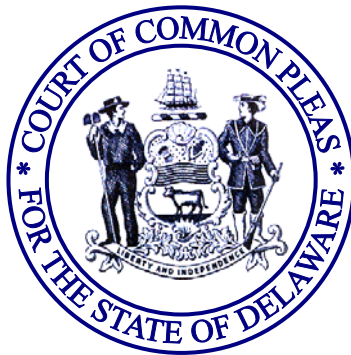


**COURT OF COMMON PLEAS**  
for the State Of Delaware



***CHANGE OF NAME PETITIONS***

***SUSSEX COUNTY***

<http://courts.state.de.us/commonpleas/>

THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

**INSTRUCTIONS FOR CHANGE OF NAME PETITIONS FOR SUSSEX COUNTY**

This is your change of name packet. It includes the following documents:

- General Instructions
- Petition for Name Change
- Affidavit (to be attached to Petition)
- Notice of Name Change for Publication
- Special Instructions for Changing the Name of a Minor (Attachment A)
- Questionnaire for Name Change of Minor Child
- Form Letter for Name Change of Minor

**GENERAL INSTRUCTIONS**

1. Petitioner(s) must be residents of the State of Delaware in the county in which the petition is filed. If more than one family member, living in the same household, wishes to change their name, they may do so using one petition. Each petitioner will receive a certified copy of the signed Order.

2. If you are the parents or legal guardian of a minor child and wish to change the name of this child, please read the special instructions for Name Change of Child before proceeding further. A minor is one who has not reached his/her eighteenth (18<sup>th</sup>) birthday.

Notice must be given to the general public that you are changing a given name. This is done by filing the **Notice of Name Change** with a newspaper of general circulation in the county in which you reside. The notice must be published **once a week for three (3) weeks**. You are responsible for the cost of the publication. After publication is completed, the newspaper will provide you with an Affidavit of Publication. The **Affidavit of Publication must be returned to the Court Clerk's Office along with other documents in this packet**. You may publish in the following newspapers:

**SUSSEX COUNTY**

- (a) **The Sussex Countian** – 15 S. Front Street, Georgetown, Delaware 19947, telephone: (302) 856-0026.
- (b) **The Sussex Post** - Millsboro, Delaware 19966, telephone: (302) 934-9261.
- (c) **The Cape Gazette** – 17585 Nassau Commons Blvd., Lewes, Delaware 19958, telephone: (302) 645-7700.
- (d) **The Chronicle** - 10 S.W. Front Street, Milford, Delaware 19963, telephone: (302) 422-1200.

3. Fill out the **Petition for Name Change** and have the petition and the attached affidavit notarized by a Notary Public. In filling out the **Petition**, make certain you outline the **full name** of the individual(s) seeking to have his/her name changed, indicating full addresses, including zip codes and daytime telephone numbers. This is important because the Court Clerk will use the address to mail your certified copy of the **Order** after it has been signed by a Judge or Commissioner, or may need to contact you prior to your hearing date. If you move before receiving your copy of the **Order**, you must notify the Clerk's Office of your new address and telephone number.

4. Paragraph numbers 8(a) and 8(b) of the **Petition for Name Change** should be filled in only if the change of name request is for a minor.

5. Staple together the following documents and bring them to the Clerk's Office of the Court of Common Pleas in the county in which you reside:

- (a) Petition with **notarized** Affidavit;
- (b) Affidavit of Publication (from newspaper);
- (c) Questionnaire for Minor Children, if applicable;
- (d) Completed form letter for minor children (except date);
- (e) Birth Certificate;
- (f) Divorce Decree (if applicable).

6. When you bring your completed packet to the Clerk's Office, you will be required to pay a filing fee of \$78.00, which includes a Court Security Assessment. This fee entitles you to two (2) certified copies of the Order signed by a Judge or Commissioner. Each additional copy will cost \$10.00. Payment for extra copies must be made by SEPARATE check. You must choose a hearing date at this time.

7. Petitions are heard at the Sussex County Courthouse located on The Circle in Georgetown. At the time you file your Petition, the Court Clerk will tell you when your Petition will be heard. Please direct any questions to the Office of the Clerk, Court of Common Pleas, Sussex County Courthouse, 1 The Circle, Suite 1, Georgetown, DE 19947, telephone (302) 856-5591.

8. You must appear 30 minutes before your scheduled appearance in order to check in with the bailiff and be directed to the appropriate courtroom. Proper dress is required to enter the courtroom. Shirts and shoes must be worn.

9. Petitions that are **incomplete** in any way will not be accepted.

**THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**  
**IN AND FOR SUSSEX COUNTY**

IN RE CHANGE OF NAME OF:            )  
  )  
\_\_\_\_\_ )           C.A. No. \_\_\_\_\_  
          to                                    )  
  )  
\_\_\_\_\_ )

**PETITION FOR NAME CHANGE**

Select One:

( ) An Adult,   ( ) a Minor under the age of 18 years.

1.     Petitioner, whose address is \_\_\_\_\_,  
is a resident of \_\_\_\_\_ County, State of Delaware.

        Petitioner's daytime telephone number is \_\_\_\_\_.

2.     Date and location of Birth of Petitioner or Minor is \_\_\_\_\_  
in \_\_\_\_\_.

3.     Petitioner desires to change his/her name or Minor's name from  
\_\_\_\_\_ to \_\_\_\_\_.

4.     The reason for the proposed change of name is: \_\_\_\_\_  
\_\_\_\_\_.

5.     There are no creditors or other persons who will be defrauded or adversely  
affected by said change of name.

6.     Notice of this Petition has been published in \_\_\_\_\_  
Newspaper in \_\_\_\_\_ County, once a week for three weeks prior to

the filing of this Petition. An Affidavit of Publication is attached hereto as Exhibit "A" and incorporated herein by reference.

7. Complete this section only if Petitioner has pending criminal charges or is currently subject to the supervision of the Department of Corrections.

(a) If applicable, list all pending criminal charges:

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(b) If Petitioner is on probation or parole, specify the name of the officer, the term of probation or parole, and the charge(s):

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8. Complete this section only if Petitioner is filing on behalf of a minor (Child has not reached the age of 18 years.)

(a) The names and addresses of child's living natural parents are:

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(b) If applicable, the name(s) and date(s) of death of child's deceased natural parent(s) is/are: \_\_\_\_\_

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9. Are you currently required to register with the Delaware State Police or with any other governing authority in any jurisdiction? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please state why \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PETITIONER

\_\_\_\_\_  
MINOR

\_\_\_\_\_  
PETITIONER

\_\_\_\_\_  
PETITIONER

THIS FORM MUST BE COMPLETED BY A NOTARY

**THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY**

IN RE CHANGE OF NAME OF: )  
 )  
 )  
 \_\_\_\_\_ )  
 to )  
 )  
 \_\_\_\_\_ )

C.N. No. \_\_\_\_\_

**AFFIDAVIT**

STATE OF DELAWARE )  
 )  
 COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED that on \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_,  
Petitioner(s) personally appeared before me, the Subscriber, a Notary Public in and for the  
State and County aforesaid and being duly sworn by me according to law, deposes and  
says that he/she is the Petitioner(s) above named, and that the facts set forth in the Petition  
are true and correct to the best of their knowledge or belief.

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
PETITIONER'S SIGNATURE

SWORN AND SUBSCRIBED before me the day and year first above written.

\_\_\_\_\_  
NOTARY

**THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY**

IN RE: CHANGE OF NAME OF )  
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PETITIONER(S)

TO

NOTICE IS HEREBY GIVEN that \_\_\_\_\_

\_\_\_\_\_

intends to present a Petition to the Court of Common Pleas for the State of Delaware in  
and for \_\_\_\_\_ County, to change his/her name to \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

DATED: \_\_\_\_\_

**NOTE: This form must be taken to the newspaper for publication**



THIS QUESTIONNAIRE IS TO BE FILLED OUT WHEN THE NAME OF A MINOR CHILD IS TO BE CHANGED. PLEASE NOTE THAT ALL REASONABLE EFFORT MUST BE MADE TO CONTACT THE ABSENT PARENT(S). FAILURE TO DO SO MAY RESULT IN A DENIAL OR POSTPONEMENT OF YOUR PETITION

**THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**  
**IN AND FOR SUSSEX COUNTY**

IN RE CHANGE OF NAME OF: \_\_\_\_\_ )  
\_\_\_\_\_ ) C.A. No. \_\_\_\_\_  
to \_\_\_\_\_ )  
\_\_\_\_\_ )

QUESTIONNAIRE

Child's present name: \_\_\_\_\_

Child's proposed name: \_\_\_\_\_

Name and address of child's natural father/mother (if not signing Petition)  
\_\_\_\_\_  
\_\_\_\_\_

Does the natural father/mother have parental rights? \_\_\_\_\_

Is the natural father listed as the father on the birth certificate? \_\_\_\_\_

Has the natural father acknowledged paternity or has any Court determined his paternity? \_\_\_\_\_

Does the natural father/mother have any contact with the child either through visitation, correspondence, telephone or otherwise? \_\_\_\_\_

Has the natural father/mother been notified by mail? \_\_\_\_\_

If not, why? \_\_\_\_\_  
\_\_\_\_\_

Has the natural father/mother indicated whether or not he/she is opposed to the proposed change of name? \_\_\_\_\_

Does the natural father/mother support the child either by Court Order or otherwise?

\_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PERSON COMPLETING  
FORM

THIS LETTER IS TO BE USED WHEN THE NAME OF A MINOR CHILD IS TO BE CHANGED

**THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**

**IN AND FOR SUSSEX COUNTY**

FORM LETTER FOR PARENT OF MINOR CHILD

FROM: Name and Address:

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TO: Name and Address:

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This is to notify you that I have petitioned the Court of Common Pleas for the State of Delaware to change the name(s) of your minor child/children:

\_\_\_\_\_ to \_\_\_\_\_.

A Court hearing has been scheduled for \_\_\_\_\_ (day and date) at \_\_\_\_\_ (time). The hearing will be held in the Court of Common Pleas located at \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE

Note: If you choose to appear and contest the name change of a minor child, you must identify yourself to the Clerk/Bailiff when appearing for the hearing and indicate you wish to contest the matter.

## ATTACHMENT "A"

### IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

#### IN AND FOR SUSSEX COUNTY

#### SPECIAL INSTRUCTIONS FOR PARENTS OF MINOR CHILDREN

1. If your minor child has reached his/her fourteenth (14) birthday, his/her signature must appear on the Petition in addition to the signature of the parents or legal guardian. Additionally, children of the age of six (6) years of age or older should be present in Court when the Petition is presented. Children fourteen (14) years of age or older will be required to testify that they desire the name change. Children of the age of six (6) and older may be questioned by the Court to see if they understand the nature of the proceedings.
2. If one or both natural parents of a minor child are deceased, the names of the deceased parent and the date of death must be included on the Petition. Paragraph 8(b) of the Petition has been provided for this purpose. A copy of the death certificate must be filed with the Petition.
3. If the Petitioner is a legal guardian of a minor child, a copy of the Court Order must be filed with the Petition.
4. The Petition for name change of a minor child should be signed by both the child's living natural parents. If it is impractical or impossible for both natural parents to sign the Petition, the parent not signing must be notified of the name change and served a copy of the Petition before the name change will be granted. The procedure for doing this is outlined below:
  - (a) Following the General Instructions, fill out all of the documents in the packet except the Form Letter. Make a copy of the Petition. Once the procedure in the General Instructions has been completed, return all documents to the Office of the Clerk of the Court of Common Pleas. At this time, you will be given a court date. When both parents sign the Petitions before a Notary Public, both names must appear on the lines provided in the Affidavit.
  - (b) Once you have received your Court date, immediately fill out the Form Letter. When filling out the Form Letter, make sure that you include the full name and mailing address of the parent not signing the Petition in the space provided. The name and address should appear on the Form Letter and the Petition just as it appears on the mailing envelope.
  - (c) Photocopy the completed Form Letter. You must bring a copy of the completed Form Letter with you to the Court on the day of the hearing.

(d) Mail the original Form Letter and a copy of the Petition to the parent(s) not signing the Petition. This letter must be sent by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED**. The green return receipt, along with a copy of the Form Letter **must** be brought with you to the hearing.

5. It is essential that you bring the green return receipt card to the court hearing. If the certified letter is not accepted but rather, returned by the Post Office, you **must** bring the returned envelope with you to the court hearing. When scheduling a court date, make sure that you allow enough time for the certified letter to reach the parent not signing and for the receipt or the letter to be returned to you.

6. All reasonable efforts must be made to notify the parent or parent(s) not signing the Petition of the proceedings. If no effort is made to notify the absent parent, the Court may choose to deny your Petition.

7. If you have any questions or problems in completing the paperwork for the name change, please contact the Civil Division Clerk's Office of the Court of Common Pleas at (302) 856-5591.

8. This procedure only changes the **name** of the child. It does **not** affect parental rights.