

CHANGE OF NAME PROCEDURES

PLEASE READ BEFORE PROCEEDING

This information is the only information court personnel can give you about this procedure. This information is not intended to be legal advice, but a brief explanation of the basic procedure that is required.

Probate court personnel cannot give legal advice about your particular situation or complete your forms for you. You are not required to have an attorney; however, the court cannot act as your attorney. If you do not understand these instructions or the process, you will need to obtain other assistance.

FEES

There is a total of \$160.00 due at the time of filing (\$150.00 filing fee and a \$10.00 court service fee).

There are also fees for:

- Publication (determined by the newspaper where you will be publishing)
- Fee for fingerprinting (determined by the agency taking the fingerprints)
- Fee to the Michigan State Police for the processing of the fingerprints through the State and Federal LEIN. The State of Michigan determines this cost.

After the hearing you may obtain certified copies of the Order Changing Name for a fee of \$12.00 each.

WAYS THAT A CHANGE OF NAME MAY OCCUR:

1. Correction of the Birth Certificate. If there is a mistake on the birth certificate, you may consult with the Michigan Department of Public Health, Vital Records Division for the proper procedure to correct the mistake at (517)335-8660 (Monday thru Friday 8:00 am. to 5:00 p.m.) or at www.michigan.gov/mdch
2. Changing Last Name after Paternity is Established. If the name of the father is not indicated on the birth certificate and the children have the mother's last name, the last name can be changed to the father's last name after paternity is established if both parents agree. You may consult with the Michigan Department of Public Health, Vital Records Division listed above for the proper procedure.
3. Changing Name Back to Maiden Name after Divorce. A married woman in Michigan does not have to assume the last name of her husband. If the woman does assume the sire name of her husband, the Judgment of Divorce or an Amendment to the Judgment of Divorce can restore her maiden name.
4. Name Change in Conjunction with an Adoption. When an adoption is finalized, the Order of Adoption will specify the new name. When a certified copy of that order is presented to the Michigan Department of Public Health with the proper fee, a new birth certificate is prepared.
5. Use of Nickname or Initials. You do not have to obtain a legal name change if you want to use J. Michael Smith rather than John Michael Smith or John M. Smith. However, if you want official identification issued that way, you will need to obtain the change of name through the court process.
6. Court Ordered Change of Name. If none of the previous explanations fit your situation and you want the birth certificate to have a different name on it for you or your minor child, you may file a Petition to Change Name with the court.

REQUIREMENTS

- Must be a resident of Eaton County for not less than one year.
- Petition must be completed properly in blue/black ink or typed.
- All minors whose names are being changed, age 14 and older, must be present at the hearing.
- All adults whose names are being changed need to be present at the hearing.
- Must show sufficient reason for the requested change.
- The name change is not being sought for fraudulent intent.
- If the person seeking the name change has a criminal record, it is presumed that it is with a fraudulent intent and the burden of proof is on the petitioner to rebut the presumption.
- The court may permit a person having the same name, or a similar name to that which the petitioner proposes to assume, to intervene in the proceeding for the purpose of showing fraudulent intent.
- For the name change of a minor, must have the consent of the noncustodial parent.

OR

Provide proof that the noncustodial parent has been convicted of child abuse, criminal sexual conduct, or assault with intent to commit criminal sexual conduct and the child or a sibling of the child was the victim.

OR

Must show the noncustodial parent has had the ability to visit, contact, or communicate with the child and has regularly and substantially failed or neglected to do so for a period of two years or more before the filing of the petition.

And either

A support order has been entered, and the noncustodial parent has failed to substantially comply with the order for a period of two years or more before the filing of the petition.

OR

An order of support has not been entered and the noncustodial parent, having the ability to support or assist in supporting the child, has failed or neglected to provide regular and substantial support for two years or more before the filing of the petition.

PROCEDURE

- File a Petition to Change Name ([PC 51](#)) and the filing fee with the Probate Court. (The Birth Certificate of the child, Death Certificate of a deceased parent, Acknowledgment of Paternity, Custody/Support Order, if applicable, is required when requesting a change of name for a minor).
- Fingerprinting is required for anyone age 22 years or older asking for a name change. The instructions for fingerprinting are attached to the Petition to Change Name. Please note: you must file the Petition to Change Name with the Court before you have your fingerprints taken.
- Those fingerprints will be used by the Michigan State Police and Federal Bureau of Investigation to check criminal records. The Michigan State Police will send a report to the court regarding any criminal records
- The court will set a hearing approximately 4 to 6 weeks after fingerprint results are received (for an adult), or 4 to 6 weeks after the Petition is filed (for a minor).
- The petitioner must publish the notice of hearing once in an Eaton County publication at least 14 days prior to the hearing date. The Petitioner must pay the newspaper for this publication in order for notice to be published. It is the petitioner's responsibility to ensure that the newspaper sends an Affidavit of Publication to the court prior to the hearing.

Eaton County Approved Newspaper:

- Charlotte Shopping Guide
- County Journal
- Grand Ledge Independent
- Eaton Rapids Community News
- Delta-Waverly News
- Eaton Rapids Flashes
- The Lansing State Journal

Make checks payable to: EATON COUNTY PROBATE COURT

File/Mail to: EATON COUNTY PROBATE COURT
1045 INDEPENDENCE BLVD
CHARLOTTE, MI 48813