

# Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

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## How to Change an Adult's Name in New York

In New York, you can change your name without going to court. You can just start using your new name. However, it may be better to ask a court to change your name. Most government agencies or businesses (like the DMV, Social Security Administration, and airlines) will not accept your new name without a court order.

There are 2 ways to officially change your name.

### **Marriage or Divorce**

Marriage: You and your spouse-to-be can change your names when you marry. For example,

- The wife can take the husband's last name,
- The husband can take the wife's last name, or
- The couple can choose a new last name that they will both use.

Just put the new name that you choose on your marriage license application.

Divorce: Either spouse can ask the court to use any name used before the marriage when divorcing. New York divorce judgments include an order allowing you to return to a previous family name or surname, whether you ask for that permission or not.

You will need to send out notices of your name change to Social Security, the DMV, and other agencies who have your records. Some sample notification forms can be found at:

<http://dmv.ny.gov/driver-license/looking-information-about-changing-your-name>

<https://faq.ssa.gov/link/portal/34011/34019/Article/3749/>

### **To change your name for any other reason**

You have to ask the New York State Supreme Court to change your name. To do that, you must fill out and file these court forms:

- Name Change Petition
- Name Change Order
- Request for Judicial Intervention (RJI) (original plus 2 copies)
- Index Number Application

## **Where can I get the court forms?**

You can get them online at: <http://www.nycourts.gov/CourtHelp/NameChange/forms.shtml>

There is also a free, official do-it-yourself online program made by the New York court's Office of Justice Initiatives that you can find [here](#).

## **Does the court need to see my ID?**

Yes. You must also submit a certified copy of your birth certificate. In New York, you can get this from the state Department of Health. For more information, please visit them on the web here: [http://www.health.state.ny.us/vital\\_records/birth.htm](http://www.health.state.ny.us/vital_records/birth.htm).

## **Where do I take my completed forms?**

Take them to your local County Clerk's Office. Ask the clerk to file them. In most locations, there will be a filing fee of \$210.

Give the clerk all your papers and the fee, and the clerk will give you an index number. Write this number in the top-right corner of your:

- Name Change Petition
- Name Change Order

Then, take your forms to the Supreme Court Clerk's Office.

## **What if I cannot afford to pay the filing fee?**

If you cannot afford the fee, ask the clerk for an application to file for free. (This is called an Affidavit in Support of Application to Proceed as a Poor Person.)

## **Will the Court agree to change my name?**

The Court usually agrees to the name change unless you want to do something illegal with the new name, like use it to trick somebody or hide from debts.

In about 2 or 3 weeks after you file your papers, the Court will mail you either:

- A court order that allows you to change your name, or
- A notice rejecting your petition. If this happens, contact the court clerk for information on how to appeal

## **What do I do if the Court agrees to change my name?**

If the Court agrees to change your name, you must do three more things:

- File the court order with the county clerk
- Publish your name change in a local newspaper (unless you were given an exemption).  
Your publication notice should look like this:

Notice is hereby given that an order entered by the \_\_\_\_\_ Court, \_\_\_\_\_ county, on the \_\_\_\_ day

of \_\_\_\_, bearing Index Number \_\_\_\_, a copy of which may be examined at the office of the clerk, located at \_\_\_\_, in room number \_\_\_\_, grants me the right to assume the name of \_\_\_\_\_, the date of my birth is \_\_\_\_\_, the place of my birth is \_\_\_\_\_, my present name is \_\_\_\_\_.

Prove to the county clerk that you published your name change. To do this you must get and fill out an "Affidavit of Publication" from the county clerk.

After you do these last three things, your name change will be final.

If you are changing your name for safety reasons or because of domestic violence, you should tell the Court in your petition, ask for an exemption from publishing the name change, and contact a local domestic violence agency.

You can find the forms you need and information about name change on the Court's web site. Please visit <http://www.nycourts.gov/CourtHelp/NameChange/forms.shtml#test>

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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