

# ARROWOOD LAW

CHARLIE ARROWOOD, ESQ

## Instructions for Changing Your Name without a Lawyer Outside New York City

*This document is for information purposes only and does not constitute legal advice or establish an attorney-client relationship. It is current as of March 2022.*

### Overview:

Changing your name has four steps:

1. Prepare the “petition” you will submit to the court. Some people also prepare materials asking the court to waive fees.
2. File your papers with the court.
3. A judge will your materials and issue a signed, written order that changing your name. If you have requested a fee waiver or sealing of the record, the judge will consider these things at the same time.
4. Pick up official copies (“certified copies”) of your name change order. If you have been ordered to notify anyone of your name change, you must show proof of mailing in order to obtain the copies.

Each of these four steps is explained below.

### I. Completing the Petition and Other Filing Paperwork

Use the appropriate [template packet](#) to complete all of the required paperwork. There are separate forms for minors and adults, so make sure you are using the correct forms. If you would like me to review your name change packet before filing or if you have specific questions about what you need to include, please contact me at [charlie@arrowood.law](mailto:charlie@arrowood.law).

#### *Aliases*

- Include all names you’ve used – if you have any documents where your name is spelled incorrectly or there is an initial, include each in the caption
  - The main name in the caption should be First Middle Last, with a/k/a’s for First Middle Initial Last and First Last, along with any misspellings

# ARROWOOD LAW

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## *Exhibits*

- Call your birth document whatever it is called on the document (ex. Certificate of Live Birth, Certified Transcript of Birth, etc.)
- You will need to include a photocopy of your birth certificate and photo ID or other proof of address in the petition as exhibits, but bring the originals with you when you file also
- Bring originals of any other exhibits you include as described below

## *Criminal Convictions*

- If you have been convicted of a crime, you must tell the court the nature of the crime (ex. a misdemeanor property offense), the date of the conviction, and the jurisdiction (county) where the conviction occurred
  - Include a Certificate of Disposition as an exhibit for each conviction
    - You can get this from the county clerk in the county where the conviction occurred
  - You **do not** need to include arrests or indictments that were dismissed
  - Only **convictions for misdemeanors or felonies** need to be included
    - For example, you do not need to include a parking ticket or “red-light ticket” as long as it has not resulted in a conviction or judgment against you for failure to pay
  - You must tell the court if you have been convicted of certain violent felony convictions and are currently incarcerated or on probation for those convictions – if you are incarcerated or on probation for a violent felony, you may want to use an attorney to complete your name change

## *Bankruptcy*

- If you have ever declared bankruptcy, you must disclose that to the court and give them information about what court handled the bankruptcy and when it was discharged

## *Judgments & Liens*

- You must inform the court if a court has entered any judgments or liens against you (this does not include private credit card debt or loan debt, unless you have

# ARROWOOD LAW

CHARLIE ARROWOOD, ESQ

been sued about these things in court and the court made a final decision on the matter)

## *Marital Status & Child Support*

- ❑ If you are divorced, you must inform the court of any spousal support obligations
- ❑ If you have children, you must inform the court of any child support obligations

## *Pending Legal Proceedings*

- ❑ You must inform the court if you are a party to a pending legal proceeding (in other words, whether you are suing someone or being sued, or are being prosecuted for a crime)
- ❑ You should give the court enough information that they can look up the case (index number, court, filing date)
- ❑ You should also include any administrative proceedings you are involved in (for example, a pending immigration application)

## *Reason for Name Change*

- ❑ You need to tell the court why you are changing your name, but keep in mind that judges are generally not allowed to deny your name change, no matter what your reason is (as long as the name change is not for fraudulent purposes)
- ❑ Be aware that if the record is not sealed, your name change file is publicly accessible at the clerk's office and on the court's online database, so you can say something like:
  - "I am transgender and I would like the name on my identity documents to match my identity and appearance," or if you do not want your transgender status in the petition (which may make the case for sealing more difficult),
  - "I use the name [NEW NAME] in my everyday life and would like my documents to reflect that."
- ❑ If you are also changing your last name, the court usually wants you to explain why/how you chose the last name
  - Saying, "I have chosen the last name [NAME] as a matter of personal preference," is generally fine if that is accurate, though you can explain the reason if you have a more specific one

# ARROWOOD LAW

CHARLIE ARROWOOD, ESQ

## Sealing

- Court records are usually public. If you would like to make sure your name change file is private, you can ask the court to “seal the record” by saying: *“Because leaving the record accessible to the public would jeopardize my/my child’s safety by publicizing my/their transgender status, I respectfully request for safety and privacy reasons that this matter be sealed pursuant to N.Y. Civ. Rights Law § 64-a.”*
  - You should not be required to show you have experienced a personal threat based on your gender identity (being trans is supposed to be enough)
  - It is up to the individual judge whether to grant sealing or deny it – if the judge denies your request and you would like to fight it, please contact [charlie@arrowood.law](mailto:charlie@arrowood.law)
- Sealing may make it more difficult to obtain additional certified copies in the future, so consider purchasing more up front (5 should be enough to change basic documents)
  - The court may require you to submit an unsealing request – contact [charlie@arrowood.law](mailto:charlie@arrowood.law) if needed

## Previous Name Changes

- You must inform the court if you have previously changed your name through the courts

## Signatures

- You must sign the petition in front of a notary (do not sign it until you are in front of a notary)

## II. Filing

### Address for filing:

Google “[county] NY clerk” to find your county clerk’s office where you will file.

### Bring the following when you file:

- Original or certified copy of your birth certificate (will be returned)

# ARROWOOD LAW

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- Photo ID or other proof of address (they should accept a postmarked envelope that has gone through the mail if your photo ID does not have your current address on it)
- Payment for index number (\$210) (unless filing a fee waiver request – see below)
  - Every county accepts different forms of payment, so call your county to confirm whether you can pay by card, etc.
- Name change packet
  - Petition
  - Exhibits (any documentation referenced in the petition)
- For minor name changes, include:*
  - Consent from the non-petitioning parent
  - Consent from the minor if they are 14+

*If you are requesting a fee waiver, also take with you:*

- Affidavit in Support of Poor Person Order (form available [here](#))
  - Include any exhibits referenced or proof of benefits/income, etc.

## **To file:**

- Submit your papers to the clerk; they will tell you where to pay for the index number
- Depending on the county, they may assign an index number and provide everything to the court themselves or they may ask you to bring the papers to the judge
- Make sure you keep a copy of your index number in case you need to contact the court to find out whether your order is ready

## **III. After you receive the preliminary order:**

- If not ordered to make any notifications, your name change is complete and you can pick up your certified copies from the clerk's office in-person or by mail
- If ordered to make any notifications, complete those via certified mail (green & white receipt at the post office) and return the proof of mail to the clerk's office
- Purchase as many certified copies as you need (~\$5/each in most counties)

# ARROWOOD LAW

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- If the record is sealed, you may want to purchase some additional copies (5 is generally enough to change basic documents)
- If you need to unseal the record to purchase additional copies in the future, contact [charlie@arrowood.law](mailto:charlie@arrowood.law) for a request template

Once you have received your certified copies, you can find instructions to change your documents [here](#).