

IN THE COURT OF COMMON PLEAS, PROBATE DIVISION, GEAUGA COUNTY, OHIO  
Judge Timothy J. Grendell

Information Sheet  
Name Change

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**WARNING**

This Information Sheet is intended to provide you with a brief overview of the subject matter. It may not provide you with all information that you require to be fully informed of the law that is applicable to your case. Additionally, the information may not accurately describe the pertinent sections of the Ohio Revised Code that are referenced in the footnotes. You should read those sections that are referenced. The Ohio Revised Code has a link on the Court's website. Additionally, you should consider reading those sections that are footnoted using "Page's Ohio Revised Code Annotated," which can be found at the Geauga County Law Library in the basement of the Courthouse at 100 Short Ct. Street, Chardon, Ohio 44024. Page's Ohio Revised Code Annotated also will provide you a summary of applicable court decisions (known as "case law"). While the Help Center can provide you with a limited amount of information, the Help Center staff cannot provide you with legal advice, and this Information Sheet is not intended to provide you with legal advice that is applicable to your case. You must decide how to best use the information provided. In the footnotes you will see a reference such as "R.C. 2717.01." That refers to Ohio Revised Code Section 2717.01, which is found in R.C. Title 27, and in R.C. Chapter 2717.

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Background

When requested by filing an application, the Court may order a name change for an adult or a minor. In all events, the Court is not required to order a name change, and in a few circumstances, as explained below, the Court is prohibited from doing so.<sup>1</sup>

Name Change - Adult<sup>2</sup>

1. General Requirements. If an adult desires to change his or her name, that adult must (1) file an application for the name change in the county where that adult has been a resident for at least one year and (2) have a reason for the name change that is acceptable to the Court. The Court may not order a name change if:
  - a. The applicant must comply with R.C. 2950.04 or 2950.041, because the applicant or the person on whose behalf the application for a change of name is made was convicted of, pleaded guilty to, or was adjudicated a delinquent child for having committed a sexually oriented offense or a child-victim oriented offense; or

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<sup>1</sup> See R.C. Chapter 2717.

<sup>2</sup> R.C. 2717.01(A)

- b. the person applying for a change of name or for whom the application for a change of name is made has pleaded guilty to, has been convicted of, or has been adjudicated a delinquent child for committing a violation of R.C. 2913.49 (which essentially involves criminal fraud) unless the guilty plea, conviction, or adjudication has been reversed on appeal.
2. Safety Concern. While a general requirement is that after filing the Application for Change of Name of Adult (Form 21.0) the probate clerk must cause a Notice of Hearing on Name Change (Form 21.5) to be published by the News-Herald for 30 days, if the Applicant is concerned that such publication would jeopardize the Applicant's personal safety, then the Applicant may request that the Court waive such notice and seal the Court's records of the name change, by filing with the Court an Application to Waive Publication Requirement and Seal File (Form 21.6).<sup>3</sup> This provision is applicable to a name change for both an adult and a minor.
3. Filing Requirements. An adult who meets the qualifications set forth above and desires to request that the Court order a name change may do so by taking the following steps:
  - a. Initial Steps
    - i. Obtain copy of birth certificate, (long form) including city, county, and state of birth.
    - ii. Arrange for payment of court costs - see Court's website.
    - iii. If not represented by an Ohio attorney, then gather a government-issued photo identification and evidence of current address - see Geauga Probate Local Rule 78.10.
  - b. Document Preparation
    - i. Prepare the form titled "Application for Change of Name of Adult" (Form 21.0)
    - ii. Prepare the form titled "Judgment Entry – Change of Name of Adult" (Form 21.1)
    - iii. Prepare the form titled "Notice of Hearing on Name Change" (Form 21.5)
      1. If the Applicant desires for the Court to waive the publication of the "Notice of Hearing on Name Change" (Form 21.5) and to seal the Court records, then prepare and file the form titled "Application to Waive Publication Requirement and Seal File" (Form 21.6).

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<sup>3</sup> R.C. 2717.01(A)(4).

c. Filing with Clerk

- i. copy of Applicant's birth certificate, (long form) including city, county, and state of birth.
- ii. If not represented by an Ohio attorney, then present government-issued Photo I.D. and evidence of current address
- iii. "Application for Change of Name of Adult" (Form 21.0)
- iv. "Judgment Entry – Change of Name of Adult" (Form 21.1)
- v. "Notice of Hearing on Name Change" (Form 21.5)
- vi. If required, "Application to Waive Publication Requirement and Seal File" (Form 21.6)
- vii. Pay court costs

Name Change - Minor<sup>4</sup> The Court may order a name change of a minor. Either or both parents of a minor, a legal guardian, or a guardian ad litem may file an application on behalf of a minor for change of name. The minor must be a resident of Geauga County for at least one year.

Parental Consent or Notice. When application is made on behalf of a minor, in addition to the notice and required in a name change of an adult (discussed above), the written consent of both living parents of the minor shall be filed. If such consent cannot be obtained and filed, then the clerk of courts will deliver a seven-day notice of the hearing to the non-consenting parent or parents by certified mail, return receipt requested.<sup>5</sup> If the non-consenting parent is deceased, then obtain and file the death certificate for the deceased parent. If there is no known father of the minor, the notice shall be given to the person whom the mother of the minor alleges to be the father. If no father is alleged by the mother, or if either parent or the address of either parent is unknown, then notice by publication as provided for in R.C. 2717.01(A), which is discussed above, is sufficient as to the unknown father or parent. There is no need for a separate notice by publication.

1. Filing Requirements. An adult applicant who desires to request that the Court order a name change of a minor may do so by taking the following steps:
  - a. Initial Steps
    - i. Obtain a **CERTIFIED** copy of minor's birth certificate, (long form) including city, county, and state of birth.
    - ii. Arrange for payment of court costs - see Court's website.

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<sup>4</sup> R.C. 2717.01(B)

<sup>5</sup> Sup. R. 68

- iii. If not represented by an Ohio attorney, then gather a government-issued photo identification and evidence of current address for the applicant - see Geauga Probate Local Rules 78.10.
- iv. Determine the current or last known address for the minor's parents.
- v. Obtain death certificate of a deceased parent.

b. Document Preparation

- i. Prepare the form titled "Application for Change of Name of Minor" (Form 21.2)
- ii. Prepare the form titled "Judgment Entry – Change of Name of Minor" (Form 21.3)
- iii. Prepare the form titled "Affidavit - Name Change-Minor" (GC PF 21.7)
- iv. Prepare the form titled "Consent to Change of Name" (Form 21.4) and obtain the consent of the parents to the extent possible.
- v. Prepare the form titled "Notice of Hearing on Name Change" (Form 21.5)
  - If the Applicant desires for the Court to waive the publication of the "Notice of Hearing on Name Change" (Form 21.5) and to seal the Court records, then prepare and file "Application to Waive Publication Requirement and Seal File" (Form 21.6).

c. Filing with Clerk

- i. CERTIFIED copy of minor's birth certificate
- ii. "Application for Change of Name of Minor" (Form 21.2)
- iii. "Consent to Change of Name" (Form 21.4)
- iv. "Judgment Entry – Change of Name of Minor" (Form 21.3)
- v. "Notice of Hearing on Name Change" (Form 21.5)
  - If needed because parent(s) do not consent, then "Affidavit - Name Change-Minor" (GC PF 21.7) or a death certificate for a deceased parent if applicable.
- vi. If required, the form titled Application to Waive Publication Requirement and Seal File (Form 21.6)
- vii. Pay court cost deposit

**LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.**

**IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY PROBATE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.**