

ADULT NAME CHANGE

This packet will show you how to change your name. It has four steps:



Step One: Start Your Case



Step Two: What to do Before Court



Step Three: What to do in Court



Step Four: What to do After Court

This document is not legal advice. It only gives general information about how to change your name. If you have questions about your specific situation or want to apply for legal assistance, contact Indiana Legal Services at 317-829-3180 or lgbtgroup@ils.net.



Step One: How to Start Your Case



This step will show you how to start your court case. The next step will show you what you need to do before your hearing. In this part:

1. We will show you what forms you need to review and sign.
2. We will tell you how to start your legal case in court.

1: Review and Sign Forms

This packet has all the legal forms you need to change your name. The forms you need to sign are marked with . The rest of the forms are for the judge.

Forms everyone needs to sign:

-  Appearance by Self-Represented Party
-  Name Change Petition

Forms some people need sign:

-  Affidavit of Indigency and Request for Fee Waiver (if you qualify)
-  Verified Request to Prohibit Public Access

We will help you figure out if you need these forms later.



Step One: How to Start Your Case



The first page of each form has a box on the top called a caption. You should fill out the county information and your legal name on each form but leave the case number blank like this:

STATE OF INDIANA	IN THE <u>MONROE</u> COUNTY COURT
COUNTY OF <u>MONROE</u> <small>(county you live in)</small>	<small>(county you live in)</small>
IN RE THE CHANGE OF NAME OF:	Case Number:
<u>Ashley Crystal Smith</u> <small>(current legal name)</small>	
Petitioner	

You should fill out the rest of the paperwork like this:

Current legal name

The name that is on your IDs that you want to change from.

Mailing Name

The name you want the court to use when mailing you documents.

Signature:

You need to sign the paperwork in your legal name.

Judicial Officer

Leave this blank. It is for the judge to sign.

Checkboxes

Check any box that applies to you. If none of the boxes apply, check "other" and then explain.

1. My petition is made in good faith and not for fraudulent purposes. I want to change my name to Aiden Michael Smith

So that my name matches my gender identity and presentation Other _____



Step One: How to Start Your Case



The next 6 pages are forms for everybody.

You need to sign:

-  Appearance by Self-Represented Party
-  Name Change Petition

Forms for the Judge:

- Order Setting Hearing
- Name Change Order



Step One: How to Start Your Case



The next 3 pages are forms for a fee waiver.

What do these forms do?

These documents ask the judge to let you start your case for free. It costs \$157 to start this type of legal case. But Judges can waive the fee for people who can't afford to pay it.

Do I need these forms?

If you can't afford to pay \$157 to start your case, you need these forms.

If you can pay \$157, you skip this section.

What is in this section?

You need to sign:

 Affidavit of Indigency and Request for Fee Waiver

Form for the Judge:

- Order on Fee Waiver Request



Step One: How to Start Your Case



The next 11 pages are forms to make your case private.

What do these forms do?

Name changes have to be published in a newspaper and the court records are public. But judges can make your case private to protect your safety.

Do I need these documents?

Yes, if you are afraid that having your name change in a newspaper or having everyone see all these documents could put you in harm's way.

Common reasons for asking to make your case private are:

- You are trans and think it would be unsafe to be outed.
- You have experienced domestic or family violence and are afraid of a specific person (or people) knowing your new name or address.

You need to sign:

 Verified Request to Prohibit Public Access

Documents for the Judge:

- Exhibit A: Memorandum of Law
- Public Notice of Hearing (this goes in the courthouse, not in the newspaper)
- Order on Verified Request to Prohibit Public Access

If you think you will be fine having your case public, skip this section.



Step One: How to Start Your Case



The next 1 page is a form for publishing in a newspaper.

What does this form do?

Name changes have to be published in a newspaper. This form tells the newspaper what should be published.

Do I need these forms?

Yes, if you are not asking for your case to be private.

If you are asking for your case to be private, skip this section.

What is in this section?

Form for the Court:

- Notice of Name Change



Step One: How to Start Your Case



2: Start your case in court

Now that you signed the legal paperwork, you need to bring it to court to start your case.

Bring all the documents in this packet to the County Clerk's office. The clerk's office is in the Courthouse Building. A list of clerk's offices is at <https://www.in.gov/courts/files/court-directory.pdf>.

If you are paying to start your case, bring \$157. You can pay the \$157 fee by credit card, cash, or money order.

After you file the forms, the clerk will tell you when your hearing is.

They may tell you when you start your case, or they may let you know by mail or email. When they tell you the date and time, they will also tell you what court your case is in.

The court will also let you know if your hearing will be in person, over video, or on the phone.

The courtroom will be written on your hearing notice. It will usually be a Circuit or Superior court and may have a number. If a court has more than one room, your hearing notice should tell you which one to go to.

My case court date is: _____, 20____ at ____:____ am/pm

My case number is: _____

My courtroom is: _____



Step Two: What to do Before Court



You started your case and have a hearing date. This part shows you what you need to do before your hearing. The next part will show you what to do on your court date. In this part:

1. We will tell you what documents to gather.
2. We will tell you if and how to publish in a newspaper.

1: Gather Documents

You need to bring these documents to court:

- Indiana photo ID
- Original or certified copy of Birth Certificate
- US passport, if you have one
- Proof of previous names (like marriage certificates or divorce decrees)

Some Judges want a letter from a doctor. This is NOT required. If you see a doctor, you can decide if you want to bring a letter to give to the judge. If you are not okay giving medical info or you are not medically transitioning, tell the judge that.

2: Publish in a newspaper

If you asked for your case to be private, skip this step.

If you didn't ask for your case to be private, you need to place an ad in a newspaper ASAP. The ad must be in the paper for three weeks, with the last ad at least 30 days before your hearing.

The clerk will have stamped a Notice of Petition for Change of Name when you filed your case. This is what needs to be published in the newspaper.

The clerk will tell you what newspaper the ad should be in. To place an ad and to find out how much publication costs, call the newspaper.

After the ad is in the paper, the newspaper will send you proof of publication. Keep this and give it to the Judge.



Step Two: What to do Before Court



Here are answers to some questions people have about court:

What should I wear?

You should wear something that isn't too casual but makes you feel comfortable and confident. You can't wear hats in the courtroom.

What name and pronoun will the judge use?

It depends. The court case is in your dead name, but some judges try to avoid using your old name or pronouns. A few judges ask what your pronouns are. Other judges do not think about it and will use your dead name.

I live in Marion County. What does this Order for Documents mean?

The Order for Documents you got is automatically given to everyone. The paperwork we gave you has a request to keep the records private. This means you don't need to publish anything before your hearing.

You should email copies of your birth certificate and photo ID to the court at MC01-Civil@Indy.Gov at least 5 days before your hearing. You should also email the court copies of any other documents on that list that you have, like a passport.



Step Three: What to do in Court



You have your documents and know what the judge will talk about in court. This part shows you what to expect when you go to court. In the next part, we will show you what to do after the judge decides your case.

DON'T FORGET TO BRING THE DOCUMENTS YOU COLLECTED IN STEP TWO TO COURT!

In this part:

1. We will tell you what to expect when you first get to court.
2. We will tell you how to talk to the Judge.

1: What to Expect When You First Get to Court

In many courts, you must go through security. The lines can be long, so try and arrive at least 15 minutes before your hearing.

Find your courtroom. If you don't know, ask a security guard or court worker where you need to go.

When you find your courtroom, go to the court office and tell them you are here for your hearing. The court worker will tell you where to wait. Take a seat and wait.



2: How to Talk to the Judge

When it is your turn to talk to the judge, someone from the court will call out your legal name. That person will tell you where to sit in the courtroom.

The hearing will start. You will swear to tell the truth and then the judge will start asking you questions.

What happens next depends on if you asked the judge to keep your case private.

If you asked for the case to be private: you will talk about why you want your case private.

You need to show the judge that you would face a “significant risk of substantial harm” if your name change were in the newspaper and on the court website. To prove this, tell the judge about any violence you have experienced and/or why you would feel unsafe if you were outed as trans through court records.

Some counties do these two parts on different days. The judge will let you know if they are going to keep your records private and when you need to come back for the second part of your hearing.

For Everyone: you will talk about why you want to change your name.

You need to show the judge that you are who you say you are and the law lets you change your name. You also need to tell the judge why you are changing your name. You should explain that you want your name to match who you are. And you should explain that you are not changing your name because you owe someone money or to avoid the police.

After the judge is done asking questions, they will tell you if your name is changed.

Sometimes they can't tell you right away because they need more information. This can happen if you forgot to bring your ID or birth certificate.

If your name change was approved, the Judge will let you know if you can get official copies of your Order while you are in court or if you need to come back another day.

When your name is changed, go to Section 4.

If any part of your case was denied, please contact the LGBT project ASAP at lgbtgroup@ilsj.net or 317-829-3180.



Step Four: What to do after Court

CONGRATULATIONS! The judge has signed the order that legally changes your name. This part shows you what to do next. In this part:

1. We will tell you how to get copies of your name change order.
2. We will show you how to update (or get) IDs with your new name and gender marker.

1: Get Copies of Your order

To use the court order to update your IDs, you need to get it certified. A certified order has a special stamp that tells people it is an official court document.

To get certified copies of your order, go to the clerk's office. This is the same office where you started your case.

It can cost up to \$2 a page to get the order certified. You should get 3-5 orders.

2: Update Your IDs

Updating IDs requires a lot of paperwork and running around. Each place that gives you an ID has its own rules about how to change the name and gender marker.

You need to update your Social Security records before updating your BMV ID. This is because the BMV verifies your identity with Social Security records. The order you update the rest of your documents in does not matter.

This guide has instructions and forms for updating your:

- Voter Registration
- Social Security Card
- Indiana driver's license or ID
- Birth Certificate
- US Passport
- USCIS Immigration Documents

We also suggest updating your name with your banks, credit cards and credit reporting agencies.

**You're done with this packet! You just did a lot of work. Great job!
And good luck!**