

AUG 17 2021

PROBATE COURT OF GREENE COUNTY, OHIO

THOMAS M. O'DIAM
JUDGE PROBATE DIVISION
COURT OF COMMON PLEAS

In The Matter Of:

THE ADOPTION OF LOCAL RULES

Case No.: 11221MIS-14-128
Judge Thomas M. O'Diam

**ORDER ADOPTING AMENDED
LOCAL RULE 78.6**

Pursuant to Rule 5 of the Rules for Superintendence for the Courts of Ohio, this Court has previously adopted Local Rules of Practice to facilitate more uniform, efficient and prompt disposition of cases in this Court. The Court finds that amendment and modification of those rules are necessary from time to time to assure this Court offers the most expedient and cost-effective means to providing service to the citizens of Greene County and all patrons of the Greene County Probate Court.

In light of the adoption of amendments to Chapter 2717 of the Ohio Revised Code effective August 17, 2021, the Court finds that amendment of the Court's Local Rules Practice is necessary for compliance with the new law. Chapter 2717 specifically covers name changes and name conformity actions, an area in which Probate Court has exclusive subject matter jurisdiction. Therefore, this Court finds that there is an immediate need to modify the Greene County Probate Court Local Rules of Practice. The Court adopts the amended version of Local Rule 78.6 – Name Change and Name Conformity Proceedings, effective as of the date of this Order.

The Court further orders that notice of the amended Local Rule shall be given in accordance with Sup. R. 5 (A)(2) and allow for public comment on the Local Rule for a period of 60 days following adoption. A copy of the amended Local Rule 78.6 – Name Change Proceeding shall be filed with the Clerk of the Ohio Supreme Court immediately upon adoption.

It is so ordered.



Thomas M. O'Diam, Judge

Local Rule 78.6 Name Change and Name Conformity Proceedings

This Rule governs name change and name conformity proceedings under R.C. Chapter 2717.

A. Choosing the Correct Proceeding

A name change proceeding, name conformity proceeding and birth record correction proceeding serve different purposes. Each action has its own requirements. The Court will determine if the application is the appropriate procedure to accomplish the person's intent based on the circumstances.

A name change proceeding seeks to change all or part of a person's name to a different name going forward.

A name conformity proceeding is solely to correct misspellings, inconsistencies or errors on one or more official identity documents evidencing a person's current legal name. A name conformity corrects errors that occurred in the past. It does not change a person's name, but merely identifies conflicting problems in their official identity documents and corrects those problems by a Court Order so that all of the person's official identity documents are consistent and conformed to prove the applicant's chain of identity and reflect the legal name the person currently uses.

A birth record correction proceeding only corrects clerical errors in the birth record of a person who was born in Ohio. A birth record correction proceeding may not be substituted for a name change proceeding or name conformity proceeding.

B. Documentation Requirements on Name Change Proceedings

An applicant seeking a name change must provide photocopies of the following documents relating to the applicant or minor with the application:

- Birth Certificate
- Social Security Card
- Driver's License or State issued ID Card (if any)

Upon review of the application, the Court may order the submission of other documents the Court deems relevant to the application.

The applicant must redact (black out) social security numbers, driver's license numbers, and driver's license issuance and expiration dates on all documents submitted to protect the privacy and confidential information of the applicant or minor.

C. Documentation Requirements on Name Conformity Proceedings

An applicant seeking to conform a legal name must provide photocopies of all official identity documents relating to the applicant or minor with the application, including:

- Birth Certificate
- Social Security Card
- Driver's License or State issued ID Card (if any)
- Marriage Record (if any)

- Divorce Decree (if any)
- Passport (if any)
- All other documents for which name conformity is sought

Upon review of the application, the Court may order the submission of other documents the Court deems relevant to the application.

The applicant must redact (black out) social security numbers, driver's license numbers, and driver's license issuance and expiration dates on all documents submitted to protect the privacy and confidential information of the applicant or minor.

D. Hearings on Adult Name Change and Adult Name Conformity Proceedings

Generally, the Court will not require a hearing and will dispense with notice on an adult name change or an adult name conformity proceeding. The Court may require a hearing if the Court determines that the application presents any irregularities or issues, or if the Court determines that the legal interests of another party may be affected by the proceeding. If the Court requires a hearing, it will determine the manner, scope and content of the hearing notice. The applicant is responsible for serving the hearing notice.

E. Hearings on Minor Name Change and Minor Name Conformity Proceedings

In uncontested name change proceedings and name conformity proceedings for a minor in which the consent of both natural parents of the minor is filed simultaneously with the application, the Court generally will not require a hearing and will dispense with notice.

If an application for name change of a minor or application to conform name of a minor is filed without the written consent of both natural or adoptive parents, or if the Court determines that the application presents any irregularities or issues, the Court will schedule the application for a hearing. Notice of the hearing will comply with paragraph F of this Rule. The applicant must appear at the hearing. The minor may attend the hearing, but is not required to be present unless the Court orders otherwise.

F. Service of Notice on Minor Name Changes and Minor Name Conformity Proceedings

Any parent or alleged father who has not consented to a minor's name change or name conformity will be served by the Court with notice of the hearing pursuant to Civ. R. 73. If a parent or alleged father's whereabouts are unknown, the Court will require the applicant to publish notice of the hearing, at the applicant's expense, to the parent or alleged father who has not consented in a newspaper of general circulation in Greene County, one time at least 30 days before the hearing. The applicant must file proof of publication of the notice with the Court no later than five Calendar Days before the date of hearing on the application.

G. Contested Proceedings

If any name change proceeding or name conformity proceeding becomes contested, the Court will convert the scheduled hearing date to a pretrial conference, during which the Court will set a new hearing date. At the pretrial conference, the Court will determine whether to excuse a minor who is the subject of the action from appearing at the hearing and whether the Court will conduct an *in camera* interview of the minor before the hearing. The applicant and the person contesting the application must attend the pretrial conference personally or through their legal counsel.

H. Confidentiality

If an applicant for a name change or name conformity desires the proceeding and the record to be confidential, the applicant must file a request for confidentiality supported by an affidavit or other sufficient proof that notice of the hearing or public access to the record would jeopardize the applicant's personal safety. A proposed entry must accompany the request. If the Court grants the applicant's request, the Court will waive notice and permanently seal the file.