

NAME CHANGE PROCESS – CIVIL CASE

The following information is provided by the Chippewa County Clerk of Court Office and intended to serve as an informational guide that may or may not address legal concerns. If you have legal questions, consult an attorney or proceed at your own discretion.

Name change procedure is governed by Chapter 786.36 of the Wisconsin Statutes. The procedure is similar in all Wisconsin counties and is commenced upon filing of a petition in the county of residence. Costs include the statutory court filing fee, vital statistic recording/processing fee, forms, publication costs, copies, certifications, and/or legal services if sought. **PLEASE NOTE: A person required to register as a sex offender may not change his or her name per Chapter 301.45, Wis. Stats. (Class H felony).**

ELIGIBILITY

Any resident of this state, whether a minor or adult, may upon petition to the circuit court of the county where he or she resides, and upon filing a copy of the notice, with proof of publication as required by s. 786.37, if no sufficient cause is shown to the contrary, have his or her name changed or established by order of the court. There are restrictions for persons engaged in professions for which the State of Wisconsin requires a license.

If the person whose name is to be changed is a minor under 14 years of age, the petition may be made by: both parents if living or the survivor of them; the legal guardian(s); or the mother if the minor is a non marital child who is not adopted or whose parents do not intermarry under s. 767.60, except that the father must also make the petition unless his rights have been legally terminated.

DOCUMENTS AND/OR FORMS FOR FILING

Forms for filing are available at the Clerk of Courts Office or online at <http://www.wicourts.gov/forms1/circuit.htm>. All forms must be typed or printed in **black ink**. In addition to a copy of the birth certificate, necessary forms include the following:

- 1) Petition for Change of Name - Initiates the action. Must be signed in front of a notary (available through some courthouse departments)
- 2) Notice and Order for Name Change Hearing; Proposed document for scheduling of hearing and signature of court official.
- 3) Order for Name Change - Signed by the Court if change is granted.

FILING AND FEES

Present all forms for filing through the office of the Clerk of Court (hereafter referred to as COC) which is located on the second floor of the Chippewa County Courthouse located at 711 North Bridge Street, Chippewa Falls, WI 54729 (715) 726-7759. Business hours are from 8am to 4:30pm, Monday through Friday, closed major holidays.

Upon receipt of the petition and payment of the statutory filing fee (\$164.50 unless waived), the clerk will assign a court official and case number to the action. The notice and order will then be forwarded to the assigned court for scheduling and processing of the hearing. Copies of the notice and order will then be returned to the petitioner for publication arrangements.

PUBLICATION

State law (Sec. 786.37 Stats.) requires publication of the "Notice and Order for Name Change Hearing" prior to the hearing date. Applicants shall arrange for publication of a class 3 notice under Ch. 985 stating the nature of the application as well as when and where the application will be made. Except as otherwise provided by law, a legal notice shall be published in a newspaper likely to give notice in the area or to the person affected. There will be a fee charged for publication. Call ahead for fee arrangements. After publication is completed, the newspaper should mail a "Proof of Publication" affidavit to you that is to be filed with the Court prior to or at the time of hearing.

HEARING

Arrive on time for your hearing. Check with the COC receptionist for the direction to the assigned courtroom. Come forward when your case is called. Give the "Proof of Publication" affidavit to the clerk if it has not already been filed. You may be placed under oath and questioned. If your request is granted, the court official will sign the "Order for Name Change."

PROCESSING THE ORDER

The Order for Name Change is filed with the COC office. Pursuant to statute, a certified copy of the order is to be recorded in the office of the register of deeds in the county where the name change occurred.

If the person whose name is changed or established was born or married in Wisconsin, the COC shall send to the state registrar of vital statistics, an abstract of the record, duly certified, accompanied by the prescribed fee which shall be charged to and collected from the petitioner. The state registrar shall then correct the birth and/or marriage record and direct the register of deeds and local registrar {in the county where the birth or marriage occurred} to make similar corrections on their records. Any change of name other than authorized by the law is void.

If the name change on the birth certificate is sought for an individual who was born outside of Wisconsin, the petitioner must check with the state of birth to insure that the proper forms and fees are submitted to record the court ordered change. A list of state registrars' offices and phone numbers can be found on the Internet website: <http://www.cdc.gov/nchs/>

OTHER TYPES OF NAME CHANGE PROCESSES

MARRIAGE:

Change allowed pursuant to marriage. A record of the marriage should be available through the Register of Deeds office in the county of marriage; or through Vital Statistics after the marriage has been officially reported.

DIVORCE:

Either party may resume use of a former or other name if granted by the Court as part of the judgment of divorce.

A record of the judgment or order [which granted this change] would be available through the Clerk of Court (COC) office in the county where the case is maintained.

ADOPTION:

After entry of the order granting the adoption, the COC (or authorized deputized clerk) shall promptly notify and furnish the state bureau of vital statistics with needed data so a new birth certificate can be prepared for the adoptee.

A record of the adoption would be available to authorized parties through the Juvenile COC office in the county where the case is maintained.

PATERNITY ADJUDICATIONS WITH COURT ACTION:

Processed for adding or deleting a father's name on a birth certificate or changing the father listed on the birth certificate; or for a change in the name (given or surname) of the subject of the birth record which can be a result of a divorce or paternity action.

Unless handled directly through Vital Statistics, forms are available for processing through the Child Support Agency. A record of the judgment or order [granting authorization for the change] would be available to authorized parties through the COC office in the county where the case is maintained.

PATERNITY STATEMENTS WITHOUT COURT ACTION:

A woman [who was not married at any time between conception and the birth of the child] and the father of her child may sign a Statement of Paternity which allows the entry of the father's name on the birth certificate.

The process is carried out directly through the Section of Vital Statistics. Forms are distributed to hospitals and parties are encouraged to complete them during the maternity stay. Forms may also be available through the offices of the Register of Deeds and Child Support Agency.

LEGITIMATION OF CHILDREN OF SINGLE MOTHERS:

When parents marry after the birth of their child; the mother was not married at any time between conception & the birth of the child; & the child is a marital child under s. 767.60, the birth certificate can be amended to reflect the husband's information.

The procedure is carried out directly through the Section of Vital Statistics. Forms may also be available through the offices of the Register of Deeds and Child Support Agency.

COURT ORDERED AMENDMENTS OF VITAL RECORDS (Birth, Death, Marriage)

If appropriate and timely, the state registrar can make an amendment to a vital record. This process is carried out directly through the Section of Vital Statistics.

If not timely, a party may petition the circuit court for the amendment. If the court grants the petition, the COC shall report the determination to the state registrar along with the required fees. A record of the order [granting this amendment] would be available through the COC office in the county where the petition was filed.

LEGAL NAME AND SEX CHANGE:

Petitioned for through the Court [comparable to a civil name change proceeding]. If granted, the name and sex change is reported to Vital Statistics on the prescribed form.

NATURALIZATION PROCEDURE:

Contact the Department of Immigration and Naturalization - Milwaukee office #414-297-1573 INS Officers 1:00-3:30pm; Milwaukee Office #414-297-3565 Immigration recorded line; Other Milwaukee #414-297-4451.

Vital Statistics Phone #608-266-1371