

COMMONLY ASKED QUESTIONS (continued):

Q: **What takes place at a name change hearing?**

A: You will be asked where you were born, what your citizenship is, how long you have resided in the jurisdiction, what your age is, and if you are required to register as a sex offender. You will also be asked to confirm that you are not changing your name to avoid or defraud creditors. The hearing usually takes less than five minutes.

Q: **May a male change to a female name and vice versa?**

A: The law does not directly bar such name changes. Many names have nearly lost their gender identification; however, judges become skeptical because of the risk of defrauding creditors. A substantial benign reason for this type of name change will likely be required before a judge will grant the Petition.

Q: **Do I have to be a U.S. citizen to change my name?**

A: No, you do not. Anyone who has resided in the State of Illinois for at least six months may seek a change of name.

Q: **Can I change my name as a result of a dissolution of marriage?**

A: Yes, as part of the judgment of dissolution, parties who have changed their last names when they married can be legally restored to their former last names. This method is cost-free, and done in the context of the dissolution, not a separate action.

Q: **Is it ever necessary to change one's name?**

A: It is necessary as part of undergoing the process of changing one's gender. Such a process involves medical, psychological, and legal measures, and a court ordered name change is one of them.

THIS PAMPHLET DOES NOT CONSTITUTE LEGAL ADVICE. STUDENTS WHO ARE CONFRONTED WITH LEGAL PROBLEMS OR WHO NEED SPECIFIC ADVICE ARE ENCOURAGED TO SEEK ASSISTANCE FROM A LICENSED ATTORNEY AT STUDENT LEGAL SERVICE.

IMPORTANT PHONE NUMBERS AND WEB SITES

Student Legal Service 333-9053
 <http://www.uiuc.edu/unit/SLS>

Champaign County Circuit Clerk 384-3725
 <http://www.cccircuitclerk.com>

U.S. Passport 373-6000
Post Office 384-3725
Circuit Clerk <http://www.state.gov/travel/>

USCIS Office 800-375-5283
 <http://uscis.gov>

Secretary of State, Illinois 217-278-3344
 <http://www.secretaryofstate.il.gov>

Social Security Administration 800-772-1213
 <http://www.ssa.gov>

UIUC Admissions and Records 333-0210
 <http://www.oar.uiuc.edu/current/name.html>

STUDENT LEGAL SERVICE
324 Illini Union / 1401 West Green St.
Urbana, IL 61801
333-9053
Office Hours: 8:30-Noon & 1-4:30pm, M-F
<http://www.uiuc.edu/unit/SLS>

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WANT TO CHANGE YOUR NAME?



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Hi! My name is ... Changing!

It is not uncommon for many people to want to change their names at some point during their lives. An infinite number of reasons can trigger such a desire, ranging from bearing a name that is consistently misspelled or mispronounced by others, to having been named in the 1960s by parents who, under the influence of some mind-altering chemicals, decided to give you a name like "Moon Baby".

If this desire becomes more than a passing whim, you may want to change your name legally. In the State of Illinois, you have the right to change your name, as long as you are not attempting to defraud anyone or avoid legal process by doing so, and as long as you are not required by law to be registered as a sex offender.



There are two ways to go about changing your name in Illinois: the common law method, or by way of court order.

COMMON LAW NAME CHANGE

In Illinois, it is legal to change your name simply by adopting your new name and going by that name exclusively. To facilitate this process, an affidavit stating that you are going from the use of one name to another is prepared and distributed to all persons and entities that have records pertaining to you. This is particularly effective with the University of Illinois Office of Admissions and Records.

Unfortunately, this method of name change is not effective for all purposes. It does not change your birth certificate, your passport, or your Illinois driver's license, and in many instances, the Social Security Administration will not recognize this. If you can verify a common law name change for three years, the passport office should recognize your new name.

COURT ORDERED NAME CHANGE

It is also possible to obtain a court ordered name change. This will permit you also to change your birth certificate and passport; it is recognized by the Social Security Administration and Secretary of State, as well.



In order to use this method you must have been a resident of the State of Illinois for at least the past six months. A notice of intent to change your name must be published in a newspaper of general circulation once a week for three weeks in the county in which you reside.

Then, at least six weeks after the first publication appears, you file a Petition for Change of Name with the circuit clerk of your county of residence along with proof of publication and an affidavit of an objective person verifying your identity.

The Petition is set for hearing before a judge who, after verifying that you are not an individual who is required to register as a sex offender under the Sex Offender Registration Act, will enter the order officially changing your name.

For both Common Law and Court-Ordered Name Change, the applicable U.S. passport regulation is:

An applicant whose name has been changed by court order or decree shall submit with his or her application a certified copy of the order or decree. An applicant who has changed his or her name by the adoption of a new name without formal court proceedings shall submit with his or her application evidence that he or she has publicly and exclusively used the adopted name over a long period of time.

COMMONLY ASKED QUESTIONS:

Q: Can I change my name to anything I want?
A: While the law only specifically prohibits the adoption of a name which would infringe on the rights of others; it is probably safe to assume that an attempt to change your personal name to a number, an obscenity, a business designation or something similar would be denied.

What is the actual cost of a court ordered name change?

A: The cost of publication may vary in Champaign County; contact the News Gazette for current prices (351-5252). At this time, the filing fee is \$200. This can be confirmed by the Circuit Clerk at 384-3725.

Do I need my parents' permission to change my name?

A: If you are 18 years old or older, you do not need anyone's permission to change your name. However, bear in mind that names can be very sensitive issues in the context of family and that discussing your wish to adopt a new name may go a long way toward prevention of hurt feelings and family strife.

Can I change the names of my children and/or spouse?

A: If you and your spouse want to change your names, you may do so by a joint petition. If you want to change the names of your minor children, you may, with the consent of their other parent, or by proving to the court that it is in their best interest to have their names changed.

(Questions continue on reverse side)

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