you will decide a date 14 days in the future for your Notice of Change of Name Hearing and enter it on your form. The date of the change of name hearing will be any day of the week (Monday through Friday, except court holidays) following the 14th calendar day from the date it is posted. A copy of the Notice of Change of Name Hearing form must be posted in a public place for at least 14 calendar days. The hearing time is 8:30 a.m.
2. On the date of the hearing check with the Information Booth on the 2nd floor for the location of your hearing before 8:30 a.m. The hearing time is 8:30 a.m. On the day of the hearing bring the Affidavit - Proof of Posting Notice of Hearing form with a copy of Notice of Change of Name Hearing form attached. The clerk will notarize the form for you. Bring your identification. After checking with the Information Booth Clerk on the 2nd floor for the location of the hearing (on the date of the hearing), take the Change of Name Decree form along with the Affidavit - Proof of Posting of Notice of Hearing form to the courtroom. Be sure you are here before 8:30 a.m. The judge is in the courtroom for only 20 minutes. At your hearing the Change of Name Decree form will be signed by the judge.
3. When the judge returns the documents to you, immediately take all of the papers to the court clerk for filing. Your name change is not effective until these documents are filed with the court clerk. After filing, you may purchase a certified copy of this decree.
4. Post the Notice of Change of Name Decree in a public place for fourteen (14) complete calendar days.
5. After fourteen (14) calendar days, file the Affidavit - Proof of Posting Notice of Name Change (which needs to be notarized) with a copy of the Notice of Change of Name Decree attached, with the court clerk.

Minor Child Name Changes:

Minor child name changes can be complicated. You may wish to consult an attorney on the process.



Frequently Asked Questions:

- **Can I take back my former name when I get divorced?**
 - Yes. The judge must give you back a former name if you ask for it in a divorce.
- **Can I change my child's last name in a divorce?**
 - Even if the mother gets custody and changes back her name in the divorce, the child most often keeps the name that is on the birth certificate. Many divorce judges will not change a child's name in a divorce case, especially when the other parent disagrees.
 - If you want to change your child's name, you can file a separate legal case. The other parent of the child must be told about this lawsuit by receiving legal notice. The judge will allow the name change only if it is in the child's best interest.
 - It may also be possible to change your child's name without going to court.
- **What if I want a completely new name for myself or my child?**
 - You can't do it in a divorce. But it is legal to just start calling yourself or your child by a new name as long as you are not doing it for an improper purpose (like to hide from creditors or to avoid the police). It is often better to file a separate name change case so you will have a court judgment you can use to change your identification. A name change done without going to court very often creates serious problems with Social Security or other government agencies, and might make it hard for you or your child to get benefits that you're entitled to.
- **Does my child have to have the father's last name?**
 - Parents often agree that their child will have the father's last name, but they can give their child any last name they want. If the parents can't agree, a judge can decide, but this usually happens only when the parents are unmarried. A father establishing paternity of the child does not have an automatic right to have the child bear his name. The judge can decide, based on what is best for the child.

Further Information and additional assistance can be found at:

Oregon State Bar

The OSB has public information pages with information on family law on its public information pages at: http://www.osbar.org/public/legalinfo/1137_NameChange.htm

Legal Aid Services of Oregon

This website has general legal information on family law, in both English and Spanish at: www.oregonlawhelp.org

Relevant Oregon Statutes can be found online:

<http://www.leg.state.or.us/ors/033.html>

The **Lane County Law Library** also has the following book you may wish to consult: **FAMILY LAW**, by Oregon State Bar, c. 2002, with 2008 supplement. v. 3, ch. 20. Located on reserve at the Lane County Law Library: **KFO 2494.Z9 2002 RES.**

