

MEMO

To: Trish McAllister

From: Kristen Levins

Re: Name Change Forms

Date: March 25, 2019

On January 28, 2019, we met with Pete Schenkken about the Uniform Forms Task Force Name Change Forms. He is the Chair of the Supreme Court Advisory Committee standing sub-committee asked to report on these forms.

Below, the statutes and rules we referred to when creating the forms are listed in “Relevant Statutes and Rules” – the text of these statutes or rules are compiled in a separate document. Answers to the subcommittee’s questions are in “Question and Answer”. Edits made directly on the relevant forms are outlined in “Edits Made”. Proposed additions are written in blue under “Suggested Language”. Government website pages are listed under “Links”.

Relevant Statutes and Rules

Texas Civil Practices and Remedies Code Section 30.014

Texas Family Code Chapter 45

Texas Government Code Section 411.088(a)

Texas Rules of Civil Procedure 21c

Question and Answer

Question: What percentage of name change petitions are filed by a self-represented litigant?

Answer: The vast majority. As of today’s date, we only have statistics from Travis County. (We are waiting on the numbers from Harris County District Courts. OCA does not collect data on name changes individually – it is tracked in the “All Other” family category.)

According to a statistician with the Travis County District Court, in 2018, 702 of the 702 name change petitions were filed by a self-represented litigant; in 2017, it was 757 of 757.

Both TexasLawHelp (statewide) and the Harris County Law Library have self-help forms on their websites. The large number of downloads from these websites underscores the number of name change petitions filed by SRLs.

- TexasLawHelp

- 16,461 unique adult name change forms downloads in 2018. The forms and instructions can be downloaded separately, and there are 3 documents total, so this number is probably artificially high.
- 7,235 unique child name change forms downloads in 2018. Like the adult forms, these can be downloaded separately, but there are 4 documents total in this kit.
- Harris County Law Library
 - 11,678 unique adult name change forms downloads in 2018. Unlike TexasLawHelp, the entire kit is downloaded at the same time. This number is of unique downloads of the petition, order, and instructions.
 - 6,689 unique child name change forms downloads in 2018. Again, this number is downloads of a complete kit: petition, child’s consent, order, and instructions.

Question: Do petitioners need to include their Social Security and driver’s license numbers on child’s name change petition

Answer: Yes, if the petitioner is a “party”. “Party” is undefined in this chapter. Civil Practices and Remedies Code § 30.014(a).

Question: Should there be an instruction on how to file a contested name change for a child?

Answer: No. If we want to address contested name changes, we need to create a separate form. Adding information on service would unnecessarily complicate the instructions.

Most of the jurisdictions that have name change forms available online have separate forms for agreed and contested name changes.

Question: Are the fees for fingerprinting statutorily set?

Answer: No.

Question: Are background checks required by statute?

Answer: No. But fees for background checks are listed in Chapter 411.088 of the Texas Government Code.

Question: Do people’s Social Security number change when their name changes?

Answer: No. According to the Social Security Administration, there are five instances when a different number is assigned. See <https://faq.ssa.gov/en-US/Topic/article/KA-02220>.

Question: Does the order need to include a Social Security number?

Answer: No, according to Chapter 45, Texas Family Code. It is only required in the petition.

Question: Who redacts sensitive information?

Answer: The parties, according to Texas Rule of Civil Procedure 21c.

Edits Made

Adult Name Change Instructions:

- Added sentence under “Do Not Use” to say this form should not be used for a name change simultaneous with a divorce.
- Added a pros/cons section on declaration vs. notary and where a notary can be found.
- Added a fee range for fingerprinting. Added information on where you can be fingerprinted.
- Moved background check information from Step 2 to Step 5.

Child Name Change Instructions:

- Added “Agreed” to the title.
- Added a pros/cons section on declaration vs. notary and where a notary can be found.

Both sets of instructions:

- Added citations for statutes and/or rules that require the disclosure of sensitive information.
 - The subcommittee wanted an instruction on why sensitive data was required and how it is handled. I am concerned that will lead to information overload and limited the instruction to citations.

Both petitions:

- Added “sensitive information” designations per Texas Rule of Civil Procedure 21c(d).

Suggested Language

- The subcommittee was concerned that the warning language in a red box at the top of each petition may discourage people from using the form. Alternate language:
 - It is always best to hire a lawyer. To get a referral to a lawyer or, if you are poor, to a free Legal Aid program, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.

If you are poor, you may be able to talk to an attorney online by live chat at www.TexasLawHelp.org.

- Add pros/cons on declaration vs. notary to instructions
 - Complete the declaration section if you do not want to swear under oath and you are okay with putting your birthdate and address on a court document.
 - Complete the notary section if you do not want to your birthdate and address on a court document, and you want to swear under oath. Many notary public’s charge a fee for their service.

- Define “notary” and explain where to find one
 - A Notary Public witnesses you signing the petition. You must not sign the notary section until you are with a notary. You can find notaries at most banks and many UPS Stores. Some notaries charge a fee for their service.
- Explain where to get an FBI fingerprint card
 - DPS website: The petitioner may call 1-888-467-2080 to schedule an appointment to be fingerprinted at a “Print and Go” FAST location or access the website at www.identogo.com and select Option B – Fingerprint Cards. Fingerprints cannot be transmitted to DPS electronically. The fee for this fingerprinting service is \$20.00, includes two fingerprint cards. Petitioner must submit both fingerprint cards and all required information to DPS by mail.

Links

How to change your name on your Social Security card – faq.ssa.gov

How to change your name on your driver’s license – dps.texas.gov

How to get fingerprints taken – dps.texas.gov