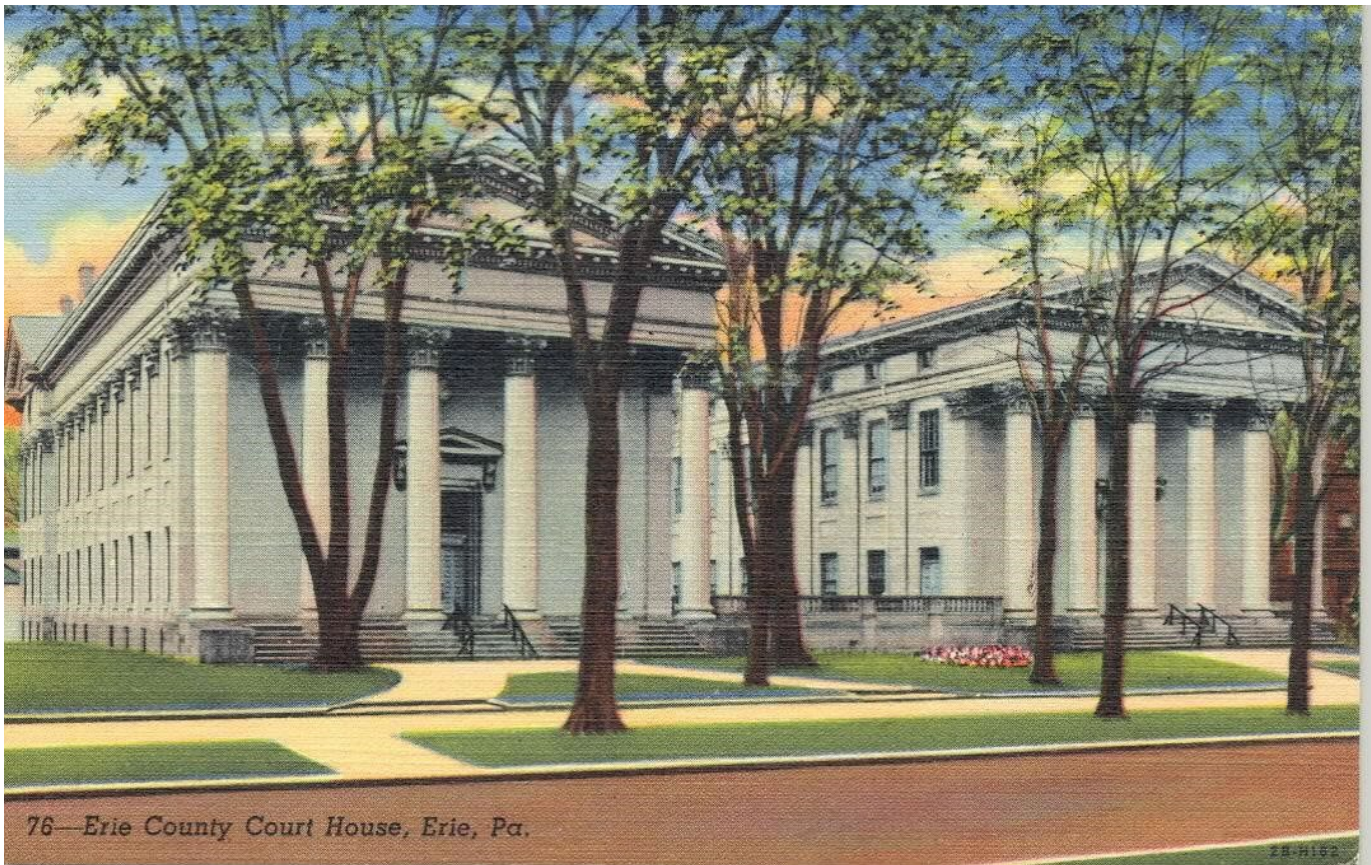


# NAME CHANGE PROCEDURE

[Minor: Under the age of 18]

ERIE COUNTY, PENNSYLVANIA  
COURT OF COMMON PLEAS

## SELF HELP GUIDE



Revised 3/1/2023

**PLEASE NOTE: YOU MUST RESIDE IN  
ERIE COUNTY IN ORDER TO FILE A  
PETITION FOR A NAME CHANGE IN  
ERIE COUNTY**

**IT IS STRONGLY RECOMMENDED  
THAT YOU CONSULT AN ATTORNEY**

**Obtaining the services of an attorney is recommended because this process has very specific requirements. If any of them are not met, your name change will not be successful.**

**DISCLAIMER**

THE STAFF IN ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU SHOULD CONTACT THE ERIE COUNTY COUNTY BAR ASSOCIATION LAWYER REFERRAL & INFORMATION SERVICE AT (814) 459-4411.

# INDEX

## **Understanding the Name Change Process**

A. INTRODUCTION

B. PETITION

C. NOTICE

D. PRIOR TO DATE OF HEARING

E. HEARING

F. DECREE / ORDER

G. HOW TO FILE A NAME CHANGE PETITION FOR AN ADULT

H. LEGAL ADVICE

### **FORMS FOR YOUR COMPLETION**

Pg. 1.            *Petition for Change of Name*

Pg. 2.            *Verification*

Pg. 3.            *Notice of Hearing Order*

Pg. 4            *Order for Change of Name*

**Examples only:** *Proofs of Publication in the Erie Legal Journal and Erie Times News and of the Fingerprint Card*

## **UNDERSTANDING THE NAME CHANGE PROCESS**

### **A. INTRODUCTION**

An adult may seek to have the court enter a decree changing his/her name by following certain procedures set forth by Pennsylvania law. In general, a court will grant such a request if the reason for the change is lawful and proper procedures had been completed.

A parent may also seek to have a child's name changed in a manner that is similar, but not the same, as the procedure for an adult.

### **B. PETITION**

The filing of a petition starts the name change process. The petition must be in a form as provided by the Pennsylvania Rules of Civil Procedure, Rule 204.1, concerning format and Rule 206.1, regarding the content and form of petitions. The petition must include the following information:

1. name of petitioner;
2. address of the petitioner's current residence;
3. addresses of the places where the petitioner has resided during the past five (5) years;
4. statement indicating the petitioner's desire for change of name;
5. statement of the reasons for the request;
6. statement indicating whether the petitioner has a prior record of criminal convictions;
7. statement indicating whether there are any judgments or liens of record filed against the petitioner;
8. if the petitioner is seeking a name change for a minor, a statement indicating why such a change is in the best interest of the child; and
9. the name which the petitioner would like to adopt.

### **C. NOTICE**

Once a petition is filed, the court will enter an order requiring that notice of a hearing be provided by publication in one newspaper of general circulation in Erie County and in one edition of the *Erie County Legal Journal*. The notice will be in the form designated by the court.

If a parent is seeking to change the name of a minor, it is necessary to serve a copy of the petition and notice of hearing on a parent who is not joining in the name change request. Other potential parties such as the Office of Children and Youth may also need to be served.

### **D. PRIOR TO DATE OF HEARING**

Before a hearing is conducted, the petitioner must do the following:

1. Cause a search to be conducted by the Erie County Clerk of Records and any other county where petitioner resided in the past five (five) years to determine if there are any judgments or like decrees of record listed against the petitioner on the official records of the county. You must contact other counties to obtain the certified judgment searches or hire an agency/company to do the searches for you; and
2. Request that the Pennsylvania State Police verify the petitioner's criminal record. This is accomplished by providing the Pennsylvania State Police with a set of fingerprints in the manner required by law. (Note: This process is likely to require several weeks to be completed.)

#### **E. HEARING**

A hearing will be conducted at the time and place designated by the court and as set forth in the notice. At the time of the hearing, the court will do the following:

1. Determine if the petitioner has complied with all notice requirements;
2. Receive testimony from the petitioner with regard to those matters set forth in the petition and any other matters that may be relevant to the determination of the request;
3. Review the certificate of the Clerk of Records to determine if any liens or judgments appear of record;
4. Review the report from the Pennsylvania State Police to determine if the petitioner has a criminal record;
5. Consider the testimony of any person who is objecting to the name change; and
6. Decide whether the petitioner's request should be granted.

#### **F. DECREE / ORDER**

If the petitioner's request is granted, the court will enter an order specifying the petitioner's new name. This document must be filed with the Prothonotary Office of the Clerk of Records.

#### **G. HOW TO FILE A NAME CHANGE PETITION FOR AN ADULT**

##### **THESE ARE IMPORTANT DOCUMENTS - PLEASE PRINT OR WRITE LEGIBLY**

1. Fill out the Name Change Petition (pg. 1), along with a signed and dated Verification (pg. 2).
2. Take the completed forms with the Notice of Hearing Order (pg. 3), to Judge Daniel Brabender's Chambers, Room 203, on the 2nd Floor of the Erie County Courthouse where you will get a hearing date.
3. Take your completed forms to the Prothonotary Office in Room 120 on the 1<sup>st</sup> floor of the Erie County Courthouse, you will pay a filing fee and be given a docket number.

4. While at the Prothonotary office ask for a fingerprint card (an example of one is attached to your packet).
  - a. Take that card to the Pennsylvania State Police for your fingerprints to be taken.
  - b. Bring the fingerprint card back to the Prothonotary office, and they will request a criminal records check from the Pennsylvania State Police.
  - c. After the records check is complete in approximately two to three weeks, a report is sent back to the Prothonotary office and your file will be prepared for the rest of the name change procedure;
5. As soon as possible after filing your petition take a copy of your Name Change Petition to two newspapers of general circulation such as the **Times Publishing Company** at 205 W 12<sup>th</sup> St or your local newspaper and one to the **Erie County Bar Association**, 429 West 6<sup>th</sup> Street, and ask to have your petition published. **Notice must be received at the Erie County Bar Association/Erie County Legal Journal office by 3:00 p.m. the Friday preceding the desired publication date. (The Erie County Legal Journal only published on Fridays.)** You will pay a fee for this service.
  - a. Your petition will be published and you should receive a copy of the proofs of publication from each of these businesses within a few weeks.
  - b. Take these proofs of publication to the Prothonotary office for filing.
6. On the day that your hearing is scheduled the court will obtain your completed file from the Prothonotary office, which will include an up to the minute "lien search" which determines if you have any liens filed against you. This will be made a part of the record. **If you have resided in another county in the past five (5) years, you will also need to provide a certified judgment/ lien search from that jurisdiction.**
7. **Your day in court**: You will appear in court at the scheduled time and provide testimony as required. The Judge will determine whether your name change request will be granted. If it is granted the Judge will sign the Order
8. You must then take all of your paperwork, along with the Signed Name Change Order to the Prothonotary for filing.

#### **H. LEGAL ADVICE**

If you have any questions regarding legal issues about the name change process, you are encouraged to seek the advice of an attorney.

**Erie County court employees are not allowed to give legal advice.**

IN RE: THE NAME : IN THE COURT OF COMMON PLEAS  
CHANGE PETITION OF: : OF ERIE COUNTY PENNSYLVANIA

\_\_\_\_\_  
[Name of Parent or Guardian of the Minor Child] :  
: DOCKET NO.  
\_\_\_\_\_. : \_\_\_\_\_ of \_\_\_\_\_  
[Initials of Minor (Do NOT write minor's name)] :

**PETITION FOR CHANGE OF NAME**

The Petitioner \_\_\_\_\_ hereby files this Petition for Change of  
[Name of Parent or Guardian of the Minor Child]  
Name for a minor pursuant to 54 Pa.C.S section 701 et seq, and in support  
thereof represents as follows:

1. I \_\_\_\_\_ verify that the minor is a resident of Erie County,  
[Name of Parent or Guardian of the Minor Child]

Pennsylvania with a current address of \_\_\_\_\_ and  
the minor lived at the following addresses for the past five years: \_\_\_\_\_

\_\_\_\_\_.

2. The Petitioner's current phone number \_\_\_\_\_.

3. The minor's date of birth is \_\_\_\_\_.

4. The Petitioner seeks to change a minor's name from \_\_\_\_\_  
[Initials of Minor (Do NOT write minor's current name)]

to \_\_\_\_\_.  
[Initials of Minor (Do NOT write minor's new name)]

5. The reason the Petitioner seeks to change the minor's name is: \_\_\_\_\_

\_\_\_\_\_.

6. Are there any judgments or liens filed against the minor? If yes, please list: \_\_\_\_\_

\_\_\_\_\_.

7. Has the minor ever been convicted of a criminal offense? (not including summary  
offenses). If yes, please list: \_\_\_\_\_

\_\_\_\_\_.

Therefore the Petitioner requests this Honorable Court to enter a Decree changing the name  
of the minor.

Respectfully Submitted by

\_\_\_\_\_  
Signature  
[Name of Parent or Guardian of the Minor Child]

IN RE: THE NAME : IN THE COURT OF COMMON PLEAS  
CHANGE PETITION OF: : OF ERIE COUNTY PENNSYLVANIA

:

:

\_\_\_\_\_  
[Name of Parent or Guardian of the Minor Child] :

: DOCKET NO.

\_\_\_\_\_.  
[Initials of Minor (Do NOT write minor's name)] :

: \_\_\_\_\_ of \_\_\_\_\_

### **VERIFICATION**

I, \_\_\_\_\_, verify that the statements made in this  
[Name of Parent or Guardian of the Minor Child]

Petition on behalf of the minor is true and correct to the best of my knowledge,  
information and belief. I understand that the statements herein are made subject to  
the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_

Signature of Petitioner  
[Name of Parent or Guardian of the Minor Child]

\_\_\_\_\_

Printed name of Petitioner  
[Name of Parent or Guardian of the Minor Child]

Date: \_\_\_\_\_



IN RE: THE NAME : IN THE COURT OF COMMON PLEAS  
CHANGE PETITION OF: : OF ERIE COUNTY PENNSYLVANIA  
: :  
\_\_\_\_\_  
: :  
[Name of Parent or Guardian of the Minor Child] :  
: DOCKET NO.  
\_\_\_\_\_. : \_\_\_\_\_ of \_\_\_\_\_  
[Initials of Minor (Do NOT write minor's name)] :

**NOTICE OF HEARING ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a hearing on the  
Petition for Change of Name is scheduled for the \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_. M. in Courtroom No. \_\_\_\_ on  
the 2<sup>nd</sup> floor at Erie County Courthouse, 140 W. 6<sup>th</sup> St., Erie, Pa. 16501

Petitioner is directed to give notice of the filing of the Petition for  
(Parent or Guardian of the Minor)  
Change of Name and the date and time set for the hearing by publication  
once in the **Erie Times News** and once in the **Erie County Legal Journal** (Erie  
County Bar Association), and submit proof of publication to this court.

BY THE COURT

\_\_\_\_\_  
J.

IN RE: THE NAME : IN THE COURT OF COMMON PLEAS  
CHANGE PETITION OF: : OF ERIE COUNTY PENNSYLVANIA  
:   
:   
\_\_\_\_\_  
[Name of Parent or Guardian of the Minor Child] :  
: DOCKET NO.  
\_\_\_\_\_. \_\_\_\_\_ : \_\_\_\_\_ of \_\_\_\_\_  
[Initials of Minor (Do NOT write minor's name)] :

**ORDER OF NAME CHANGE**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Petition for Change of Name, and upon presentation of proof of publication of notice as required by law, together with proof that there are no judgment or decrees of record or any other matter of like character against said minor in all counties identified as a previous residence.

And it appearing that there is no lawful objection to the request of the Petitioner, it is hereby **ORDERED, ADJUDGED and DECREED** that the minor's name of \_\_\_\_\_ is hereby changed to \_\_\_\_\_  
[Current Full Name of Minor]  
\_\_\_\_\_  
[New Full Name of Minor]

BY THE COURT,

\_\_\_\_\_

J.

IN RE: THE NAME : IN THE COURT OF COMMON PLEAS  
CHANGE PETITION OF: : OF ERIE COUNTY PENNSYLVANIA

\_\_\_\_\_  
[Name of Parent or Guardian of the Minor Child] :  
: DOCKET NO.  
\_\_\_\_\_. : \_\_\_\_\_ of \_\_\_\_\_  
[Initials of Minor (Do NOT write minor's name)] :

**AFFIDAVIT OF RESIDENCY**

I, \_\_\_\_\_, the Parent or Guardian of the minor in the above-captioned matter do depose and say that, for the past five (5) years prior to filing the Petition for Change of Name in the above-captioned matter, the minor has lived at the following residences (City/Town, County, and State):

**\*\*If the minor has resided in another county in the past five (5) years, you will also need to provide a certified judgment/ lien search from that jurisdiction\*\***

---

---

---

---

---

\_\_\_\_\_  
Date Petitioner  
[Name of Parent or Guardian of the Minor Child]

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date Petitioner  
[Name of Parent or Guardian of the Minor Child]