

Civil Name Change For A Minor

...

ONE PETITIONING PARENT **ONLY**

First...

* This information pertains only to those who are petitioning for a civil name change for a minor with just ONE parent petitioning.

If both parents have petitioned, this information will not apply to you!

What is expected from the parent in a civil name change?

In California, you can ask the court to legally change your child's name. If you are the only parent making the request, you have to:

1. File a petition with the court
2. Notify the other parent by personal service if they are in the state of California, or by first class mail, return receipt requested if they reside outside the state of California
3. File proof with the court that the other parent was notified
4. Go to a court hearing

*** If your child's other parent does not agree, they have the right to oppose your request.**

Starting the process

- 1) Complete and file the appropriate forms, along with a filing fee of \$435.00 (If you think you may qualify, you may wish to submit a Request to Waive Court Fees and Order to Waive Court fees with your name change documents to ask that the court waive your filing fee);
- 2) Publish your **Order to Show Cause (NC-120)** in the newspaper you selected when you filled out your paperwork. This must be done **once per week for four weeks prior** to the hearing date;
- 3) Have the **Order to Show Cause served on the non-petitioning parent** in the manner prescribed by the California Code of Civil Procedure, and **have the server complete the Proof of Service of Order to Show Cause.**
- 4) Attend the hearing on the date set.

Information for completing Step 3 - Notifying Non-Petitioning Parent

Again, this is for those who are petitioning as ONE parent.

Have the *Order to Show Cause* served on the non-petitioning parent in the manner prescribed by the California Code of Civil Procedure. *Afterward*, have the server complete the Proof of Service of Order to Show Cause (NC-121).

Service must be completed at least 30 days prior to the hearing.

Step 3 Cont...

If the non-petitioning parent resides **in California** , the Order to Show Cause must be personally served to the non-petitioning parent.

YOU (the petitioning parent) cannot personally serve this document. Someone who is not a party to the case and over 18 years of age must serve it.

If the non-petitioning parent resides **outside of California** , that parent must be served by sending a copy of the order by first-class mail, postage prepaid, return receipt requested.

Order to Show Cause

By filling out and filing the NC 121 - Order to Show Cause form, you are telling the court that you had the Order to Show Cause and other name change forms delivered to (served on) the other parent or relatives in a case.

NC-121 will:

1. List the papers that were served
2. List details of service (who, what, when, where)
3. Tell who served them (Someone over the age 18)

NC-121

<small>ATTORNEY OR PARTY WITHOUT ATTORNEY</small>		<small>STATE BAR NO.</small>
<small>NAME</small>		
<small>FIRM NAME</small>		
<small>STREET ADDRESS</small>		
<small>CITY</small>	<small>STATE</small> <small>ZIP CODE</small>	
<small>TELEPHONE NO.</small>	<small>FAX NO.</small>	
<small>E MAIL ADDRESS</small>		
<small>ATTORNEY FOR (name)</small>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
<small>STREET ADDRESS</small>		
<small>MAILING ADDRESS</small>		
<small>CITY AND ZIP CODE</small>		
<small>BRANCH NAME</small>		
<small>PETITION OF (name of each petitioner)</small>		
<small>FOR CHANGE OF NAME</small>		
PROOF OF SERVICE OF ORDER TO SHOW CAUSE		
BY <input type="checkbox"/> PERSONAL DELIVERY <input type="checkbox"/> MAILING (OUTSIDE CALIFORNIA ONLY)		<small>CASE NUMBER</small>

1. At the time of mailing or personal delivery, I was at least 18 years of age and **not a party** to this proceeding.

2. My residence or business address is (specify):

3. I personally delivered or mailed a copy of the (title of document):

as follows (complete either a or b):

a. ☐ **Personal delivery.** I personally delivered a copy to the person served as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

b. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and mailed the sealed envelope to the person served by first-class mail, postage prepaid, return receipt requested, to the address outside of California listed below.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served:

(b) Address on envelope:

(c) Date of mailing:

(d) Place of mailing (city and state):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

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Form Adopted for Mandatory Use
Address Change of California
NC 121 (Rev. January 1, 2015)

PROOF OF SERVICE OF ORDER TO SHOW CAUSE
(Change of Name)

Date of Civil Procedure, § 1277

For your protection and privacy, please press the Clear
This Form button after you have printed the form.

[Print this form](#) [Save this form](#) [Clear this form](#)

What do I do if I cannot locate the other parent?

After you have extensively searched and tried to locate them, and they cannot be found, you may now file a **Declaration of Diligent Search and Request To Dispense With Notice** form.

- This form tells the court that you, in good faith, have tried your hardest to locate the non-petitioning parent.
- You will provide details to the court regarding your search.
- You cannot complete this form without searching for the non-petitioning parent first.

Declaration of Diligent Search and Request To Dispense With Notice

With this form you will be telling the court of your exhaustive efforts of trying to contact the non-petitioning parent.

First, you will be stating your case number, hearing date, time, and dept.

Next you will answer preliminary questions.

More information on filling out the form on next slide.

Completing Your Declaration

Be prepared to:

- Name the non-petitioning parent
- Provide their last known address, phone number, and when you had contact with them
- State the last date the minor had contact with the person
- When you last called and text messaged the parent
- Explain how and when you contacted relatives, friends, acquaintances, landlords, and employers to locate the person named in the notice

Completing Your Declaration (Part 2)

You may:

- Detail how you looked in the telephone directory and called directory assistance in (city)
- Detail how you looked in the telephone directory and called directory assistance in (city)
- Detail how you searched the Internet, including social media sites, to locate the person
- Describe how you looked for the person in other ways

What is next?

Now, the court may order that notice be given in a manner that the court determines is reasonably calculated to give actual notice to the non-petitioning parent. In that case, if the court determines that notice by publication is reasonably calculated to give actual notice to the non-petitioning parent, the court may determine that publication of the *Order to Show Cause* is sufficient notice to the non-petitioning parent.