

Name Change

In California, an individual has a general right to change his or her name, with or without legal proceedings, but legal action is necessary in order to make the name change “official” and a matter of public record. (Exceptions to the general right to change one’s name include cases of persons under the jurisdiction of the Corrections Department - i.e. in prison, or on probation or parole - or required to register as sex offenders).

An adult who wishes to change his or her name officially first files a Petition - Judicial Council form NC-100 - in the Superior Court of the county where the person resides. The Petition must contain the person’s place of birth, residence address, present name, proposed name, and the reason for the change. Once the Petition is filed, the court will issue an Order to Show Cause, which sets a hearing date and requires anyone who objects to the name change to file written objections at least two days before the hearing and to appear at the hearing. The Order to Show Cause must be published in a newspaper of general circulation in the county for four weeks.

If no objections are filed, the Court may grant the request for a name change without a hearing. If objections are filed, the Court will hold the hearing and examine the person requesting the name change and the person(s) objecting. The Court will grant the name change if, in its discretion, the change seems proper. A substantial reason is required to deny the change and the burden of proof lies on the person(s) objecting to the change. Examples of reasons found sufficient to deny the name change include a showing that the change is sought for fraudulent reasons, or to confuse the public by “cashing in” on a famous person’s reputation, or if the Court finds the requested name is obscene or a racial slur.

A minor has no right to change his or her name, but a parent or guardian may apply for a name change on the minor’s behalf. If both parents are deceased and no guardian has been appointed, a near relative may apply to change the minor’s name. If only one parent applies for the change, the other parent, if still living, must be notified and given an opportunity to be heard.

When parents of a child cannot agree on the child’s surname - at birth or if one parent later wishes to change the name - the Court must decide the issue based on the best interests of the child. Neither parent has a primary right to have the child bear his or her last name. The factors the Court may consider include the length of time the child has used a given surname, the nature of the child’s relationship with each parent, the effect of a name change on those relationships, and the child’s need to identify with a particular family unit through the use of a common name.

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