



mazzoni center
LGBT HEALTH & WELL-BEING

THE MAZZONI CENTER QUICK GUIDE TO
CHANGING YOUR NAME
IN PENNSYLVANIA

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Legally changing your name can be a fairly simple, straightforward process if you have the basic information, forms and requirements to get the job done. However, there are a few things you should consider before you begin:

Time: Applying for a name change on your own can take time, anywhere from 3-6 months. So be prepared for the possibility that there could be delays in the process.

Cost: There are several fees involved with a name change, many of which may be able to be waived. Here are the basic fees that you should be aware of:

<u>Name Change Needs</u>	<u>Cost *</u>	<u>Can Be Waived</u>
Fingerprints	\$20-25	no
Filing fee	\$328.48	maybe
Publications	\$204-320	maybe
Judgment Searches	\$120 and up	maybe

Total possible costs: \$20 – \$800 (plus any additional judgment searches needed)

** These fees are current in 2017 and are subject to change annually.*

A few details before we get started...

Are you over 18?

If you are under 18, a parent or guardian has to initiate your name change for you, and convince the court that the name change is in “the best interests of the child.” Because of this higher burden, you may wish to consult with an attorney. Mazzoni Center Legal Services may be able to represent you, or refer you to an attorney who can.

Do you have a criminal record?

- *Yes, misdemeanors*

Misdemeanor convictions should not affect your ability to legally change your name.

- *Yes, a felony*

A Pennsylvania court cannot grant a legal name change if you have been convicted of murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, statutory sexual assault, sexual assault, aggravated indecent assault, certain types of robbery, arson, kidnapping, certain types of aggravated assault, or criminal attempt or conspiracy to commit any of the above-mentioned crimes. If you have been pardoned, you are eligible to change your name. If you have been convicted of a felony not specified above, you are permitted to legally change your name if two years have passed since the end of your sentence, including any probation or parole. If you have been convicted of a felony, you may feel more comfortable if an attorney represents you in court. Mazzoni Center Legal Services may be able to represent you, or refer you to an attorney who can.

Supply List

Whether you hire a private lawyer or decide to complete the process yourself *pro se*, you will need these documents to change your name:

- Fingerprints

As of this printing, there are at least 108 fingerprinting locations that will take ink fingerprints in Pennsylvania.

Go to the website below to find a fingerprinting location near you:
<http://www.fingerprinting.com/pennsylvania>

You will need to bring identification, such as a State ID or passport.

- Birth Certificate

If you do not have your birth certificate, you can get a copy from the local Department of Health where you were born, or order one online at www.uscerts.com

- Social Security Card

If you do not have your Social Security Card, you can get another one at the Social Security office at Two Penn Centre, Suite 2000B, 1500 John F Kennedy Blvd 2000 A, Philadelphia, PA 19102 Philadelphia, PA 19102

- Photo ID/License or Passport

- Petition forms

You can obtain sample form petitions from the Philadelphia Court website: <http://www.courts.phila.gov/pdf/forms/civil/01-101A-Name-Change-Petition-Package.pdf>.

You can also contact Mazzoni Center, Legal Services. Please call 215-563-0657 or send an email to legalservices@mazzonicenter.org.

Now that you have your documents gathered, you have two options. You can hire an attorney or do your name change on your own. Here is some info to consider for each option:

Hiring an Attorney:

Hiring an attorney definitely has its perks. It can make the whole experience less complicated and less stressful for you. You won't have to worry about figuring out which forms to file and where to get your judgment searches done because your attorney will take care of all those things for you. However, there is one major drawback to hiring an attorney...cost! Attorney fees, combined with other court cost, could cost you anywhere from \$650 to \$2000. *This is just an estimate – your attorney fees may vary depending on your individual needs.*

If you choose to hire an attorney, Mazzone Center Legal Services can offer recommendations for attorneys who are sensitive to LGBT clients.

DIY:

Do It Yourself. You will definitely reduce some the incurred cost if you go this route although the total cost for a name change can vary from person to person. It can also be confusing, trying to figure out the court system and making sure you have all the necessary documents filled out correctly. This booklet will help you to navigate the process.

STEP 1:

Petition to Proceed In Forma Pauperis (IFP)

Skip this step if you would not be considered low-income. If you are low income, you may petition the court to waive filing and other fees.

In Philadelphia County, a fill-in petition for pro se IFP is available to download under “publications” at courts.phila.gov. Follow the instructions to fill the form out. In Philadelphia County, this petition is turned in at the same time as your name change petition.

In other counties call the Prothonotary’s Office and ask about their procedure and requirements for pro se IFP.

STEP 2:

Drafting Your Name Change Petition

1. Mazzone Center Legal Services has sample petitions that can be copied with your information, fill-in-the-blank style. When you change your name, you will be required to publish your name change in one general circulation newspaper and one legal newspaper (this can cost between \$270 to \$320). If you feel as though publishing your name in a legal newspaper would put you in danger, you may file a petition requesting that a court waive this requirement for you. Again, Mazzone Center can provide you with a form to complete for this purpose. Sadly, many courts outside Philadelphia are reluctant to waive the publication requirement. Be prepared for this outcome.

2. Fill out the template with your information. Print it out and sign where indicated.

3. You will have to explain to the court why you wish to change your name, but you are **not** required to tell them if you have had surgery or taken hormones.

4. You will probably need multiple copies of your signed petition. Make at least 3 copies of the petition.

STEP 3:

Filing Your Name Change (in Philadelphia County)

For filing in other counties, contact your Prothonotary for specific instructions.

1. To file your petition bring your original petition with either your payment of \$328.48 or your IFP Petition to room 296 in City Hall.

Ask them to time-stamp the original petition and your copy. If you are attempting to get the filing fee waived, submit your papers to the clerk.

2. Pay the filing fee to the **cashier in Room 296**. Be sure to get a receipt. *Skip this step if you are filing IFP.*
3. Submit your original petition, your receipt, and your fingerprint card in **Room 691**. Make sure to keep your time-stamped copy of your petition for your records.

The court will send your fingerprints and petition to the State Police who will run a check on your fingerprints to see if you have a criminal record. They will then notify the court of their findings and the court will schedule a hearing for your name change and mail you notification of when it will be.

STEP 4a:

Publication

*Note: If are applying for a publication waiver, skip to **Step 4b** on the next page.*

According to statute, you must publish your name change in the legal notes section of one general circulation newspaper, and one legal newspaper in the county where you are filing. When you go to your name change hearing, you must bring “proofs of publication” with you, to show the judge that you really did publish notice of the hearing in the required newspapers.

The publication requirement gives anyone who wants to contest your name change an opportunity to show up at your hearing to explain to the judge why your name should not be changed. However, it is unusual for someone to contest a name change.

In Philadelphia County, your name change must be advertised in the *Legal Intelligencer* and a general circulation newspaper, such as the *Daily News* or the *Philadelphia Gay News*. You only have to run the ad one time before the hearing. This can cost between \$370 and \$420.20. (Note: the cost is much less in most other Pennsylvania counties.)

The publication cost cannot be waived with an IFP.

Keep a copy of each paper as proof of publication. Submit the originals to Room 691 in City Hall.

STEP 4b:
Publication Waiver

If you filed for a publication waiver, you will have a short hearing before your name change hearing. Outside of Philadelphia, this hearing will likely take place on the same date as the name change hearing. When you arrive for that hearing, check in with the clerk and ask if your hearing can be held outside of open court for privacy reasons.

When you meet with the judge simply explain why you are worried about the publication. Talk about the prevalence of hate crimes against transgender people, or if you are particularly afraid of one or more persons or if you or friends have faced harassment or violence in the past, these are all good points to help explain to the judge why you should not have to publish your hearing.

If a judge agrees to waive the publication requirement because of safety concerns, you will not have to publish a notice about your hearing. In addition, your name change file will be permanently sealed, meaning that no one would be able to look up the record of your name change. Afterwards, you will receive a court date for your name change hearing in a week or two.

**STEP 5:
Judgment Searches**

To prove that you are not changing your name to avoid paying any debts, child support, or alimony, you must complete two judgment searches in your county of residence. One search is done through the Common Pleas Court and the other is done through Family Court.

In addition, you must complete a civil judgment search for each county you have lived in for the past five years. In Philadelphia you can do these searches yourself but for other counties you may need to hire someone to do them for you.

Common Pleas Judgment Search (City Hall)

Go to Room 262 and order the search. Bring documentation of your IFP if you have filed *in forma pauperis* - the search fee should be waived. If you did not file IFP, go to room 296 to pay for it, the cost is \$100.10. Get a receipt. You can expect to wait about a week for the results. Once the search is completed, collect a form with a red seal that shows the results of your search. Make a copy of the results for your own records.

Family Court Judgment Search (1501 Arch Street, 8th Floor)

Tell the cashier you need a judgment search because of a name change petition. Bring documentation of your IFP if you filed *in forma pauperis* - the search fee may be waived. If you did not file IFP, pay the cashier \$20 for the search. Make a copy of the results for your own records.

Once you have both judgment searches completed, you will need to return the originals to room 691 in City Hall.

If you want/need to hire someone to do the searches for you we recommend Cindy Gill at:

Mansfield Advertising
998 Old Eagle School Road, Suite 1209
Wayne, PA 19087-1805
(610) 254-9980

STEP 6: The Hearing

Here's a checklist of what you will need to bring to the hearing:

- Petition
- Copy of your birth certificate, social security card, valid photo identification
- Results of all required judgment searches
- Proof of Publication in a legal and general newspaper
or
- Publication waiver

In Philadelphia, you will not even see a judge; a clerk will simply accept your paperwork, check it over, and dismiss you. If you are outside Philadelphia County, there will be a hearing where the judge will ask some questions about things mentioned in the petition. In some counties, you will receive a court order that same day. In others, you may have to wait for the order to arrive in the mail.

To obtain certified copies, you must purchase them at your county's Prothonotary's office. In Philadelphia, if you filed IFP, the Prothonotary's office should waive the cost of several certified copies.

If you should run into any problems at your hearing, you should contact Mazzoni Center Legal Services or a private attorney as soon as possible.

Glossary:

In Forma Pauperis: [latin for “in the manner of a pauper”] To proceed as an indigent who is permitted to disregard filing fees and court costs.

Petition: a formal written request presented to a court or other official body.

Pro Se: where a person represents himself or herself without the assistance of a lawyer.

Prothonotary: the elected civil clerk of the Court of Common Pleas who is responsible for recording all civil procedures before the court. This official signs and seals all writs and processes numerous other documents of the Court of Common Pleas.

County Courthouse Numbers:

Philadelphia County

City Hall

284 City Halls

Philadelphia, PA 19107

Prothonotary's Office:

(215) 686-6652

Bucks County

100 N. Main Street

Doylestown, PA 18901

Prothonotary's Office:

(215) 348-6191

Chester County

313 West Market Street

West Chester, PA 19380

Prothonotary's Office:

(610) 344-6300

Delaware County (Courthouse & Government Center)

201 West Front Street

Media, PA 19063

(610) 891-4000

Montgomery County

Swede & Airy Sts.

P.O. Box 311

Norristown, PA 19404

Prothonotary's Office:

(610) 278-3360