

NAME CHANGE

Montcalm County Probate Court
Hon. Charles W. Simon, III
Montcalm County Court Complex
625 North State Street
Stanton, Michigan 48888
(989) 831-7316

Office Hours: Monday-Friday
8:00 a.m. – 5:00 p.m.

The Court and the Court's staff are prohibited by law (Section 1211 of the Estates and Protected Individual's Code [EPIC]) from providing legal advice and assistance in completing forms. The information, forms, and instructions are intended to provide general information concerning filing procedures and may be useful as a guide. This is the only assistance that can be provided by the court's staff. *If, after reviewing this information, you have any questions or need assistance in completing the forms consider contacting an attorney for assistance.*

A "name change" can be effectuated provided that you meet the requirements for a change of name that are contained in MCL 711.1, which is the law pertaining to name changes.

The minimum requirements are: 1) the person whose name is to be changed must be a resident of Montcalm County for not less than one year prior to the filing of the petition; 2) the petitioner must show sufficient reason for the requested change; and 3) the name change is not being sought for fraudulent intent.

If the person seeking the name change has a criminal record, it is presumed that it is with a fraudulent intent and the burden of proof is on the petitioner to rebut the presumption.

To change the name of a minor, the petitioner must have the consent of the non-custodial parent. *It is the policy of the Montcalm County Probate Court that the request to change the name of a minor to that of a step-parent (without the benefit of an adoption) is made with fraudulent intent and in most cases will NOT be granted.*

After reviewing the law and determining that you meet the requirements to have either your name, your spouse's name, or your child's name changed complete the petition and file it with the Court. Depending on the age of the person whose name is to be changed and whether fingerprinting is necessary, the petitioner will receive notice from the court by mail of the hearing date and time. The petitioner will be required to have a notice of the hearing published according to the time requirements established by the court rule 3.613 and in the case of a minor, service must be made on the non-custodial parent. It is the petitioner's obligation to handle the publication with the newspaper and pay, directly to the newspaper, any publication costs.

The Petitioner(s) and those person(s) whose name(s) are being changed MUST attend the hearing.

The filing of a Petition is not a guarantee that the request will be granted by the Court. The Court can only order a name change when the legal requirements have been met. If you do not meet the legal requirements for a name change, you should not complete the forms or pay the filing fee since it is extremely unlikely a name change could be ordered. The court CANNOT refund the filing fee if the name change is not granted.

Under Michigan law, every person 22 years of age or older who is requesting a name change must have a complete set of fingerprints taken at a local police agency. Those fingerprints will be used by the Michigan State Police and Federal Bureau of Investigation to check criminal records. The Michigan State Police will send a report to the Court regarding any criminal records. If the person whose name is to be changed is over the age of 22 years fingerprints please review the Special Instructions for the completion of this requirement. There is a fee to the police agency for this process and the process may take up to 8 weeks to complete. The Court is in no way responsible, nor can it predict, the length of time it may take the Michigan State Police to return the results of the criminal history check to the Court.

If the petition is granted and the name is changed, the petitioner will be provided with a certified copy of the Order Changing Name along with an Application to Correct or Change a Michigan Birth Record. The order and application must be submitted to the State of Michigan, Vital Records with the applicable fee.

Fees associated with name changes

- ◇ The non-refundable filing fee is \$160.00, payable at the time of filing the petition.
- ◇ Certified copy of the Order Changing Name is an additional fee of \$12.00 per copy, payable on the date of the hearing if the petition is granted.
- ◇ Any additional motions is an additional filing fee of \$20.00
- ◇ Publication fee, payable directly to the newspaper.
- ◇ Fingerprint fee, if necessary, payable to the Michigan State Police - \$49.25
- ◇ Application fee to change birth record, payable to the State of Michigan – 40.00 for application and one certified copy of birth certificate. \$12.00 for each additional certified copy of birth certificate.

Frequently Asked Questions

There is an error on my birth certificate, do I have to go through the Court for a name change? If there is a mistake on the birth certificate, you may consult with the Michigan Department of Public Health, Vital Records Division, for the proper procedure to correct the mistake at (517) 335-8660 (Mon-Fri 8:00 a.m. to 5:00 p.m.)

My child's father and I want our child to have his father's last name, do we have to go through the Court for a name change? If the name of the father is not indicated on the birth certificate and the child has the mother's last name, the last name can be changed to the father's last name after paternity is established if both parents agree. You may consult with the Michigan Department of Public Health, Vital Records Division, listed above for the proper procedure.

I am now divorced and want to go back to my maiden name, do I have to go through the Court to change my name? A married woman in Michigan does not have to assume the last name of her husband. A woman does not lose her maiden name when she marries and always has the right to use her given name even when married. If the judgment of divorce does not include the restoration of a maiden name, a woman has the right to use her married name or her maiden name without any court action and should be able to provide proper proof to the Social Security Administration and/or Secretary of State to return to using her maiden name.

I want to use my initials, do I have to go through the Court to change my name? You do not have to obtain a legal name change if you want to use J. Michael Smith rather than John Michael Smith or John M. Smith. However, if you want official identification issued that way, you will need to obtain the change of name through the court process.