

Confidential Name Change Procedure for an Adult or Minor 14 or Older in Dane County

Introduction

Any resident of the State of Wisconsin, whether a minor or an adult, may upon petition to the circuit court of the county where he or she resides and upon filing a copy of the notice, with proof of publication, if no sufficient cause is shown to the contrary, to have his or her name changed or established by order of the court. Under Wis. Stat. § 786.37(4), a judge can waive the publication requirement for a name change if the petitioner shows, by a preponderance of the evidence, that publication of the petition could endanger him or her and that the petitioner is not seeking a name change in order to avoid a debt or conceal a criminal record. If a judge makes this finding, all records related to the petitioner's name change shall be confidential and are exempt from disclosure under Wis. Stat. § 19.35(1). [Wis. Stat. § 786.36(2m)(a)]

NOTE: A Confidential Name Change can not be filed for a minor under 14.

Eligibility

You must be a resident of Wisconsin, Wis. Stat. 786.36(1).

***If you hold a professional license (other than a license to teach in the public schools) and your name change is for a reason other than marriage or divorce, you may need the approval of your licensing board or commission to change your name to a name other than the name on your license. Contact the board that issued the license to inquire about its requirements.

Documents

The packet includes these required four forms:

1. **Petition for Confidential Name Change (Adult or Minor 14 or Older) (CV-451)**
2. **Notice and Order for Confidential Name Change Hearing (CV-461)**
3. **Order for Confidential Name Change (CV-471) and Order Denying Confidential Name Change (CV-476)**
4. **Form DHS F-5021C "2011 Act 274 Confidential Legal Name Change"** required for changing WI birth certificates and other vital records.

****Note: If you have found this packet online, you will need to print each form individually.**

Even if an entire family is requesting to change their last name, each person should complete a separate set of the required forms. Each family member will be assigned a case number and charged a separate filing fee, but each case file will be assigned to the same judge. The judge will need to sign separate Orders for the name changes for each family member.

All forms must be typed or printed in **BLACK INK**. You (the Petitioner) must sign the **Petition for Confidential Name Change** in front of a Notary Public. Your bank or credit union will notarize documents for you. Make one copy of the Notice and Order for Confidential Name Change Hearing. You should also make a copy for yourself. Additional name change forms are available online for free at the Dane County Clerk of Court's website at <http://countyofdane.com/clrkcourt/prepare/formOther.aspx>. For assistance finding the forms online or to purchase them for a small fee, contact the Legal Resource Center at (608) 266-6316.

The hearing for confidential name change petition should be set as soon as practicable. Unlike a standard name change where the hearing is set several weeks out so the petitioner can fulfill the publication requirement, there is no publication requirement associated with the petition for a confidential name change.

Filing

Take all forms to the Clerk of Courts Administrative Office, Rm 1000, Dane County Courthouse, 215 S Hamilton Street, Madison. The filing fee is \$164.50. The filing fee is nonrefundable. The clerk will direct you to the duty judge with your paperwork to determine if the case should be sealed pending the hearing.

IF JUDGE ORDERS CASE SEALED PENDING HEARING:

- You will be directed back to the Clerk of Courts Administrative Office. Staff will collect the no money judgment filing fee. The fee is required unless a Petition for Waiver of Fees and Costs-Affidavit of Indigency and Order (CV-410) has been submitted and approved.
- The Administrative Staff will assign the case a CV case number and a judge to the case and will keep the original Petition for Confidential Name Change and the Order for Confidential Name Change for the case file. You will take the Notice and Order for Confidential Name Change Hearing to the clerk in the office of the assigned judge to obtain a hearing date.
- The judge's clerk will assign a date and time for the hearing. The hearing should be scheduled as soon as practicable because there is no publication requirement. The clerk will keep the original of the **Notice and Order for Confidential Name Change Hearing** and return the remaining copy to you. Note: If the judge is busy, you may have to wait or come back for the papers.

IF JUDGE DENIES THE CASE SEALED PENDING HEARING:

You will be asked by court staff whether you want to proceed with the confidential name change. If you decide to proceed, the matter is **not** considered confidential and the information will be accessible on public access. If you choose not to proceed with the confidential name change, court staff will keep your paperwork.

If you proceed with the request for confidential name change:

- You will be directed back to the Clerk of Courts Administrative Office. Staff will collect the no money judgment filing fee. The fee is required unless a Petition for Waiver of Fees and Costs-Affidavit of Indigency and Order (CV-410) has been submitted and approved.
- The Administrative Staff will assign the case a CV case number and judge to the case and will keep the original Petition for Confidential Name Change and the Order for Confidential Name Change for the case file. You will take the Notice and Order for Confidential Name Change Hearing to the clerk in the office of the assigned judge to obtain a hearing date.
- The judge's clerk will assign a date and time for the hearing. The hearing should be scheduled as soon as practicable because there is no publication requirement. The clerk will keep the original of the **Notice and Order for Confidential Name Change Hearing** and return the remaining copy to you. Note: If the judge is busy, you may have to wait or come back for the papers.
- The hearing is **not** confidential.

Hearing

Arrive at least 15 minutes early for your hearing at the assigned courtroom and inform the bailiff of your presence. You must have the original or certified copy of your birth certificate for the judge's review. You will be placed under oath and questioned about the information on the **Petition**. If your petition is granted, the judge will sign the **Order for Confidential Name Change**. If you are changing a WI birth certificate or other vital record, Form DHS F-5021C "Confidential Legal Name Change" must be partially completed at the conclusion of the hearing and taken to the Clerk of Courts Office.

After the Hearing

The judge's clerk will give you the file and direct you to the Clerk of Courts Office in Room 1000.

You may request certified copies of the **Order for Confidential Name Change** at the Clerk of Courts Office (Room 1000). Cost for each certification is \$5 plus \$1.25 per page.

To Change your Wisconsin Birth Certificate:

Mail or take Form DHS F- 5021C "Confidential Legal Name Change" to the Vital Records Office of the State Dept. of Health & Family Services, Room 158, State Office Building, 1 W. Wilson St., Madison 53703, with appropriate payment so that they can change your Wisconsin birth certificate or other vital record. Copies of the new birth certificate can be mailed to you upon request and appropriate payment. See the bottom of Form F- 5021C for fee amounts or you can contact the State Vital Records Office directly at (608) 266-1373.

If you were born or married outside of Wisconsin: You will need to contact the other state's "vital records office" and ask what it is they require to change your birth/marriage certificates. Addresses can be obtained from your local library.

You may also want to take one certified copy to the Register of Deeds Office, Real Estate Recording Section, Room 110 City County Building, and ask them to record it. This is important only if you own real estate in Dane County. It will cost \$30. You may want to remind this office that the order is confidential and may not be disclosed.

You may also want to take a certified copy of the name change order to the Social Security Administration

If the Judge Denies the Petition for Confidential Name Change

The judge's clerk will complete the **Order Denying Confidential Name Change** and present to the judge for signature. The clerk will enter the order denying the petition and close out the case file. Should the judge wish to unseal the court file, it should be noted on this order. The code ODCNC – Order Denying Confidential Name Change is entered on the case and the codes ORSR – Order to Remove Sealed Record and ORSP – Order to Remove Sealed Party are entered to remove the sealed status on the case. You may decide to seek a name change using the standard procedure. You can file a Petition for Change of Name (Adult or Minor 14 or Older)(CV-450). You can obtain the forms for a legal name change online through the Clerk of Court's Website or at the Dane County Legal Resource Center for a small fee. The new petition will be filed under the same case number and the clerk should process as a standard name change. There is no additional filing fee and the matter stays with the assigned judge.