

SELF-HELP PROCEDURES FOR FILING PETITION FOR CHANGE OF NAME (FAMILY)

These instructions are to be used if you want to change your family name. These forms cannot be used in connection with a divorce, paternity or adoption action. A name change in such cases should be done as part of that case. Please read the instruction sheet on General Information for Self-Represented Litigants along with this instruction sheet before proceeding.

There are fees for filing this petition and for service by the Sheriff's Office (if needed). If you cannot pay the fees at the time of filing because of unemployment or insufficient income, you may meet the criteria to be declared indigent. You must complete a Civil Affidavit/Application for Indigent Status with the Clerk of Court. Once you have completed this form, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, your filing fee will be waived. If obtaining service of process by the Sheriff, you will need to take a copy of the Civil Affidavit/Application to the Sheriff's Office along with your summons and attachments.

If both parents agree to the family and child(ren's) name change(s) and live in the county where the name change is sought, you may file as joint petitioners. In this situation service is not necessary and you may file your Request for Hearing once you have filed the appropriate forms as listed below with the Clerk of Court, Family Law Division, 1st Floor, M.C. Blanchard Judicial Building.

If only one parent asks for family and child(ren's) name(s) to be changed, the other parent must be notified and his/her consent obtained. If consent is not obtained, you may still schedule a hearing but the other parent must be provided with the petition to change name(s) through personal service or constructive service, and notified of the hearing.

The following is a checklist of forms and requirements. Specific instructions are available with each form to assist you in completing them correctly. You may need to obtain additional forms depending on your circumstances. Additional forms may be obtained from the Clerk of Court, Family Law Division, 1st Floor, M.C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida. Most forms can also be downloaded from the Internet at www.flcourts.org and/or www.escambiaclerk.com.

Required information and documents to be filed (you may use this as a checklist):

1. ___ Form 12.982(f) Petition for Change of Name (Family)
2. ___ Notice and Acknowledgment of Limitation of Services (must be filed along with your petition).
3. ___ ELECTRONIC FINGERPRINTS must be submitted for a state and national criminal history records check. The petitioner(s) will need to go to the Sheriff's Office to obtain the electronic fingerprint cards. If a joint petition is filed by both parents, you will need electronic fingerprint cards for both parents.
4. ___ Certified copy of the birth certificate for each child named in the petition.
5. ___ Form 12.982(d) Consent for Change of Name. This form is needed if any child for whom you are requesting a name change is not the legal child of both adults filing the petition.
6. ___ Form 12.982(g) Final Judgment of Change of Name (Family Name). THE FINAL JUDGMENT MUST BE TYPED ACCURATELY AND NEATLY FOR THE JUDGE TO SIGN. Bring the original final judgment plus two (2) copies, and two (2) self addressed stamped envelopes (one for each party) to the final hearing.
7. ___ Waiver of Personal Appearance on Final Judgment for Change of Name - Only court staff can determine if you are eligible to proceed without a hearing. You will be informed of this after you have filed your Request for Hearing/Trial.
8. ___ 12.900(a) Disclosure from Non-lawyer (if a person who is not a lawyer helped you complete this paperwork, you must complete and file this form.)

When the other parent does not consent to the name change on any or all children you also need:

9. ___ Form 12.910(a) Summons and Form 12.910 (b) Process Service Memorandum.. If the party lives in another county, the Summons and Process Service Memorandum need to be served by a sheriff or certified process server in that county. The Clerk of Court will prepare the Summons for you.

Where do I file?

***YOU MUST FILE THE ORIGINAL DOCUMENTS WITH THE CLERK OF COURT
IN THE COUNTY IN WHICH YOU RESIDE***

What to do after I have filed all forms?

If service is needed, the Clerk will issue a Summons and attach the other documents to it. The Summons informs the respondent that he/she will have 20 days to respond to your petition. If the respondent lives in Escambia County, take the summons with attachments to the Escambia County Sheriff's Office Civil Division for service of process on the respondent. The Sheriff's Office will send a Return of Service to you and to the Clerk of Court, stating whether the respondent was or was not served.

What if the other parent does not file an answer or submit required documents?

Once the parent has been served or waived service, he/she will have 20 days to file an Answer. If the respondent fails to serve or file a response or any paper within the 20 days allowed, you may file a Motion for Default and request a hearing date. **With the Motion for Default**, you must also file Form 12.9 12(b) **Nonmilitary Affidavit (if you are certain the other party is not in the military).**

When ALL required documents have been completed, all required time periods have passed (i.e., 20 days for the respondent to answer) and you believe your case is ready for a final hearing **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY.** Your case will be reviewed and a trial date, hearing date, or further instructions will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE

NOTICE OF LIMITATION OF SERVICES PROVIDED

This list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities.

The personnel in the self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel are not acting on behalf of the Court or any judge. The presiding judge in your case may require amendment of form(s) or substitution of a different form other than any you may have obtained from the clerk's office, the self-help office or a legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in the self-help program cannot tell you what your legal rights or remedies are, represent you in court, or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and receive from self-help personnel is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance from the self-help program, that person will receive the same service provided to you.

Clerk's Office Family Law Division: 595-4331

Court Administration Family Law Self Help Office: Division L 595-4407

Division M 595-3735

Division P 595-4497