



LAW OFFICE OF
BRYAN FAGAN
— PLLC —

**Name
Change**

ADULT NAME CHANGE IN HOUSTON, TX

WORK WITH A HOUSTON ATTORNEY

CALL US FOR ALL YOUR FAMILY LAW NEEDS (281) 810-9760

INTRODUCTION

Thank you for downloading our special report: about Adult Name Change, with information that will help you protect your assets and secure your future. For more insider divorce tips, please download our other special reports about Dirty Divorce Tricks, How to Plan and Prepare for Divorce, and Divorce after 50. We understand that you have a lot of questions and concerns about your divorce and we want to help you feel as comfortable with the process as we can. If you would like to speak to one of our highly skilled Law Office of Bryan Fagan, PLLC attorneys, we encourage you to contact us to schedule a free confidential consultation. We're here for you, always. Sincerely, Bryan Fagan, Law Office of Bryan Fagan

ADULT NAME CHANGE IN TEXAS

OUR HOUSTON FAMILY LAW ATTORNEY IS READY TO HELP

Whether you want to change your name after getting a divorce or because you feel your current name doesn't suit you anymore, the process can be complex at times. Being thorough is of utmost importance when getting a name change.

At the Law Office of Bryan Fagan, PLLC, we can guide you through the process of changing your name in Texas. Our Houston family law attorney has a thorough understanding of state law to help you obtain the results you desire.

TEXAS LEGAL NAME CHANGE PROCESS

Beginning with your birth certificate, your legal name is documented on your driver's license, Social Security card, job and school applications, medical records, and just about anything considered official. There is a legal process for changing your name.

- ☑ How can I change my name in Texas when I am getting married or Divorced?
- ☑ What is the procedure for an adult to change their name in Texas?
- ☑ How to change your name in Texas?

The following are the legal processes for getting your adult name changed in Texas:

- ☑ Marriage – When you get married, the state allows individuals to change their name. When filling out the application for a marriage certificate, a person can simultaneously request a name change by taking the new name and listing the previous name.
- ☑ Divorce – An individual is allowed to change their name during the Texas divorce process by requesting it on the divorce decree. As soon as the name changes, a person can go to the county clerk's office and apply for a change of name certificate.
- ☑ For other reasons – Without getting married or divorce, a person can change his/her by going to court and petitioning for a name change. In order to legally change a name, relevant information is required to obtain an order which grants a name change request. Unless the court determines a reason that the name change is not in the public interest, and adult may change his/her name for any reason.

However, a name change will not be granted if the intention is fraudulent, to interfere with the rights of others, and if it sounds like a racial slur.

GET THE PROCESS STARTED TODAY!

If you wish to change your name, our Houston family law attorney can be of assistance. We know what documents and information you need to successfully get your name changed.



HOW CAN I CHANGE MY NAME IN TEXAS WHEN I AM GETTING MARRIED OR DIVORCED?

This article addresses the steps to take in order to change your name when you are getting married in Harris and Montgomery County in Texas.

MARRIAGE

When a name change is part of a marriage, the change is made when obtaining a marriage license.

Those married in the state of Texas can include the change of name on the marriage license while making the application. The wife or husband can seek a number of changes to their name.

Maiden name usage – In Texas are also allowed to go with the surname of your spouse on all records and identifications but continue using the maiden name in your professional circles such as the workplace.

Hyphenation – In Texas, you are also allowed to request a name change by taking the surname of your spouse by adding it into your own with a hyphen or simply add without a hyphen.

Continue using your name as it is - In Texas another option is to just continue with your marriage life without seeking a name change.

DIVORCED

Changing your name in a Texas divorce is a simple matter. It is just an additional line in the Petition for Divorce asking for the name change and an additional line in the Divorce Decree granting the name change. It also involves a couple more questions during the divorce prove up.

Section 6.706. of the Texas Family Code only puts the restriction that it must be a name that was “previously used by the party.” This means it does not have to be the maiden name but can be any name that was “previously used.”

It cannot be a name that was never used. If you want to use a name that was never used, then you will have to go through the legal process for doing so outside of the divorce process. This process is more work and requires a criminal background check.

REPORTING YOUR NAME CHANGE

There is some work involved in changing your name. If you have recently been married or divorced and you have legally changed your name, you will need to report your new name to:

- ☑ the Department of Public Safety (DPS)
- ☑ Social Security Administration (SSA), and the

DOCUMENTS NEEDED

When updating our name on documents such as your driver’s license or social security card you will be required to show legal documentation of name change. Documents must be original or certified copy. Certified documents should not be laminated. No photocopies can be accepted.

Acceptable documents:

- ☑ Marriage license
- ☑ Divorce decree
- ☑ Court ordered name change



LAW OFFICE OF BRYAN FAGAN, PLLC | SPRING, TX CHILD SUPPORT LAWYERS

Our Spring, Texas Divorce Lawyers are skilled at listening to your goals during this trying process and developing a strategy to meet those goals. Contact Law Office of Bryan Fagan, PLLC by calling (281) 810-9760 or submit your contact information in our online form. Law Office of Bryan Fagan, PLLC handles Divorce Cases in Spring, Texas or surrounding areas, including Harris County, Montgomery County, Washington County, Grimes County, Fort Bend County and Waller County.

WHAT IS THE PROCEDURE FOR AN ADULT TO CHANGE THEIR NAME IN TEXAS?

Clients of the Law Office of Bryan Fagan, PLLC will often time request that their name be changed after a divorce has been finalized. If you are interested in learning more about divorce in Texas and would like to have your name changed as well, then this blog post is for you.

The Texas Family Code allows a person to change their name after a divorce but only to a name that you have used previously. At the final hearing in your case known as a "prove up" you will be asked either by your attorney or by the judge whether or not the purpose of the name change request is to evade creditors or otherwise make yourself harder for someone to track down. As long as your motivation is not something illegal then you will most likely be granted the name change.

I have heard some clients come to our office with a concern that a judge may not grant their name change request in order to ensure that all members of the family share the same last name. This is not true and should be a concern for you. However, if you are attempting to change the name of your child in conjunction with a divorce then you, unfortunately, will not be able to do so, at least as a part of the divorce case.

WHAT HAPPENS AFTER THE NAME CHANGE HAS BEEN GRANTED?

Once you have asked the court for the name change and the change has been granted then your new name is official.

You can request that the clerk of your court issue you a certification of your new name. This document will assist you in going through the process of getting your name changed by all the different entities that are a part of your life. In detail, the document states the following:

- ☑ your name prior to the name change request being granted
- ☑ your new name after the name change request was granted
- ☑ the date on which the name change was granted
- ☑ your social security number and driver's license number
- ☑ the name of the court that approved your name change request
- ☑ the county or district clerk's signature

SEEKING A NAME CHANGE INDEPENDENT OF A DIVORCE? THE PROCESS IS LESS STRAIGHTFORWARD

If you are an adult who is attempting to change your name outside of a divorce proceeding the process of actually having a court approve your name change request is not quite as simple, however. First and foremost a background check may be necessary.

The reason for this is based on the idea that we discussed earlier in this blog post about a court wanting to make sure that you have no suspicious motives for wanting the name change. If you are attempting to evade law enforcement or creditors and changing your name is the means why which you want to accomplish this goal then you will most likely have to look elsewhere for a solution. Part of this background search is submitting fingerprints to the court as well.

The background check is not completed overnight but rather will take up to six weeks. It is not enough to buy a fingerprinting kit off the internet and submit your samples in this manner.



Your local police station, FBI office or other state-approved fingerprinting service must be utilized to ensure that the prints are legitimate and not altered in some way. The Texas Department of Public Safety is the state entity that is responsible for running background searches on people. Their office will actually administer the search and report the results to you and the court in which your name change request has been filed.

WHAT MUST BE ALLEGED IN YOUR PETITION FOR AN ADULT NAME CHANGE IN TEXAS?

If you are asking a court to do something for you then you must petition the court first.

Your petition must include your driver's license number from Texas or any other state that you've held in the past ten years and state whether or not you have been convicted of a felony or any other offense in a criminal proceeding. One such felony that you must never have been convicted for is a sex related crime against a minor.

HEADING TO COURT TO PROVE UP YOUR NAME CHANGE REQUEST

Just like persons who have completed a divorce must do, you must also head to court for a short hearing in front of the judge in order to have your name change request approved. It is a good idea to contact the court prior to setting up a hearing date in order to ensure that they have received the results of the background search and fingerprints.

In Harris County, cases like this are "uncontested" meaning that there is not another party who is attempting to stop you from changing your name. These type of cases have hearings that are heard on an early docket from 8:00 to 9:00 a.m. for most courts.

The judge will call your name and you will approach him or her and go through a short list of information identifying yourself and stating the reason for your name change request.

Once you walk the judge through all of this necessary information he or she will approve your request. In addition to the certificate discussed earlier in this blog post, a certified copy of the order granting your name change can be requested as well from the clerk's office.

HOW TO CHANGE YOUR NAME IN TEXAS

Many people (women, mostly) will change their legal name after their divorce has been finalized. It is simple to do so in the divorce as long as the name you are asking yours to be changed to has been one you've gone by before and the request is not being made to avoid creditors or law enforcement.

If you hire a family law attorney to represent you in a divorce it's likely that he or she will ask you prior to filing your Original Petition if you are going to request your name to be changed.

However, in some instances you will get a divorce and not ask for your name to be changed, only to change your mind later on and eventually seek a formal name change. In today's blog post from the attorneys with the Law Office of Bryan Fagan, PLLC I will discuss with you all the process of formally and legally changing your name in Texas.

As opposed to divorce, child custody, or other family law cases changing your name is not an especially contentious matter but there are a procedure and process that you must follow to get the change that you are requesting.

THE PROCESS OF PETITIONING FOR A NAME CHANGE

As I stated earlier, most name changes occur in conjunction with a divorce or at the time that you and your spouse are married. It's possible that you would want to change your name in a separate proceeding.



Your court will basically be needing to check and make sure that you are not requesting this name change in order to avoid a creditor or other sorts of legal trouble. Had you asked for your name to be changed in conjunction with your divorce the judge would have checked on this prior to granting your name change at that point as well.

A less frequently asked for name change has to do with that of a child. If you are a parent who is interested in pursuing a name change for your child today's blog post will hopefully contain some helpful information in that regard as well. Specifically, you must inform and notify the other parent or conservator of your child regarding your requesting the court to legally change the name of your child.

In this scenario, the level of contentiousness can increase compared to a name change for an adult as your ex-spouse may disagree with your desire to change your child's name. Ultimately a judge would make the decision as to whether or not the name change is in the best interests of your child.

FILING A PETITION FOR A CHANGE OF NAME

You will begin your name change effort by filing an Original Petition for Change of Name. You will file this document with a district clerk in the county where you and/or your child resides. Once your petition is filed you will be known as the Petitioner in your legal case.

If you are an adult requesting a name change for yourself, you must sign your Petition (even if you've hired an attorney to help you in this regard) in front of a notary in that the law requires your petition to be verified (sworn to be true).

There is additional information that will need to be included in your petition such as:

- your residence's address
- the name you currently have
- the name you are requesting yours to be changed to and
- the reason you are making this change request of the court.
- Additionally, any information regarding legal offenses that you have been convicted of must be included as well.

If you are the parent or conservator of a child and you are requesting a name change for him or her a similar petition must be filed on that child's behalf. The law in Texas mandates that your Petition is served by a constable or professional process server upon the other parent or conservator to your child.

DRAFTING AN ORDER FOR CHANGE OF NAME

Once your petition has been filed with the clerk and your case has been assigned a cause number and court, you will need to have the Petition served upon any other relevant party to the case. If your request does not need to be served upon any person you and your attorney would need to have an order drafted that states the relief that you are seeking- notably your new name. Once the order is ready, you will need to schedule a time to appear before the judge in order to submit your order for his or her signature.

The judge will likely hold a brief hearing and ensure that all the requirements have been met as far as your petition and order are concerned. Depending on the court that your case is assigned to your judge may need you to schedule a hearing or that may not be necessary at all. Your attorney would schedule the hearing and handle any logistical matters for you.

REQUIREMENTS OF AN ORDER FOR AN ADULT'S NAME CHANGE

For an adult, your order must contain all the information that your petition did with some additional information as well. The one key piece of additional information that will be included in your order is that the name change is in your best interests and the best interests of the public as a whole. The judge will walk with you through these elements of your order to ensure everything is in its proper place and format.



As long as you have not had any felony convictions in your past, have not been required to register as a sex offender and have shown the court that your name change request is in yours and the public's best interests then your request will be granted. Your testimony alone in a hearing is sufficient in most cases to meet these burdens.

In the event that you have a felony conviction, you would need to show that you have either been pardoned, received a discharge certificate from the Texas Department of Criminal Justice or have completed probation in order to have the name change granted. Even then, it is up to your judge's discretion whether to grant the name change request.

REQUIREMENTS OF AN ORDER FOR A CHILD'S NAME CHANGE

For a child's name change, your order must specify and you as the Petitioner must show that you are making the name change request only after having served the other parent/conservator of the child. You will need to show that the other parent/conservator has agreed to the name change in writing, or is available in testify in the hearing regarding their agreement on the name change issue.

If there is no agreement on the issue, your case will go to a contested hearing where the judge will hear testimony regarding the name change and will make a ruling on the subject. In general, whatever decision the judge makes will be based on what is in the best interests of your child.

Regarding the final order itself, the same information that you included in the petition must be included in the final order. This includes a statement that the name change is in the best interests of your child and the aforementioned signed agreement from the other parent/conservator must be included if an agreement was reached.

Be prepared to answer the following questions for a judge would regarding why it is in your child best interests that their name be changed:

- How long as your child's last name been used (i.e. how old is your child)?
- Would the name change avoid confusion for your child?
- Would the name change be more convenient for your child?
- Would the name change help your child be bound to the family unit more?
- As we mentioned earlier, does your child over the age of ten want the name change?

HOW TO PROCEED AFTER YOUR NAME CHANGE REQUEST HAS BEEN GRANTED

Supposing that the judge has agreed to change your name or that of your child you will need to take the signed order to any state or federal agency that is in charge of changing your name on any official documents. This would include getting a new driver's license or social security card.

Banks, places of employment, insurance providers and other private sector entities would need this signed order as well to update your information accordingly.





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WE'RE HERE FOR YOU

When it comes to your financial future, your peace of mind matters. No matter where you are in the divorce process, we are always available to help you protect your assets and safeguard your future. As a Texas law firm exclusively devoted to divorce and family law, our experienced divorce attorneys will explain your options and support you throughout the process. Please contact us at (281) 810-9760 if you would like to schedule a free confidential consultation

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