

# **Milwaukee County Clerk of Circuit Courts Name Change and Correction of Birth Certificate Procedure**

## **NAME CHANGE PROCEDURE**

Name change procedure is governed by Wisconsin Statute 786.36.

Wisconsin Statute 69.11(3)(b) also allows you to change your child's name without a court order, up to 365 days after the birth of your child. To do this contact: VITAL RECORDS CUSTOMER SERVICES UNIT, P.O. Box 309, Madison, WI 53701-0309, (608) 266-1371.

## **ELIGIBILITY**

You must be a resident of Wisconsin. If the person whose name is to be changed is a minor under 14 years of age, the petition may be made by both: parents if living, or the survivor of them; the legal guardian(s); or the mother, if the minor is a nonmarital child who is not adopted or whose parents do not intermarry under s.767.60, except that the father must also make the petition unless his rights have been legally terminated. Petitions must be filed in the county of your residence.

There are restrictions for persons engaged in professions for which the State of Wisconsin requires a license.

## **FORMS**

Four forms are required:  
PETITION FOR CHANGE OF NAME  
NOTICE OF HEARING  
ORDER FOR HEARING  
ORDER FOR CHANGE OF NAME

Forms are available at:  
Wisconsin Legal Blank  
749 North 37<sup>th</sup> Street  
Milwaukee, WI 53216  
344-5155

All forms must be typed or printed in black ink. You must sign the "Petition for Change of Name" in front of a Notary Public. Notaries are listed in the

Milwaukee Yellow Pages. Make two (2) copies of the signed and notarized "Petition for Change of Name."

## **FILING**

File all forms (including the two (2) copies of the petition) with the cashier in the Clerk of Circuit Court Office, Room 104, Courthouse, 901 North 9<sup>th</sup> Street. Business hours are Monday through Friday from 8:00 A.M. to 5:00 P.M.

A filing fee is required.

## **SELECTED FEE SCHEDULE (Effective July 27, 2005)**

<b>Action</b>	<b>Fee</b>
Copies (per page)	\$ 1.25
Certification	5.00
Docketing	5.00
Satisfaction	5.00
Small Claims:	
Garnishment	87.50
Commence Action	89.50
Crossclaim or Counterclaim over \$5,000	119.50
3 <sup>rd</sup> Party Complaint	111.50
Large Claims:	
Garnishment	205.50
Commence Action: Amount Claimed	
Greater than \$5,000	259.50
No Dollar Amount	158.50
3 <sup>rd</sup> Party Complaint	229.50
Name Change	158.50

The cashier will assign a case number and judge to the case and will keep the original "Petition For Change of Name" and "Order For Change of Name" for the case file.

Keep one copy of the "Petition For Change of Name" for your records. Take the remaining forms to the deputy clerk in the assigned judge's courtroom.

The deputy clerk will assign a date and time for hearing and obtain the judge's signature on the "Order For Hearing." The clerk will keep a copy of the "Petition

For Change of Name” and “Order for Hearing” and return the remaining copies to you.

## **PUBLICATION**

State law (Sec.786.37 Stats.) requires publication of the “Notice of Hearing” prior to the hearing date. A newspaper that publishes legal notices is:

THE DAILY REPORTER  
P.O. Box 92933  
Milwaukee, WI 53202-0933  
276-0273

The Daily Reporter provides a pick-up box in Room 104, across from the cashier. You may place your “Notice of Hearing” in the pick-up box.

After publication is completed and paid for, the newspaper will mail a “Proof of Publication” affidavit to you.

## **HEARING**

Arrive on time for your hearing at the assigned courtroom and inform the deputy clerk of your presence. Come forward when your case is called and give the “Proof of Publication” affidavit to the clerk.

You will be placed under oath and asked for the information on the petition (Name, desired name, etc.). If your petition is granted, the judge will sign the “Order For Name Change.” The clerk will then give the case file to you with directions.

## **FILING THE “ORDER FOR NAME CHANGE”**

Take the case file to the cashiers in Room 104, and purchase two (2) certified copies of the “Order for Name Change.” (See fee schedule). Take one certified copy to the Register of Deeds, Room 103, Courthouse for filing. This is required by statute. The filing fee is \$10.00 for the first page or side. (The second certified copy is for your records.)

For persons born or married in Wisconsin, the cashiers in Room 104 will forward the completed Vital Statistics Form to the State Registrar to effect the change on the applicant’s birth certificate. The State requires a fee of \$22.00.

The initial cost for a name change only includes the filing fee. There are additional costs for forms, publication, additional certified copies of the Order for Name Change and additional copies of the new birth certificate.

## **CORRECTION OF BIRTH CERTIFICATE PROCEDURE**

Correction of Birth Certificate procedure is governed by Wisconsin Statutes 69.11 and 69.12. This process is used to amend an item that is incorrect or omitted on a birth certificate. In some instances the correction may be done administratively by contacting the State Registrar. Other situations require a court order. Consult the State Statutes or your legal advisor to determine which method is appropriate. If an order of the Court is not required contact:

VITAL RECORDS  
CUSTOMER SERVICES UNIT  
P.O. Box 309  
Madison, WI 53701-0309  
(608) 266-1371

### **FORMS**

If a court order is required, obtain the form "Court Order to Amend a Wisconsin Birth Certificate" from the cashiers in the Clerk of Circuit Court office, Room 104, Courthouse. The form must be typed or printed in **black** ink.

### **PROCEDURE**

After you prepare the form, you should attach any necessary supporting documentation, such as a certified copy of the original birth certificate, baptismal records or hospital records. You then present your form to the weekly duty judge for review. The cashiers in Room 104 can tell you which judge is on duty for the week.

If your request is approved, the judge will sign the "Court Order to Amend a Wisconsin Birth Certificate." The deputy clerk will place the court seal on the order and give it to you for filing.

### **FILING**

It is your responsibility to send the original document to the State Registrar at the address noted above with a check or money order for \$22.00. You may wish to make a copy for your records first.