

Minor Change of Name - 735 ILCS 5/21

If the name change concerns a person under the age of 18, the person is considered a minor in the State of Illinois.

1. Obtain and complete the following forms:

- (a) New Case Information Sheet - (Plaintiff is the name you have now. Defendant is the new name you want.)
- (b) Petition for Name Change of Minor(s)
- (c) Order for Change of Name
- (d) Petition for Name Change Affidavit
- (e) Notice of Motion
- (f) Notice of Publication (Sample)

The Notice of Publication is used only when the whereabouts of the Non-Custodial parent is unknown.

Note: The court may also ask you to produce a copy of the birth certificate, paternity papers, or guardianship papers.

A petition is a formal written request to the Court. The person who signs and presents a petition to the Court is called a petitioner. In signing a petition, the petitioner is certifying that the statements made in the petition are true and correct, except as to matters stated to be on information and belief and as to matters the petitioner certifies that he/she believes the same to be true. The petition shall be signed, in case of minors, by the parent or guardian having the legal custody of the minor. An affidavit must be attached to the petition, this document has to be prepared by someone that you know and must include that person's notarized signature.

- 2. After filling out the New Case Information Sheet, Petition and Affidavit, make three (3) copies of each form for filing. To proceed, a court case must be filed at the Kane County Circuit Clerk's Office. You must pay a filing fee in cash, money order, personal check, or by credit card at the time of filing (see the Civil Fee Schedule on the circuit clerk's website for the current amount). All credit cards will be charged a convenience fee of 4.75% as part of the processing.
- 3. Once the case is filed you must schedule a court date. **Do not delay in getting a court date to meet the mandatory time frames.** Schedule at Room 260 of the Kane County Courthouse, 100 S. Third St., Geneva, or by telephone at 630-232-3470. This court date must be at least nine (9) weeks after your filing date. You will need this court date for the Notice of Motion or for the *Notice of Publication*. **Both parents are to appear on the court date to let the judge know if he/she agrees or disagrees with the name change.**
- 4. A Notice of Motion has to be served on any parent whose parental rights have not been previously terminated and to any person who has physical custody (custodian) of the child. **You may be asked to bring proof of termination of the other parent's rights.** The Notice of Motion informs the other parent or custodian of the court date.
 - (a) Notice on a person living **within** this State whose whereabouts are **known**:
Notice may be given in one of the following ways:
 - 1. By personal delivery in the manner prescribed for service of process within this State.
 - 2. By Facsimile with proof of transmission report.
 - 3. By certified mail, return receipt requested, addressed to the person to be served, OR
 - 4. As directed by the Court if other means of notification are ineffective.
 - (b) Notice on a person living **outside** of this State whose whereabouts are **known**:
If the other parent or the person that has physical custody of the minor lives outside of the State of Illinois or his/her whereabouts are unknown within the State of Illinois, Notice in all change of name proceedings required for the exercise of jurisdiction over a person outside this State shall be given in a manner best calculated to give actual notice and shall be given in one of the following manners:
 - 1. By personal delivery outside this State in the manner prescribed for service of process within this State.
 - 2. In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction.
 - 3. By any form of mail addressed to the person to be served that provides a proof of delivery receipt.
 - 4. As directed by the court if other means of notification are ineffective.

Notice must be served, mailed, or delivered at least ten (10) days before any hearing in this State. Proof of service outside this State may be made by affidavit of the individual who made the service.

(c) Notice on a person who lives **within** this State whose whereabouts are **unknown**:

If the whereabouts of the other parent or person that has physical custody of the minor is unknown you must have a newspaper publish a *Notice of Publication*. *In re Petition of Gladys Sanjuan-Moeller*, 796 N.E.2d 736 (2nd Dist. 2003). Your Notice of Publication must be published in a newspaper of general circulation in Kane County for three (3) consecutive weeks.

1. Go to the newspaper to arrange for publication. Take two (2) copies of a *Notice of Publication* form and be prepared to pay the publication costs (contact the newspaper to find out the cost). A sample *Notice of Publication* form is attached to this packet. Give the newspaper one (1) copy of the *Notice of Publication* and keep the other for your own records. The Publication Notice must be published for three (3) consecutive weeks, so **do not wait** before publishing. **The first insertion (publication) must be at least six (6) weeks before the return/court date of when the petition is to be heard in court.**
2. After the requirements of the *Notice of Publication* are complete, the newspaper will mail you a "*Certificate of Publication*." Keep this *Certificate of Publication* and bring it with you on the hearing date.

(d) Notice on a person who lives **outside** this State whose whereabouts are **unknown**:

If the whereabouts of the other parent or person that has physical custody of the minor is unknown you must get a court order to establish how service may be done. You may seek an earlier court date to get direction from the court.

5. Once your Notice of Motion or Notice of Publication is completed you will need to appear on your assigned court date. Plan to arrive at the assigned courtroom at least thirty (30) minutes prior to the scheduled start time. Check-in with the Clerk in the courtroom for your case to be called by the Judge.
6. After the Judge has signed an Order allowing your name to be changed you will need to obtain at least one certified copy of the Order to get the birth certificate changed. To get a certified copy you need to go to the Circuit Clerk's Office, you can go to Circuit Clerk's Office at the Courthouse on that day or you will need to go to 540 S. Randall Rd., St. Charles IL. Certified copies cost \$6 for each copy. If non-certified copies are made in the Circuit Clerk's office, it is \$2 for the first page and \$0.50 for any additional pages. This can be paid with cash, money order, personal check or credit card. All credit cards will be charged a convenience fee of 4.75% as part of the processing.
7. To change an Illinois birth record by court order to your new name, you must complete the process with the Illinois Department of Public Health, Division of Vital Records. They require the following:
 1. A certified copy of the court order (legal name change or paternity).
 2. Child's full name, date of birth and place of birth if not included in the court order.
 3. For paternity court orders, provide the father's full name, father's date of birth, father's place of birth, and social security numbers of both the mother and father.
 4. Check or money order payable to the IL Dept of Public Health. Verify their fees before sending payment.
 5. Your address (one certified copy of the amended record will be sent to you).

If mailing the above documentation, it is suggested to use certified mail. You may appear in person or send the documents to the following address:

Illinois Department of Public Health – Division of Vital Records
605 W. Jefferson St.
Springfield, IL 62702-5097

If you have additional questions, contact the Illinois Division of Vital Records.

Phone: 217.782.6553.

E-mail: vitalrecords@idph.state.il.us

Web: www.idph.state.il.us/vitalrecords

If the child was born outside of Illinois, contact the office that keeps the birth records in the state in which the child was born to find out the proper procedures and fees.