

## Procedure for Name Change

¶ 206.02

The procedure for judicial change of name is set forth at Section 6 of Act 1982, Dec. 16, P.L. 1309, No. 295. Section 6 provides that any person desiring to change his or her name must file a petition for change of name with the court of common pleas of the county where he or she resides. The petition must set forth the following:

- (1) The petitioner's desire and intention to change his or her name;
- (2) The petitioner's reason for seeking a change of name;
- (3) The petitioner's current residence; and
- (4) The petitioner's residence or residence for and during the five years prior to the time of the filing of the petition.

The petitioner's spouse may join as a party petitioner. On the filing of the petition, the court will enter an order directing the petitioner to give notice of the filing of the petition and of the date set for a hearing on the petition. **The notice must be published in two newspapers of general circulation in the county or a contiguous county, one of which may be the official paper for the publication of legal notices in the county**, and must in addition be given to any nonpetitioning parent of a child whose name may be affected by the proceedings. The Act does not specify the manner of service on the nonpetitioning parent. Although service by certified or registered mail is usually acceptable, counsel should consult with the local prothonotary for specific direction. The hearing on the petition will be scheduled for a date not less than one month or more than three months after the date of the filing of the petition.

**At the hearing**, the petitioner must present proof of publication of the notice in accordance with the court's order and must also submit official searches showing that there are no outstanding judgments or decrees of record against him or her in the county where he or she resides or in any other county where he or she has resided within five years of the filing of the petition for change of name. Any persons having lawful objections to the change of name are permitted to appear and be heard at the hearing on the petition.

A lawful objection is one that defeats the petition as a matter of law, e.g., the certificate of official search shows outstanding judgments against the petitioner; or failure to obtain a certificate of official search, to publish notice of the petition as required by law, or to list the petitioner's residences for the past five years. Insufficient grounds for objection include concealment of race or origin; the fact that another person in the community already bears the name sought by the petitioner; and the fact that the change will prevent perpetuation of the petitioner's family name.

If the court is satisfied that there is no lawful objection and that the requirements of the Act have been complied with, a decree may be entered changing the petitioner's name as requested.

The granting of a petition for change of name is discretionary with the court, and the court may deny a petition on grounds that would not constitute lawful objections, e.g., any dishonest or fraudulent purpose, such as avoidance of taxes or debts or misleading the public by assuming the name of a well-known and successful practitioner in the petitioner's profession.

In considering a petition to change the name of a minor child, the court is required to exercise its discretion in accordance with the "best interest of the child" standard, and the petitioner has the burden of establishing that the proposed change would be in the child's best interest.

Factors to be considered include the effect of the change on the natural bonds between parent and child, the social stigma or respect afforded a particular name within the community, and, if the child is of sufficient age, whether the child understands the significance of changing his or her name.

A child's petition for change of name will be granted where the father's criminal activity and surrounding publicity causes the child stress and embarrassment. A person who is divorced may resume any previously used surname by filing a written notice of his or her intent to do so with the clerk of the Court of Common Pleas in which the divorce decree was entered. If the divorce was granted in a foreign jurisdiction, a certified copy of the foreign divorce decree may be filed, with the written notice, with the clerk of the court where the divorced person resides.

In the Matter of Petition for

: IN THE COURT OF COMMON PLEAS  
: LAWRENCE COUNTY, PENNSYLVANIA

Change of Name of \_\_\_\_\_

:  
:  
:  
:  
:  
:

No.

**PETITION FOR CHANGE OF NAME**

Petitioner, \_\_\_\_\_, by his undersigned attorney requests that this Court order a change of petitioner's name, pursuant to 54 Pa. Cons. Stat. § 701 et seq., and in support thereof makes the following averments:

1. Petitioner was born on \_\_\_\_\_ (date), and is over the age of 21 years.
2. During the five years preceding the filing of this petition down to and including the date thereof, petitioner has resided continuously at \_\_\_\_\_, Pennsylvania.
3. There are no judgments or decrees of like character of record against the petitioner.
4. Petitioner requests that his name be changed from \_\_\_\_\_ to \_\_\_\_\_.
6. The reasons for the requested change of name are the following:  
(a) (Insert appropriate reasons).

WHEREFORE, petitioner respectfully requests that this Court enter an Order

changing his name from \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
(Address)

In the Matter of Petition for

: IN THE COURT OF COMMON PLEAS  
: LAWRENCE COUNTY, PENNSYLVANIA

Change of Name of \_\_\_\_\_

:  
:  
:  
: No.  
:

**VERIFICATION**

I, \_\_\_\_\_, hereby verify that the statements made in the foregoing petition are true and correct to the best of my information, knowledge and belief.

This statement is made pursuant to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

BY: \_\_\_\_\_

In the Matter of Petition for

: **IN THE COURT OF COMMON PLEAS**  
: **LAWRENCE COUNTY, PENNSYLVANIA**

Change of Name of \_\_\_\_\_

:  
:  
:  
:

No.

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on the motion of petitioner, it is ORDERED that a hearing on the Petition for Change of Name is fixed for \_\_\_\_\_ (date), at \_\_\_\_\_ (time), in Room \_\_\_\_\_ of Lawrence County Court House, Lawrence, Pennsylvania.

The petitioner is directed to give notice of the filing of the petition and of the date of the hearing by publication in two newspapers of general circulation in this County, one of which may be the official paper for the publication of legal notices in this county.

By the Court:

\_\_\_\_\_  
J.

In the Matter of Petition for

: **IN THE COURT OF COMMON PLEAS**  
: **LAWRENCE COUNTY, PENNSYLVANIA**

:  
:

Change of Name of \_\_\_\_\_

: No.

**Name Change--Notice of Filing of Petition for Name Change and Date of Hearing**

**NOTICE**

Notice is hereby given that, on \_\_\_\_\_ (date), the petition of \_\_\_\_\_ was filed in the above-named court, requesting an order to change the name of \_\_\_\_\_ to \_\_\_\_\_.

The Court has fixed the day of \_\_\_\_\_, at \_\_\_\_\_ (time), in Room \_\_\_\_\_, of Lawrence County Court House, Lawrence, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

By the Court:

\_\_\_\_\_  
J.

In the Matter of Petition for

: IN THE COURT OF COMMON PLEAS  
: LAWRENCE COUNTY, PENNSYLVANIA

:  
:

Change of Name of \_\_\_\_\_

No.

**Order Effecting Change of Name**

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on consideration of the attached petition of \_\_\_\_\_ for change of name, and upon presentation of proof of publication of notice as required by law, together with proof that there are no judgments or decrees of record or any other matter of like character against petitioner, and it appearing that there is no lawful objection to the request of the petitioner, it is hereby ORDERED that the name of petitioner \_\_\_\_\_ is changed to \_\_\_\_\_.

By the Court:

\_\_\_\_\_  
J.