Texas Young Lawyers Association

TYLA

BE AN UNCOMMON LEADER.®

NAME CHANGES IN TEXAS

NAME CHANGES IN TEXAS

BE AN UNCOMMON LEADER.®

Texas Young Lawyers Association
Family Law Committee
P.O. Box 12487, Capitol Station
Austin, TX 78711-2487
(800) 204-2222 Ext. 1800
For additional family law resources, visit www.tyla.org.
Produced as a public service by the
Texas Young Lawyers Association.

The information in this brochure is for educational and informational purposes only. Please consult an attorney regarding specific legal questions.

Copyright 2010
TEXAS YOUNG LAWYERS ASSOCIATION
Curriculum materials created by the Texas Young Lawyers Association. All rights reserved. No part of these materials may be reproduced in any form or for any other purpose without the written consent of the Texas Young Lawyers Association.

TABLE OF CONTENTS

FILING A PETITION FOR A CHANGE OF NAME 1

PREPARING AND ENTERING AN ORDER FOR CHANGE OF NAME ... 2

AFTER THE ORDER IS ENTERED..... 3

ORIGINAL PETITION FOR CHANGE OF NAME OF ADULT 5

ORDER GRANTING CHANGE OF NAME OF ADULT 7

CHANGE OF NAME IN TEXAS

Changing your legal name in Texas is a relatively simple process if the correct procedure is followed and all requirements are met. While most name changes are completed in conjunction with a marriage or a divorce, this pamphlet will largely address obtaining a name change as a separate, independent process. When a name change is part of a marriage, the change is made when obtaining a marriage license. In a divorce, the name change should be incorporated in the Final Decree of Divorce.

In almost all other circumstances, a request for change of name must be made in a petition filed with the court and the court must sign an order granting the person a new name. To permit a person to change their name, the court has certain requirements that must be met to insure that the change is not sought to avoid legal trouble. If the name change is for a child, there are added requirements that the parents or conservators of the child must be served and the name change must be in the best interest of the child.

A. Filing a Petition for a Change of Name

The first step in obtaining a name change is to file an Original Petition for Change of Name. A sample form for the Petition is attached to the end of this pamphlet. The Petition must be filed with the district clerk of the county where the person requesting the name change, known as the Petitioner, resides. The clerk will then assign the case to a specific court.

According to Texas law, the Petition must be verified, meaning that the Petitioner must sign the Petition in the presence of a notary and swear that all of the information it contains is true. The Petition to change the name of an adult must also contain the following information:

(1) the current name and place of residence of the petitioner;
(2) the petitioner's sex, race, date of birth and social security number;
(3) the full new name requested for the petitioner;
(4) the reason the change in name is requested;
(5) whether the petitioner has been the subject of a final felony conviction; and
(6) whether the petitioner is subject to register as a sex offender under the requirements of Chapter 62, Code of Criminal Procedure;
(7) driver's license number for any driver's license issued in the 10 years preceding the date of the petition;

(8) assigned FBI number, state identification number, if known, or any other reference number in a criminal history record system that identifies the petitioner or a reasonable explanation of why this information is not included;
(9) any offense above the grade of Class C misdemeanor for which the petitioner has been charged or, if none exists, a statement that the petitioner has never been charged;
(10) the case number and the court if a warrant was issued or a charging instrument was filed or presented for an offense listed in (9) above;
(11) a legible and complete set of the petitioner's fingerprints on a fingerprint card format acceptable to the Department of Public Safety and the Federal Bureau of Investigation.

If you are requesting the name change of a child, Texas law requires that the Petition requesting the name change be served by a constable or process server on each parent of the child that has not had their parental rights terminated or any managing conservator or guardian of the child. Additionally, a Petition for the Change of Name of a Child requires different information than a Petition for an adult's name change. The petition requesting the child's name change requires the following information:

(1) the present name and place of residence of the child;
(2) the reason a change of name is requested;
(3) the full name requested for the child;
(4) whether there has been a previous court order regarding the child and which court has continuing exclusive jurisdiction under Chapter 155 of the Texas Family Code;
(5) the child is required to register as a sex offender under the requirements of Chapter 62, Code of Criminal Procedure; and
(6) If the child is 10 years of age or older, the child's written consent to the change of name must be attached to the petition.

B. Preparing and Entering an Order for Change of Name

After the Petition has been filed and properly served, if service is necessary, the Petitioner will have to schedule a time with the court's coordinator to appear before the judge and have an Order signed by the judge. Individual courts have differing policies on scheduling, so it is important to contact the coordinator of the court where the case is assigned to determine when to appear in front of the judge.

Like the Petition, the Order for Change of Name that the judge will sign must contain certain information. The Order must not only contain the same information that is included in the Petition, but must also state that the name change is in the interest or to the benefit of the Petitioner and is in the interest of the public. A sample Order for Change of Name is attached to the end of this pamphlet. When the Petitioner presents the order to the court, he or she must also testify in open court as to each of the things listed in the order.

The court must grant the name change if the Petitioner can show the court that he or she has not had a final felony conviction, is not required to register as a sex offender and that the change is in the interest or to the benefit of the Petitioner and in the interest of the public. Usually only sworn testimony of the Petitioner in open court is required for the court to make these findings. The Petitioner must also testify that the name change is not being requested for the purpose of evading creditors or liability.

If a Petitioner does have a final felony conviction, the court, at the judge's discretion, may order the name change if the Petitioner has been pardoned, received a certificate of discharge by the pardons and paroles division of the Texas Department of Criminal Justice or has completed a period of probation ordered by a court and not less than two years have passed from the date of the receipt of discharge or completion of probation.

When the name change is requested for a child, the order must state and the Petitioner must show that the parents or other required persons have been served with the Petition for name change and that the required parties have agreed to the name change either by signing the order or testifying in court. If the matter is contested, the request for the name change must be set for a hearing with the court on a specific date and time and all necessary parties must be notified of the hearing. In addition to proving to the court that the proper parties have been notified and agree to the order, the Petitioner must show to the court that the name change is in the best interest of the child.

The Order for Change of Name for a Child must include the same information as the Petition, a statement that the change is in the best interest of the child and signed agreement of the parents or other required persons if the name change is uncontested. If the child is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, the person petitioning on behalf of the child must

also show the court that the change is in the interest of the public and prove that the child has notified the appropriate local law enforcement authority of the proposed name change.

C. After the Order is Entered

After the Order for Change of Name has been signed by the court, several government agencies and organizations must be notified of the name change. Among other offices, a person must notify the Social Security Agency and Department of Motor Vehicles to obtain a new social security card and driver's license. In addition to government agencies, credit card companies, banks, employers, insurance providers and other private organizations must be notified of the name change. Each group has different requirements as to how this information will need to be updated, so it is important to contact the individual organization to determine how to proceed with recording the name change. If proof of the name change is required, a name change certificate can be obtained from the district court clerk for a small fee. If a child's name has been changed and the child has been the subject of a custody or child support order, the person that obtained the name change for the child must also send a copy of the Order for Change of Name to the Central Record File at the Bureau of Vital Statistics.

Finally, it is important to remember that a court ordered name change does not release a person or a child from liability incurred in that person's previous name or defeat any right the person or child had in the previous name. While a name change might be desired or necessary, the court will only allow a person to change his of her name for a legitimate reason. Changing your legal name may not be a difficult process, but it is certainly a process that should be respected and carefully considered.

NO. _____

IN RE	§	**IN THE DISTRICT COURT**
	§	
	§	**__(leave blank)__ JUDICIAL DISTRICT**
_____, An Adult	§	
	§	**OF _____ COUNTY, TEXAS**

ORIGINAL PETITION FOR CHANGE OF NAME OF ADULT

1. Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. This suit is brought by _____(name)_____, Petitioner, who resides at _____, _____, _____ County, Texas. Petitioner is an adult. In accordance with section 45.102 of the Texas Family Code, the following information is supplied about Petitioner:

Full true name: _____

Sex: Male/Female

Race: _____

Date and place of birth: _____

Driver's license number of any license issued within the past ten years: _____

Social Security number: _____

FBI or SID number, if known, or other reference number to a criminal-history record system: _____

3. No offense has been charged against Petitioner above the grade of class C misdemeanor (If offense has been charged, list the offense, case number and court of offense).

4. Petitioner has/has not been the subject of a final felony conviction.

5. Petitioner is/is not subject to the registration requirements of chapter 62 of the Texas Code of Criminal Procedure.

6. Petitioner requests the Court to grant a change of Petitioner's name to _____.

7. The reason for the requested change is _____.

8. Petitioner includes with this Petition a legible and complete set of his/her fingerprints on a fingerprint card format acceptable to the Texas Department of Public Safety and the Federal Bureau of Investigation.

9. Petitioner prays that the Court grant Petitioner's Petition for Change of Name of Adult.

Petitioner prays for general relief.

Respectfully submitted,

I, _____, Petitioner, swear under oath that the facts stated in the above Original Petition for Change of Name of Adult are true and correct.

_____
(Name)

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

NO. _____

IN RE	§	**IN THE DISTRICT COURT**
	§	
	§	**_____ TH JUDICIAL DISTRICT**
_____, An Adult	§	
	§	**OF _____ COUNTY, TEXAS**

ORDER GRANTING CHANGE OF NAME OF ADULT

On _____, the Court heard the Petition for Change of Name of Adult of _____(name)_____, Petitioner.

Petitioner appeared in person and announced ready.

The Court finds that it has jurisdiction of the case.

The making of a record of testimony was waived with the consent of the Court.

The Court finds:

1. Petitioner is an adult.
2. Petitioner's full true name is _____.
3. Petitioner's sex is [Male/Female].
4. Petitioner's race is _____.
5. Petitioner was born on _____ in _____.
6. Petitioner's driver's license numbers of any license issued within the past ten years is: _____.
7. Petitioner's Social Security number is _____.
8. Petitioner has no FBI number or SID number.
9. No offense has been charged against Petitioner above the grade of class C misdemeanor.
10. Petitioner has not been finally convicted of a felony and is not subject to the registration requirements of chapter 62 of the Texas Code of Criminal Procedure.
11. Petitioner's change of name is in the interest or to the benefit of Petitioner and is in the interest of the public.

IT IS ORDERED that Petitioner's name is changed from _____ to _____.

IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

SIGNED on _____.

_____
JUDGE PRESIDING

Prepared as a Public Service by the
Texas Young Lawyers Association
and Distributed by the State Bar of Texas

For Additional Copies Please Contact:
Public Information Department
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487
(800) 204-2222, Ext. 1800
www.tyla.org

BE AN UNCOMMON LEADER.®

37636 5/10