

Texas Forms for An Agreed Name Change of a Child

INSTRUCTIONS

This Child Name Change Forms Set Contains instructions and four forms: a Statement of Inability to Afford Payment of Court Costs, an Agreed Petition to Change the Name of a Child, a Child's Consent to Name Change, and a Final Order to Change the Name of a Child. The chart below describes each form and when to use it.

Do Not Use This Child Name Change Form Set if:

- ☐ You want to change your name or the name of a person who is 18 years old or older.
- ☐ You are not the biological, legal, or adoptive parent, managing conservator, or legal guardian of the child. You cannot change the child's name if your only legal relationship to the child is as a stepparent.
- ☐ The child is at least 10 years old and does not agree to the name change.
- ☐ The child is required to register as a sex offender and a Sex Offender Update Form has not yet been turned in to your local law enforcement authority notifying them of the name change request.
- ☐ Any other person with a legal relationship to the child (parent, managing conservator, etc.) does not agree to the petition and refuses to sign.
- ☐ You are a victim of domestic violence, and you are concerned about disclosing your current address. A name change petition is a public document, and your abuser could find out where you live. Seek advice from a lawyer to do this safely.

Use This Child Name Change Form Set when:

- ☐ All people with a legal relationship to the child (parent, managing conservator, etc.) agree to the name change.
- ☐ You want to change the name of a child under the age of 18.
- ☐ You are the biological, legal, or adoptive parent, managing conservator, or legal guardian of the child. You cannot change the child's name if your only legal relationship to the child is as a stepparent.
- ☐ The child is 10 years old or older, and the child agrees to the name change in writing.
- ☐ The child is not a sex offender, OR the child is required to register as a sex offender and:
 - You submit a *Sex Offender Update Form* to your local law enforcement authority (chief of police, sheriff, or a centralized registration authority) notifying them that you are asking the Court to change the child's name, and
 - You attach proof that you have done so to your Petition.

Contents of Child Name Change Forms Set:

Name of Form	What It Is and How to Use It
Statement of Inability to Afford Payment of Court Costs	If you are poor, or on government benefits because you are poor, or you cannot pay court fees, you may fill out this form to ask the Court if you can file for a name change without paying the court and filing fees. The Court may ask you to present evidence of your income and expenses at a hearing. The Court may or may not decide to let you file without paying. It is sometimes called a "Pauper's Oath" or an "Affidavit of Inability to Pay Costs."
Petition to Change the Name of a Child	You must swear that the information in this form is true by completing a sworn declaration. It informs (tells) the court that you want to change your name, why you want to change your name, and what you want the Court to change your name to. It also notifies the Court of any criminal history.

Edited by the Texas Access to Justice Commission 6/18/2019

Edits suggested by Supreme Court Advisory Committee subcommittee reporting on Name Change Forms and the Family Law Section

Child's Consent to Change Name	You must complete this form. The child must sign it if the child is 10 years old or older and agrees to the name change. Attach it to the Petition.
Final Order to Change the Name of a Child	This form finalizes the child's name change once the Court signs it. Fill it out and bring it to the final hearing on the child's name change.

Need Help?

- It is always best to hire a lawyer. To get a referral to a lawyer or, if you are poor, to a free Legal Aid program, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.
- If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Hotline by calling 1-800-374-4673.
- If you are poor, you may be able to talk to an attorney online by live chat at www.TexasLawHelp.org.

How to Use this Set:

Step 1: Read These General Instructions

- Do not change the forms to change the name of an adult. This Set is NOT to be used for an adult name change.
- Use blue ink to complete the forms. Pencil and other color ink will not scan clearly.
- Fill out all the spaces on the forms unless instructed otherwise. The judge and court personnel will not fill them out for you. The judge may require you to correct errors that you may make, or may deny the name change if the information is inaccurate or incomplete.
- Make enough copies of each form you complete for each person with a legal relationship to the child, including yourself. Keep one copy. The other copies are for the other parent(s), or anyone else with a legal relationship to the child. If no other person has a legal relationship to the child, e.g. the other parent is deceased, make only one copy for your records.
- Find out whether name changes are filed in the district court or county court in your county by calling the district court clerk's office and asking.

Step 2: If the Child is Required to Register as a Sex Offender:

- Get a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority notifying them that you are asking to have the child's name changed. Write "**Exhibit A**" at the top. You will need to file it with the Petition to Change the Name of a Child.

Step 3: Fill out the Petition to Change the Name of a Child and, if you are low-income, the Statement of Inability to Afford Payment of Court Costs

- Fill out the Petition to Change the Name of a Child. You are the Petitioner. You and all Co-Petitioners must swear that the information in your Petition to Change the Name of a Child is true by completing a sworn declaration. The last three digits of your Social Security number and driver's license number are required by Texas Civil Practices and Remedies Code Section 30.014(a) and Texas Rule of Civil Procedure 21c. Write an "x" in all other spaces (for example: xxx-xx-x000 for your Social Security number.)
- If the child is 10 years old or older, complete the Child's Consent to Change Name and have the child sign it. It needs to be attached to, and filed with, the Petition.
- If you are low-income, are receiving public assistance, or do not think you have enough money to pay the court costs to change the child's name, fill out the Statement of Inability to Afford Payment of Court Costs.

- Make copies of the Petition to Change the Name of a Child, the Child's Consent to Change Name, and, if you are using it, the Statement of Inability to Afford Payment of Court Costs.

Step 4: File (turn in) the Petition to Change the Name of a Child, and if applicable, the Statement of Inability to Afford Payment of Court Costs Take the following documents to the courthouse and file them (turn them in) with the District or County Court Clerk in the county where the child resides:

- The original and the copy of the Petition to Change the Name of a Child.
- The Child's Consent to Change Name, if the child is 10 years old or older, signed by the child and attached to and filed with the Petition.
- If the child is required to register as a sex offender, attach a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority notifying them that you are asking to have the child's name changed to the Petition to Change the Name of a Child.
- If applicable, a Statement of Inability to Afford Payment of Court Costs. NOTE: If you are using a Statement of Inability to Afford Payment of Court Costs, you must file the Petition to Change the Name of a Child and the Statement of Inability to Afford Payment of Court Costs at the same time.
- Ask the clerk:
 - If there are local rules that you need to know to change a child's name.
 - For a Civil Case Information Sheet. Fill it out and file it with your Petition.
 - To "file-stamp" your copy. The clerk will stamp your papers with the date and time you turned them in. The clerk will keep the original and give you back your file-stamped copy.
- If you are not filing a Statement of Inability to Afford Payment of Court Costs, you will need to pay a filing fee. The fee may be between \$150- \$300, depending on where you live.

Step 5. Complete Final Forms and Prepare for Court.

- Check with the Court to see if the child who is ten years of age or older should be brought to court.
- Fill out the Final Order to Change the Name of a Child form.
 - Note: Some courts require you to file the Final Order prior to scheduling the final hearing.
- Prepare for Court.
 - You will need to give testimony about why the name change is in the best interest of the child when talking to the judge. Some judges will ask you questions, others want you to "prove up" your case by reading a "script" of testimony. You can find sample "prove up" testimony for changing a child's name online at www.TexasLawHelp.org.
 - Learn tips on what to do when you go to court and when the judge calls your case online at www.TexasLawHelp.org and www.TexasCourtHelp.org.

Step 6. Go to the Court to Present the Child's Name Change Case to the Judge

- Ask the clerk how to get an uncontested hearing and bring the following to court with you on that day:
 - A file-stamped copy of your Petition to Change the Name of a Child signed by all persons with a legal relationship to the child;
 - Your completed Order to Change the Name of a Child;
 - If the child is required to register as a sex offender, a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority about the child's name change.

- When you go to the court for the uncontested docket, stop by the clerk's office:
 - Ask if you need the court file, a docket sheet (list of what has been filed), or anything else from their office to bring with you to the uncontested docket.
- Ask the Court if the child should be there.

Step 7. Finalize the Child's Name Change

- Once the judge has signed the Final Order to Change the Name of a Child, you may need to take it to the clerk's office. The name change will not be recorded until you do so.
- Get a certified copy of the Final Order to Change the Name of a Child from the clerk while you are there. There is a fee to get a certified copy, but you will need one to get official documents changed to the child's new name.
- Check with the clerk to see if you need to do anything else to finalize the name change. Each county is different.

Step 8. Change Official Documents to Show the Child's New Name

- To change the name on the child's social security card, you must have a certified copy of the Final Order. For more details go to http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/315/~change-a-name-on-a-social-security-card. You must change the child's social security card before you can change the child's driver's license.
- To change the name on the child's driver's license, you must take a certified copy of the Final Order to a Texas Department of Public Safety office. See <http://www.txdps.state.tx.us/driverlicense/changes.htm#Name> for more details. There is a fee to have the child's driver's license changed.
- After the judge approves the child's name change, you may want to change the child's birth certificate to reflect the child's new name. It is not required.
 - **CAUTION:** Many public schools will only accept a birth certificate, not a certified copy of a name change order, to change the name of the child in the school's records.
 - If you wish to change the child's birth certificate, you will need to get an Application for Amended Birth Certificate based on a Court Ordered Name Change form from the Bureau of Vital Statistics. You can find it online at the Bureau of Vital Statistics website at <http://www.dshs.state.tx.us/VS/>. There is a fee to have the birth certificate changed.