

## **IC 34-28-2**

### **Chapter 2. Change of Name**

#### **IC 34-28-2-1**

##### **Petition to circuit court**

Sec. 1. Except as provided in section 1.5 of this chapter, the circuit courts in Indiana may change the names of natural persons on application by petition.

*As added by P.L.1-1998, SEC.24. Amended by P.L.18-1998, SEC.1.*

#### **IC 34-28-2-1.5**

##### **Incarcerated persons may not petition for change of name**

Sec. 1.5. A person may not petition for a change of name under this chapter if the person is confined to a department of correction facility.

*As added by P.L.18-1998, SEC.2.*

#### **IC 34-28-2-2**

##### **Filing petition; procedure for change of name of minor**

Sec. 2. (a) The petition described in section 1 of this chapter must:

- (1) if applicable, include the information required by section 2.5 of this chapter;
- (2) in the case of a petition filed by a person described in section 2.5 of this chapter, be subscribed and sworn to (or affirmed):
  - (A) under the penalties of perjury; and
  - (B) before a notary public or other person authorized to administer oaths; and
- (3) be filed with the circuit court of the county in which the person resides.

(b) In the case of a parent or guardian who wishes to change the name of a minor child, the petition must be verified, and it must state in detail the reason the change is requested. In addition, except where a parent's consent is not required under IC 31-19-9, the written consent of a parent, or the written consent of the guardian if both parents are dead, must be filed with the petition.

(c) Before a minor child's name may be changed, the parents or guardian of the child must be served with a copy of the petition as required by the Indiana trial rules.

*As added by P.L.1-1998, SEC.24. Amended by P.L.61-2010, SEC.1.*

#### **IC 34-28-2-2.5**

##### **Contents of petition**

Sec. 2.5. (a) If a person petitioning for a change of name under this chapter is at least seventeen (17) years of age, the person's petition must include at least the following information:

- (1) The person's date of birth.
- (2) The person's current:
  - (A) residence address; and
  - (B) if different than the person's residence address, mailing

address.

- (3) The person's valid:
  - (A) Indiana driver's license number; or
  - (B) Indiana identification card (as described in IC 9-24-16) number.
- (4) A list of all previous names used by the person.
- (5) Proof that the person is a United States citizen.
- (6) A statement concerning whether the person holds a valid United States passport.
- (7) A description of all judgments of criminal conviction of a felony under the laws of any state or the United States that have been entered against the person.

(b) A petition under subsection (a) is subject to Indiana Rules of Court Administrative Rule 9.

*As added by P.L.61-2010, SEC.2.*

### **IC 34-28-2-3**

#### **Notice of petition**

Sec. 3. (a) Upon filing a petition for a name change, the applicant shall give notice of the petition as follows:

- (1) By three (3) weekly publications in a newspaper of general circulation published in the county in which the petition is filed in court.
- (2) If no newspaper is published in the county in which the petition is filed, the applicant shall give notice in a newspaper published nearest to that county in an adjoining county.
- (3) The last weekly publication shall be published not less than thirty (30) days before the day the petition will be heard as indicated in the notice.

(b) In the case of a petition described in section 2(b) of this chapter, the notice required by this section must include the following:

- (1) The name of the petitioner.
- (2) The name of the minor child whose name is to be changed.
- (3) The new name desired.
- (4) The name of the court in which the action is pending.
- (5) The date on which the petition was filed.
- (6) A statement that any person has the right to appear at the hearing and to file objections.

(c) Except as provided in section 1.5 of this chapter, in the case of a person who has had a felony conviction within ten (10) years before filing a petition for a change of name, at least thirty (30) days before the hearing the petitioner must give notice of the filing of the petition to:

- (1) the sheriff of the county in which the petitioner resides;
- (2) the prosecuting attorney of the county in which the petitioner resides; and
- (3) the Indiana central repository for criminal history information.

(d) The notice given to the Indiana central repository for criminal

history information under subsection (c) must include the petitioner's full current name, requested name change, date of birth, address, physical description, and a full set of classifiable fingerprints.

(e) The Indiana central repository for criminal history information shall forward a copy of any criminal records of the petitioner to the court for the court's information.

(f) A copy of the court decree granting or denying such a petition shall be sent to the Indiana state police.

(g) A person who violates subsection (c) commits a Class A misdemeanor.

*As added by P.L.1-1998, SEC.24. Amended by P.L.18-1998, SEC.3; P.L.1-1999, SEC.72; P.L.61-2010, SEC.3.*

#### **IC 34-28-2-4**

##### **Proof of publication; time of hearing; notice requirements; determination on petition**

Sec. 4. (a) Proof of the publication required in this chapter is made by filing a copy of the published notice, verified by the affidavit of a disinterested person, and when proof of publication is made, the court shall, subject to the limitations imposed by subsections (b), (c), and (d), proceed to hear the petition and make an order and decree the court determines is just and reasonable.

(b) In the case of a petition described in section 2(b) of this chapter, the court may not hear the petition and issue a final decree until after thirty (30) days from the later of:

- (1) the filing of proof of publication of the notice required under subsection (a); or
- (2) the service of the petition upon the parents or guardian of the minor child.

(c) In the case of a petition described in section 2(b) of this chapter, the court shall set a date for a hearing on the petition if:

- (1) written objections have been filed; or
- (2) either parent or the guardian of the minor child has refused or failed to give written consent as described in section 2(b) of this chapter.

The court shall require that appropriate notice of the hearing be given to the parent or guardian of the minor child or to any person who has filed written objections.

(d) In deciding on a petition to change the name of a minor child, the court shall be guided by the best interest of the child rule under IC 31-17-2-8. However, there is a presumption in favor of a parent of a minor child who:

- (1) has been making support payments and fulfilling other duties in accordance with a decree issued under IC 31-15, IC 31-16, or IC 31-17 (or IC 31-1-11.5 before its repeal); and
- (2) objects to the proposed name change of the child.

(e) In the case of a person required to give notice under section 3(c) of this chapter, the petitioner must certify to the court that the petitioner has complied with the notice requirements of that subsection.

*As added by P.L.1-1998, SEC.24. Amended by P.L.61-2010, SEC.4.*

**IC 34-28-2-5**

**Court decree as evidence; copy sent to health department, clerk of circuit court, or board**

Sec. 5. (a) A copy of the decree of the court changing the name of any natural person, certified under the seal of the court by the clerk of the court, is sufficient evidence of the name of the person, and of a change having been made, in any court of Indiana.

(b) In the case of a petition described in section 2(b) of this chapter, the court shall send a copy of the final decree to the state department of health and to the local health department of the county.

(c) In the case of a petition filed by a person at least seventeen (17) years of age, the court shall send a copy of the final decree to the clerk of the circuit court or board of registration of the county where the person resides.

*As added by P.L.1-1998, SEC.24.*