



OFFICE OF CLERK OF COURTS  
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## Confidential Name Change Procedure in Eau Claire County WI

### **1. Introduction:**

**Under Wis. Stat. §786.37(4), a petitioner can request a confidential name change** where publication is not required if the petitioner shows, by a preponderance of the evidence, that publication of the petition could endanger him or her and that the petitioner is not seeking a name change in order to avoid a debt or conceal a criminal record. If a judge makes this finding, all records **related to the petitioner's name change** shall be confidential and are exempt from disclosure under Wis. Stat. § 19.35(1). [Wis. Stat. § 786.36(2m) (a)]

### **2. Eligibility:**

- a. You must be a resident of Wisconsin and make application in the county where you reside.
- b. Restrictions may apply for people engaged in professions for which the State of WI requires a license.
- c. People required to register as sex offenders are prohibited from changing their names.

### **3. Required Fee/Other:**

- a. A filing fee of \$164.50 is due to the Clerk of Court at the time of filing the petition.
- b. A self-addressed stamped envelope (SASE) or payment for postage (call for current rate) is also due the Clerk for the return mailing of the notice and order for hearing

### **4. Forms:**

Forms & information are available on line through the Wisconsin Court website under [www.wicourts.gov](http://www.wicourts.gov) (navigate the self help center). The Clerk also provides certain information at no cost in the office.

#### **Required Forms:**

- a. Appropriate Petition for Confidential Name Change:
  - a. Adult or Minor 14 or Older (CV-451)
  - b. Minor Child Under 14 (CV-456)
- b. Notice and Order for Confidential Name Change Hearing (CV-461)
- c. Report of Legal Name Change – Confidential (DHS DPH form F-05021C) required for changing Wisconsin birth certificates and other vital records.

### **5. Completion of Forms/Other:**

- a. All forms should be legibly printed or typed in black or blue ink.
- b. Unlike a standard name change, there is not a publication requirement so the hearing for confidential name change will be set as soon as practicable. For the Courts' consideration, if you have limited availability or wish to be part of the scheduling process, include this information or request in writing when filing.
- c. If more than one family member requests to change their last name, each person should complete a separate set of the required forms. If the Clerk is able to treat them under one case number, only one filing fee will be collected, however that will depend on the petition(s) and nature of relationship(s).

## **6. Filing**

The completed petition and other forms should be submitted to the Clerk of Court Office in the county where the petitioner resides along with necessary fees and return postage (or SASE). Upon filing, the clerk will assign a case number and judge, and then forward the record to the assigned judge for review. If the petition and forms are in order, the Court will schedule a hearing, sign the notice and order for confidential name change hearing, and then return those documents to the Clerk who will then provide you with a copy of the notice/order for hearing by mail.

## **7. At the Hearing**

- a. The petitioner should arrive on time for the hearing at the assigned courtroom and inform court staff of their presence. During the hearing, the petitioner will be placed under oath and questioned about the information on the petition. If the petition is granted, the judge will sign the Order for Confidential Name Change.
- b. The petitioner should bring a copy of their birth certificate to the hearing in case the judge wants to review it. The petitioner should also be prepared for any questions the Court may have in satisfying the statutory requirement (reference #1).
- c. **If the Judge GRANTS** the petition for confidential name change, an order will be signed and filed in the case.
- d. **If the Judge DENIES** the petition for confidential name change, an order denying confidential name change will be signed. If the petitioner would still like to proceed with a name change, they can use the standard name change procedure which requires publication. In that event, a new civil case would be opened up without collection of an additional filing fee.

## **8. After the Hearing**

After an order has been signed granting the confidential name change, the petitioner can secure a certified copy of the order through the Clerk. The cost is \$5.00 for the certification plus \$1.25 per page.

## **9. For Births in Wisconsin – Vital Statistics Reporting:**

- a. If the order provided for a change in the birth certificate name and the petitioner was born in Wisconsin, the Clerk needs to collect additional fees from the petitioner in order to report notice of the confidential name change to the state registrar of vital statistics.
- b. When this applies, it is important that the individual requesting the confidential name change purchase at least one changed birth record because when the confidential court order is applied, all records, including the new certificate will be impounded by Vital Records and only another court order will allow them to issue the record, including to the subject of the record.

## **10. Other:**

- a. 2011 Act 274 requires for real estate purposes (ref. chapter 59) that the confidential name change order be certified & submitted to the County Register of Deeds for recording (\$30.00 recording fee).
- b. **If the petitioner was born out-of-state** and the confidential name change order provided for a change in the birth certificate name, he/she will have to follow the applicable laws in his/her birth state for recording the confidential name change.

## **12. Resources:**

- a. Court website – self help center: <https://www.wicourts.gov/services/public/selfhelp/index.htm>
- b. Civil name changes - Reference Wisconsin Statutes 786.36.
- c. Free legal clinic @ the Eau Claire Public Library every 3rd Wednesday evening commencing at 6:30pm (call ahead to confirm the clinic schedule @ 715.839.1648)