

# **Civil Name Change Procedure for Eau Claire County, Eau Claire, WI**

*The following is provided as a courtesy and is not intended to be a substitute for legal advice.*

## **1. General information:**

- A. The Wisconsin Court website can be accessed under [www.wicourts.gov](http://www.wicourts.gov) . This site includes:
  1. Information on a name change: <https://www.wicourts.gov/services/public/selfhelp/namechange.htm>
  2. Information on “How to handle a Civil Name Change” (home→forms→circuit court→civil→name change)
  3. A **self-help center** which includes a section on “representing yourself in court”.
  4. Tracking for automated court records.
  5. Links to other resources including the Wisconsin State Law Library.
- B. For professional legal advice, parties are advised to consult an attorney or attend the free legal clinic held at the Eau Claire Public Library every third Wednesday evening commencing at 6:30 p.m. (call ahead to confirm the clinic schedule @ 715839-1648).

## **2. Introduction:**

Any resident of the State of Wisconsin may petition the circuit court for a name change. **The petition must be filed in the circuit court in the county of residence.** After the petition is filed, a “**Notice/Order**” of intent to change your name must be published in the appropriate newspaper. The Court will then hold a hearing and determine if the request may be granted

## **3. Eligibility:**

- A. You must be a resident of Wisconsin and the petition must be filed in the circuit court county of residence.
- B. Additional conditions apply for a name change of a person under 14 years of age (reference page 2).
- C. There are some restrictions for people engaged in professions for which the State of Wisconsin requires a License [Reference Wisconsin Statutes 786.36(3)]
- C. People required to register as sex offenders are prohibited from changing their names [Wi Stats 301.47(2)(a)]

## **4. Required Forms:**

Name change forms and information are available on-line (see 1-A above). Some of the forms and information are also available at no cost through the Clerk (items A, B, & C described below). Item D is available upon request.

- A. **Basic steps to handling a name change.**
- B. **Petition for Change of Name CV-450 for adult or minor 14 years or older, CV-455 for minor under 14 years.**
- C. **Notice & Order for Hearing CV-460** (complete heading & caption)
- D. If the birth certificate name is to be changed as a result of the order, and the birth occurred in the State of Wisconsin, **Form HCF 5021 “Report of Legal Name Change”** is required for changing applicable information on the vital record (additional fees apply).

## **5. Filing, Fees, scheduling of a hearing:**

- A. The completed petition and other forms may be submitted to the Clerk of Court for filing by mail or in person. E-Filing is also an option for those registered through the Wisconsin Court website. The Clerk of Court office is located on 2nd floor of the Eau Claire County Courthouse at 721 Oxford Avenue, Eau Claire, WI 54703.  
**Phone#:** 715.839.4816. **Email:** [eauclaire.info@wicourts.gov](mailto:eauclaire.info@wicourts.gov) Call ahead or check the County website for business hours (currently 8a-5p).
- B. **The petition is to be submitted with the filing fee of \$164.50 (payable to the Clerk of Court) and either a postage fee (call for current rate) or a self addressed stamped envelope.**
- C. **Once accepted, the clerk will file your petition,** assign a case number and Judge, and then forward the record to the assigned Judge for review and scheduling of a hearing.
- D. If the forms are in order, the Court will:
  - Calendar a name change hearing approximately five weeks out from the date of filing (allows time for the statutory publication).
  - Issue/sign the “**Notice and Order for Hearing**” document which is then filed with the Clerk.
  - The Clerk will then provide copies of this notice/order to the petitioner so they can then handle the publication arrangements (**time sensitive responsibility of the petitioner**).

**6. Publication – Required in all Cases (additional cost):**

State law [Wisconsin Statute § 786.37] requires publication of the **Notice & Order for Hearing** as a third class notice in a local newspaper prior to the hearing date. It must be printed once a week for three weeks. After publication, the newspaper will provide a "Proof of Publication" affidavit which must be filed with the Clerk or Court on or before the hearing date.

**7. Name change for minor < age 14:**

- A. If the person whose name is to be changed is a minor < 14 years of age, the name change petition may be made by:
1. Both living parents, the sole surviving parent, or the sole adoptive parent of the minor child.
  2. One of the parents of the minor child who has two living parents and paternity has been established.
  3. The mother, and the minor child is a non-marital minor child who is not adopted or whose parents have not married, and paternity of the minor child has not been established.
  4. The legal guardian/custodian of the minor child because either both parents are dead or the parental rights of both parents have been terminated by judicial proceedings.
- B. **Additional processes for a petition on behalf of a minor under age 14 are necessary depending on circumstances.** For further information on petitioner's responsibilities, see "**BASIC STEPS TO HANDLING A NAME CHANGE**"

**8. The Hearing**

- A. **Arrive on time** for your hearing in the proper courtroom (can check with the Clerk of Court office for direction).
- B. Be prepared to submit a copy of your original birth certificate (should the Court ask to see it).
- C. If the "Proof of Publication" affidavit is not yet on file, make sure you have it.
- D. If one living parent is filing on behalf of a minor, proof of service, or attempted service on the other parent, must be on file or provided in Court
- E. You will likely be placed under oath and questioned about the information on the **Petition**.
- F. If your petition is granted, the judge will sign the proposed **Order for Change of Name**.

**9. After the hearing:**

**A. CERTIFIED COPY:**

You may request certified copies of the **Order for Change of Name** from the Clerk. The cost for each certification is \$5 plus \$1.25 per page.

**B. WISCONSIN - VITAL STATISTIC REPORTING:**

If you were born or married in Wisconsin and the court order affects the vital record, upon collection of information and fees, the Clerk will issue the "Report of Legal Name Change" (Form HCF 5021) and transmit it to Vital Records. Vital Record will then document the changes. If you requested and paid Vital Records for a certified copy of the changed record, they will provide that to you. After the change has been recorded through Vital Records (allow sufficient time), certifications can also be purchased through the Register of Deeds office in the county of birth.

**C. OUT OF STATE - VITAL STATISTIC REPORTING:**

If you were born or married outside of Wisconsin and the court order affects the vital record, you will need to contact the other state's "vital records office" and find out what is required for them to change your birth or marriage certificate information. Information on Vital Record offices can be obtained through on-line resources.

- E. **REPORTINGS ELSEWHERE: To report your change of name from a personal and business perspective,** you will need to contact individual entities and provide adequate proof of the name change in order for those places to change your name on their records. Entities to consider include the department of motor vehicles, social security administration, healthcare facilities, places where you bank, carry insurance, educational facilities, passport agency, employment, utility and phone services, et