A name change can be an important step for a person to move on from a bad situation, adopt a name that inspires them, or choose a name that is more strongly associated with a person's gender identity. There's a legal process for requesting a name change with the court system.

There are several ways to get a name changes:

- An adult's name can be changed during a Dissolution of Marriage (divorce) case or by filing a petition for a name change.
- A parent can change their child's name as part of an Adoption, Dissolution of Marriage, Paternity case, or by filing a petition for a name change of a child.

Obtaining a Name Change

To change your name or the name of your child as part of an Adoption, Dissolution of Marriage, or Paternity case, you must include the request for a name change with your petition (the initial document you must file in your case) or counterpetition.

Petitioner: the party who filed the case with the court

Respondent: the party against whom the petition is filed

Counterpetition: can be filed by a respondent and requests some relief or action not requested in the petition

Name Change in a divorce case.

You can change your name during the course of divorce proceedings. Florida courts will permit a spouse to change their name back to a former name at little or no additional cost when they make the request to do it. If you want your name changed, you must specifically request that your name be changed in your Petition for Dissolution of Marriage or Counterpetition for Dissolution of Marriage or the judge will not have the authority to change your name. The name change becomes effective once the judge signs the final judgment for the divorce.

If your name is not changed during the Dissolution of Marriage proceedings, or if you decide to hold off on making this decision for some time in the future, there is a separate case that you can file (later on) to have your name legally changed. This would create a completely separate case from your Dissolution of Marriage case, and involves a few more steps. You still have a legal option and process available to change your name later.

See Dissolution of Marriage

Name Change in a paternity case.

Either party in a paternity case can request that the child's name is changed. This can be done by including this request in the Petition by the petitioner or in the Counterpetition by the respondent.

What do you need to do?

Adult Name Change

To change your name as an adult, you must file a Petition for Change of Name (Adult) **Form 12.982(a)**

Before getting a hearing on your petition, you **must** have your fingerprints submitted for both a state and national criminal records check.

- Fingerprints are required to prevent people with active criminal warrants from obtaining a name change to evade law enforcement.
- The fingerprints are to be submitted to the Florida Department of Law Enforcement for the records check.
- Once the records check is complete, the department will notify you and file the results with the court.
- The one exception to the fingerprint requirement is if you are seeking to restore a previous legal name. For example, if you chose not to restore your maiden name as part of a Dissolution of Marriage case and that case has been closed, you may be able to restore your maiden name by filing a petition for a name

change.

Obtain a hearing date.

Once your fingerprint records check is completed you will have to obtain a hearing date with the judge. You will do this by getting in touch with the assigned judge's judicial assistant or by reaching out to a member of the Clerk of Court's family law division. A hearing may or may not be set, depending on the judge assigned to your case. Some judges may decide to grant your petition without needing you to be present.

If the court sets a hearing on your case, the judge may want you to bring a court order for them to sign. You can get a form for this court order from the Florida Supreme Court's website; specifically, the form is titled Final Judgment of Change of Name (Adult), Florida Supreme Court Approved Family Law **form 12.982(b).**

Minor Name Change

To change the name of a minor child or children, you should file a Petition for Change of Name (Minor Children) **form 12.982(c)**.

Parental Agreement and County of Residence.

In a situation where both parents agree to change the name of a child, and they both live in the same county, the parents can jointly file the petition as co-petitioners. Upon filing the form with the clerk's office, you should set a hearing by getting in touch with the assigned judge's judicial assistant or by reaching out to a member of the Clerk of Court's family law division. In these types of situations, the petition is likely to be granted.

If only one of the parents asks for a name change, or if you live in a different county than the other party, seek the other parent's consent. If the other parent consents they can fill out the form Consent for Change of Name (Minor Child(ren)), **form 12.982(d)**, which the petitioner can file with the court. When one parent files the petition and the other parent consents, the petition is likely to be granted.

If one parent lives outside of the county of the case and they do not consent, the parent who is the petitioner must have the other parent served with the Petition and a notice of the hearing.

Service to the other parent.

Service can come in two forms:

1. **personal service or**
    - Personal service means that the non-consenting parent was provided the documents by a process server or deputy sheriff.
    - Your local Clerk's office can inform you if the local Sheriff's Office provides service in these types of cases.
    -
2. **constructive service.**
    - Used if you are unable to locate the non-consenting parent.
    - To serve someone constructively, you will have to do several tasks to try and obtain the other party's location. These tasks involve going to several government agencies such as the DHSMV, USPS, local jails, and the military — as well as non-governmental entities such as hospitals — to locate the other party.
    - You would need to keep documentary proof of your efforts and then file an Affidavit of Diligent Search and Inquiry with the Court.
    - You must have a notice of the case published in a local paper for four consecutive weeks.

Constructive service is extremely complex, and it is best to consult an attorney and chapter 49 of Florida Statutes before filing the case.

Courts will consider the best interest of the child.

If both parties consent to the name change or service is completed on the non-consenting parent as described above, then the court may set a final hearing. The court will determine whether it is "in the best interest of the child" to allow the name change. Therefore, before applying for a name change for your child, you should seriously consider how you would argue to a judge that a name change would be in your child's psychological and emotional best interests.

Family Name Change

Sometimes a parent not only wants to change their child's name, but they want to change their name as well. Perhaps the family is trying to have a fresh start after a traumatic incident, or they have decided to take the name of another family member. Regardless of the reasoning, a family can change the names of both parents and children in one name change case.

To file a petition to change the surname for your whole family, you should file a Petition for Name Change (Family), **form 12.982(f).**

All of the rules discussed above apply to your name change petition.

- Any adult trying to get a name change, unless restoring a previous name, needs to be fingerprinted and have a criminal records check completed.
- To change the name of the child, the other parent needs to consent or receive notice of the petition and hearing date.
- When requesting a name change for a minor, the court will consider if the name change is in the best interest of the child.

Things to consider

Keep in mind before you begin filling out your paperwork that a name change will cost approximately $400 in fees to your local Clerk of Courts. You may qualify for a fee waiver by filling out an Application for Determination of Civil Indigent Status.

- In certain situations, the court may waive your name change filing fee, which is called a filing fee waiver.
- If you bring the Application for Determination of Civil Indigent Status with you when you go to file your petition, the clerk should tell you rather quickly if you qualify for the fee waiver.
- The clerk will not file your petition until the fee waiver is approved or until you pay the required filing fee.
- If the clerk denies your fee waiver, you may be able to choose not to file the petition, and file it at a later date when you are prepared to pay the fee.

Name change petitions often require you to reveal a great deal of personal information such as former names, places you have lived, family members, and past or current employment situations or professions. Documents filed with the court are public records, and only certain types of information can be protected. For example, social security numbers and the names of children should not be publicly available to view. The deputy clerks that review your documents should be aware of this, but to ensure that your private information does not end up on the internet for all the public to see you should file a Notice of Filing Confidential Information. This document will make the deputy clerk aware of the specific documents and information you want to make sure get protected.

Additional Resources

- Florida Name Change