



Name Change Training Guide

**Includes information on Adult Name Changes, Minor
Name Changes, and Delayed Birth Certificates**

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Thank you for agreeing to assist a VIP client in a name change matter. This manual provides information and instructions on obtaining an adult name change, a minor name change, and a delayed birth certificate. The information in this manual applies to name change proceedings in Philadelphia County.

General Information

Name Change Statute. Name changes in Pennsylvania are governed by 54 Pa. C.S.A. §§ 701-705. If this is your first name change case, we suggest that you review the statute before beginning work on the case.

VIP Name Change Criteria. Name change cases often arise when a client discovers the name he or she has been using does not match the name on his or her birth certificate or when a client needs to change his or her name to evade a life-threatening or dangerous situation. VIP requires that a client must need to obtain the name change in order to obtain photo ID and/or access to benefits in order to take on the case. Additionally, a client must not have an active criminal case and must not currently be on probation.

Delayed Birth Certificate Statute. Delayed birth registrations are governed by 28 Pa. § 1.4. If this is your first delayed birth certificate case, we suggest that you review the statute before beginning work on the case.

Delayed Birth Certificate Criteria. Delayed birth certificate cases arise when a client was never issued a birth certificate and/or there is no record of the client's birth. Client must need to obtain a delayed birth certificate in order to obtain photo ID and/or access to benefits. Additionally, client must not have an active criminal case and must not currently be on probation.

Helpful Resources and Contact Information

The following are resources that will be of help to you in handling a VIP name change or delayed birth certificate case:

- Philadelphia Court of Common Pleas website resources:
 - Citizens' Guide to Court Procedure Court of Common Pleas Name change, http://www.courts.phila.gov/pdf/guides/Citizens_Guide-Name_Change.pdf
 - Sample name change petition package, <http://courts.phila.gov/pdf/forms/civil/01-101a-name-change-petition-package.pdf>
- PA Department of Health Department of Vital Records, <https://www.health.pa.gov/topics/certificates/Pages/Vital%20Records.aspx>
- Information for name changes outside of Philadelphia: <http://www.palawhelp.org/resource/changing-your-name>

Please contact VIP with any questions or concerns that you cannot otherwise resolve. We are always here to provide guidance or advice whenever we can. The VIP staff can be reached at 1500 John F. Kennedy Blvd., Suite 1850, Philadelphia, PA 19102, (215) 523-9550, fax (215) 564-0845. You may also contact the following VIP staff members directly with questions or concerns about a name change or delayed birth certificate case:

Denise Lynch
Supervising Attorney
(215) 523-9563
dlynch@phillyvip.org

Name Change Procedures

Adult Name Change

I. **General Information.** When you accept a name change case from Philadelphia VIP, you will receive an electronic copy of the case file. The file will include contact information for the client and any other documentation the client provided during the intake process (i.e., copy of client's birth certificate, etc.). We will send client's fingerprint card to you by mail. There are some costs associated with a name change case that cannot be waived by the Court. Prior to referring a name change case to a volunteer attorney, VIP has the client escrow money to cover those costs or has received approval from an outside funder to provide these funds (discussed further below).

II. **Preparing and Filing the Petition.** See sample at Appendix A.

A. **The Petition.**

1. The statute requires the following information to be included in the petition:

- a) The name client is changing from,
- b) The name client is changing to,
- c) Client's current address,
- d) All other addresses client has resided at in the five years prior to the date of the petition,
- e) Client's reason for seeking a name change.

2. Your Petition should also include the following:

- a) An Order for Publication
- b) A Notice of Name Change
- c) A Decree for Change of Name

3. Exhibits. The court will also need to see a certified copy of petitioner's current birth certificate. If client only has one certified copy, VIP suggests submitting a copy to the court along with an attorney's declaration. You can then bring the original birth certificate with you to the hearing for the court to inspect.

4. Drafting Note: If the client was born outside of Pennsylvania, there may be additional information regarding client's birth that may need to be included in the petition. Please contact a VIP staff member if you have any questions about what should be included in the petition.

B. Filing the Petition.

1. Adult name change petitions are filed in Discovery Court in the Philadelphia Court of Common Pleas. The petition must be submitted through e-filing.

2. VIP clients qualify for *In Forma Pauperis* status. The e-filing payment screen offers an option for filing *In Forma Pauperis*. When you select this option, a "Praeclipe to Proceed *In Forma Pauperis*" will be generated and you can complete the filing. A sample Praeclipe to Proceed *In Forma Pauperis* is also attached as Appendix D.

3. You will need to submit the client's fingerprint card and birth certificate when the petition is filed. We suggest submitting a copy of the birth certificate and bringing the original to the hearing for the Judge to inspect at that time. A copy of the birth certificate can be submitted with the petition along with a Counsel's Declaration Regarding Birth Certificate. The original fingerprint card should be sent to the Office of Judicial Records, located at City Hall, Room 287, Philadelphia, PA.

4. If your client might qualify for a waiver of the publication requirement due to a fear for his or her safety, please contact VIP for a sample language to include in your petition.

III. After the Petition is Filed.

A. Notice Publication. Once the Petition is accepted by the court, a hearing date will be scheduled and an order for publication will be issued. When you receive the hearing date and publication order, please contact the VIP staff member who referred the case to you. The staff member will arrange for notice to be published in *The Legal Intelligencer and a paper of general circulation* (VIP uses the Metro). After the notice has been published, each newspaper will provide an affidavit of publication, which the VIP staff member will forward to you by mail.

B. **Judgment Search.** The court requires a judgment search in adult name change cases. Please ask the VIP staff member assisting you with the case about how to request both civil and family court judgment searches no less than 30 days before the hearing date.

C. **The Hearing.**

1. At the hearing you will need to provide the court with the affidavits of publication, the judgment search results, and the client's original birth certificate (if the original was not provided at time of filing). The court will return the birth certificate to you.

2. If the judgment search shows any outstanding judgments under the name client is changing from, you will need to either show the court that the judgment does not belong to your client or that client has notified the creditor of the pending name change.

IV. **Restrictions on Adult Name Changes.**

A. The statute limits the courts ability to grant a name change when an individual has been convicted of a felony. Following a felony conviction, a court can only grant the name change if at least two calendar years have elapsed since the individual has completed his/her sentence and s/he is no longer on probation or parole.

B. Additionally, there are certain felony convictions that will prevent the court from granting a name change even if the above criteria are met. A full list is provided in the statute at 54 Pa. C.S.A. §§ 702(c)(2).

C. VIP tries to screen cases for the above criteria, but if you become aware of any issues that would prevent your client from obtaining a name change, please contact the VIP staff member who referred the case to you.

Minor Name Change

I. **General Information.** The client in a minor name change case is the adult with legal authority to petition the court to change the child's name. In most cases this will be a biological parent of the child but can be any adult with legal custody of the child. When you accept a name change case from Philadelphia VIP, you will receive an electronic copy of the case file. The file will include contact information for the client and any other documentation the client provided at the intake (i.e., copy of the child's birth certificate, etc.). Prior to referring a name change case, we require the client to escrow money to cover the costs associated with the name change process (discussed below).

II. Preparing and Filing the Petition. See sample at Appendix B.

A. The Petition.

1. The statute requires the following information to be included in the petition:

- a) The petitioner's name, current address, and relationship to the child,
- b) The child's date of birth and names of parents as they appear on child's birth certificate,
- c) The name child is changing from,
- d) The name child is changing to,
- e) All addresses client has resided at in the five years prior to the date of the petition,
- f) Client's reasons for seeking a name change for the child.

2. Your Petition should also include the following:

- a) An Order for Publication
- b) A Notice of Name Change
- c) A Decree for Change of Name
- d) The Domestic Relations Information Sheet (found on the Court's website at:
<https://www.courts.phila.gov/pdf/forms/domestic-relations/09-711-DR-Information-Sheet.pdf>)

3. Exhibits. The court will also need to see a certified copy of the child's current birth certificate. If client only has one certified copy, VIP suggests submitting a copy to the court along with an attorney's declaration. You can then bring the original birth certificate with you to the hearing for the court to inspect.

B. Filing the Petition.

1. Minor name change petitions are filed in Family Court in the Philadelphia Court of Common Pleas. The petition should be filed at the clerk's office located at 1501 Arch Street, 11th Floor, Philadelphia, PA 19102.

2. VIP clients qualify for *In Forma Pauperis* status. A sample "Praeclipe to Proceed *In Forma Pauperis*" is included with these materials as part of the Sample Name Change Petition – Minor at Appendix B.

III. After the Petition is Filed.

A. Publication. Once the Petition is accepted by the court, a hearing date will be scheduled and a publication order will be issued. When you receive the hearing date and publication order, please contact the VIP staff member who referred the case to you. The staff member will arrange for notice to be published in *The Legal Intelligencer and a paper of general circulation* (VIP uses the Metro). After the notice has been published, each newspaper will provide an affidavit of publication, which the VIP staff member will forward to you by mail.

B. Service of Petition on Non-petitioning Parent. In minor name change cases, the court requires that the non-petitioning parent be notified that a name change petition was filed for the child. If the other parent agrees to the name change, he or she can sign an affidavit of consent.

C. The Hearing.

1. At the hearing you will need to provide the court with the affidavits of publication, proof of service, and the child's original birth certificate (if the original was not provided at time of filing). The court will return the birth certificate to you.

2. The non-petitioning parent has a right to appear and be heard on the matter of the name change. The court uses the "best interest of the child" standard to determine whether the petition should be granted.

3. Depending on the child's age, the court may want to hear from the child. Please contact the Judge's chambers prior to the hearing date to determine if the child needs to attend.

Delayed Birth Certificate

I. General Information. When you accept a delayed birth certificate case from Philadelphia VIP, you will receive an electronic copy of the case file. The file will include contact information for the client and any other documentation the client provided during the intake process (i.e., any identification documents client has, etc.). For a delayed birth certificate case where the client is not changing his/her name, there may not be the costs associated with the case that there would be for a name change case. Therefore, prior to referring the case, **VIP did not have the client escrow money** to cover the costs that are discretionary for the court to require but which cannot be waived by the Court (discussed further below).

II. Preparing and Filing the Petition. See sample at Appendix C.

A. The Petition.

1. A Petition to Establish Birth Record must be filed in the Court of Common Pleas providing as much information as is had about the client:

- a) Applicant: [Name]
- b) Date of birth: [DOB]
- c) Place of birth: [County, State]
- d) Gender at birth: [Male/Female]
- e) Mother's name: [Mother's Name]
- f) Father's name: [Father's Name]
- g) Subsequent name changes: [Additional Names/None]
- h) Subsequent gender changes: [Additional Gender Changes/None]

2. Your Petition should also include the following:

- a) A Decree, which should include any requirements required by the state issuing the delayed birth certificate (i.e., New York requires that the client's date of birth and place of birth be included in the order, even if they are not being amended)
- b) A Rule to Show Cause

3. Exhibits. The court will also need to see evidence of birth facts. This evidence should include as many pieces of evidence as possible, such as:

- a) A copy of the client's numident from the Social Security Administration ("SSA") if the client has used a social security number
- b) Any identification documents, including school records, marriage certificates, divorce decrees, medical records, or any other public record
- c) No Record Certification from the Pennsylvania Department of Health (or comparable document from the relevant state agency if the client was not born in Pennsylvania) documenting that there is no record of the client's birth after a birth certificate request was made
- d) Affidavits from family members and friends who have first-hand knowledge of the client's birth

4. Drafting Note: If you are not requesting a name change from the name used on the identification documents the client does currently have, there may be no need for a judgment search, fingerprint, and/or publication. It is worth trying to save the expense and not take those steps; however, understand that a court may request those steps to be taken.

B. Filing the Petition.

1. Adult delayed birth certificate petitions, also known as petitions to establish birth facts, are filed in the Philadelphia Court of Common Pleas. The petition must be submitted through e-filing.

2. VIP clients qualify for *In Forma Pauperis* status. The e-filing payment screen offers an option for filing *In Forma Pauperis*. When you select this option, a “Praecipe to Proceed *In Forma Pauperis*” will be generated and you can complete the filing. A sample Praecipe to Proceed *In Forma Pauperis* is also attached as Appendix D.

III. After the Petition is Filed.

A. The Hearing.

1. At the hearing you will present the court with the evidence of why a petition to establish birth facts is needed and the evidence to support the client’s birth facts.

2. If required, the court will ask for affidavits of publication, judgment search results, and a fingerprint card. Please note that for these cases, VIP has not had the client get fingerprinted or escrow money in advance since they are at the discretion of the court. Therefore, if the court requires publication, the client will need time to save up the money for publication.

Concluding Your Name Change or Delayed Birth Certificate Case

I. Obtaining Amended Documents. It is VIP’s preference that our volunteer attorneys assist clients with obtaining their amended documents, particularly amended birth certificates as dealing with the state department of vital records can be difficult. This should be clear in your original representation agreement with the client. For further information on these state departments, please contact a VIP staff member. If you choose not to assist the client with this and make that clear in the representation agreement, the letters at Appendices H and I, for adults and minors, respectively, will be good resources for the clients.

II. Closing Letter. As with all VIP matters, at the conclusion of the case, please send the client a closing letter with copies of all of the relevant documents from the case. Templates for these letters can be found at Appendices J and K, for adults and minors, respectively. Please cc a VIP staff member on this letter and also let VIP know about how many hours you spent on the case. This helps us with our reporting. Thank you so much for assisting a VIP name change client! And please contact VIP with any questions.

Appendices

To Name Change

Training Guide

APPENDIX A: Sample Name Change Petition-Adult

BY: _____
Attorney for Petitioner
Attorney I.D. No. _____

Philadelphia, PA _____
(____) _____

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION - CIVIL**

In The Matter of Petition to Change Name of _____ to _____, and Amend his/her Birth Certificate	Term, 20_____ No. _____
--	------------------------------------

PETITION TO CHANGE NAME AND AMEND BIRTH CERTIFICATE

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Petitioner requests that this Court order a change of the petitioner's name pursuant to 54 Pa. Cons. Stat. §701, et seq., and in support thereof makes the following averments:

1. Petitioner is _____, who resides at _____, and has resided during the five (5) years preceding the filing of this petition at:

[LIST ALL ADDRESSES IN PAST 5 YEARS]

2. Petitioner was born on _____ in the City of _____, State of _____. *See* Petitioner's Birth Certificate, attached as Exhibit "A."

3. There are no outstanding judgments against Petitioner. [NOTE: This will need to be modified to reflect any outstanding judgments petitioner is aware of.]

4. Petitioner has never been convicted of a felony. Petitioner submits his fingerprints to be forwarded to the Pennsylvania State Police in compliance with 54 Pa. Cons. State. §702(b)(1). *See* Petitioner's fingerprints, attached as Exhibit "B."

5. Petitioner requests a change of name from _____ to _____ for the following reasons:

(a)

(b)

(c)

WHEREFORE, Petitioner respectfully requests that this Court, pursuant to the Act of December 16, 1982, P.L. 1309, No. 295, Section 2, 54 Pa. Cons. State. §702, enter a Rule to Show Cause for the following:

To fix a hearing date for this Petition;

To direct that notice be given of this Petition and hearing; and,

To enter an order changing the Petitioner's name from _____ to _____ and decreeing that the Petitioner's official documents be so amended to reflect the change of his name to _____.

Respectfully submitted

Date: _____

[ATTORNEY], Attorney for
Petitioner

BY: _____
Attorney for Petitioner
Attorney I.D. No. _____

Philadelphia, PA _____
(____) _____

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION - CIVIL**

In The Matter of Petition to Change Name of _____ to _____, and Amend his/her Birth Certificate	Term, 20_____ No. _____
--	------------------------------------

VERIFICATION

I, _____, Petitioner herein, hereby verify that the information contained in the Petition for Change of Name is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Petitioner

BY: _____
Attorney for Petitioner
Attorney I.D. No. _____

Philadelphia, PA _____
(____) _____

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION - CIVIL**

In The Matter of Petition to Change Name of _____ to _____, and Amend his/her Birth Certificate	Term, 20_____ No. _____
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ORDER FOR PUBLICATION

AND NOW, THIS _____ day of _____, 20_____, on motion of the above named Petitioner, it is ORDERED and DECREED, that the within Petition for Change of Name be heard on the _____ day of _____, 20_____, in Courtroom 691, City Hall, Philadelphia, PA, at _____ a.m./p.m., and that notice of the filing of the within petition and of the aforesaid date of hearing be published in *The Legal Intelligencer*, and a paper of general circulation.

BY: _____
Attorney for Petitioner
Attorney I.D. No. _____

Philadelphia, PA _____
(____) _____

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION - CIVIL**

In The Matter of Petition to Change Name of _____ to _____, and Amend his/her Birth Certificate	Term, 20_____ No. _____
--	------------------------------------

RULE TO SHOW CAUSE

AND NOW, THIS _____ day of _____, 20_____, a Rule is Entered to show cause why the Petitioner, _____, should not be granted to change [his/her] name.

RULE RETURNABLE this _____ day of _____, 20_____, in Courtroom 691, City Hall, Philadelphia, PA,

APPENDIX B: Sample Name Change Petition- Minor

BY: _____, Esquire

Attorney for Petitioner

Attorney I.D. No. _____

ADDRESS

CITY, STATE ZIP

() -

a.

**IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
FAMILY COURT DIVISION**

IN RE: The Matter of _____ 's Petition to Change the Name of [His/Her] Minor [Son/Daughter], _____, and Amend [His/Her] Birth Certificate	Term, 20____ No. _____
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**PRAECL^EPIE TO PROCEED IN FORMA PAUPERIS
AND WITHOUT PAYMENT OF BOND**

TO THE PROTHONOTARY:

Kindly allow _____, Petitioner, to proceed *in forma pauperis*. I,

_____, Attorney for the Petitioner, hereby certify that I believe the Petitioner is unable to pay the costs and that I am providing free legal services to the Petitioner.

Pursuant to the amendment to Pennsylvania Rule of Civil Procedure 240, an Affidavit from the Petitioner is no longer required.

Respectfully submitted,

Dated:

BY: _____, Esquire
Attorney for Petitioner
Attorney I.D. No. _____
ADDRESS
CITY, STATE ZIP
(____) ____ - ____

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION**

IN RE: The Matter of _____ 's Petition to Change the Name of [His/Her] Minor [Son/Daughter], _____, and Amend [His/Her] Birth Certificate	_____ Term, 20_____ No. _____
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ORDER

AND NOW, this _____ day of _____, 20_____, upon
consideration of Petitioner's Petition to Proceed In Forma Pauperis, it is hereby
ORDERED that the Petitioner be excused from payment of the filing fee in this matter.

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION

<p>IN RE: The Matter of _____'s Petition to Change the Name of [His/Her] Minor [Son/Daughter], _____, and Amend [His/Her] Birth Certificate</p>	<p>_____ Term, 20____ No. _____</p>
--	---

RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 20____, upon motion of _____, Petitioner, the Court hereby grants a Rule upon any interested party to show cause why Petitioner should not be granted leave of court to change her minor child's name from _____ to _____ and amend his birth certificate to reflect his new name. Rule returnable the _____ day of _____, 20____, at ____ .m. in Courtroom ____, 1501 Arch Street, Philadelphia, Pennsylvania.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION

IN RE: The Matter of _____ 's Petition to Change the Name of [His/Her] Minor [Son/Daughter], _____, and Amend [His/Her] Birth Certificate	Term, 20____ No. _____
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ORDER FOR PUBLICATION

AND NOW, this _____ day of _____, 20____, upon
petition of _____, Petitioner, it is hereby ORDERED and
DECREED, that the within Petition be heard on the _____ day of _____,
20____, at _____ .m., in Courtroom _____, 1501 Arch Street, Philadelphia,
Pennsylvania. Notice of the filing of the within Petition and of the aforementioned
hearing shall be published in the Legal Intelligencer and a paper of general circulation
once, and sent to the minor child's [non-custodial parent/mother/father],

_____.

_____.

BY THE COURT:

J.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION**

ORDER FOR NAME CHANGE AND BIRTH CERTIFICATE AMENDMENT

AND NOW, this _____ day of _____, 20_____, upon
consideration of the petition of _____ (the "Petitioner"), as mother and
natural guardian of _____, for change of name and amendment of birth
certificate of _____ to _____,
and upon proof of publication as required by law, and it appearing that there is no lawful
objection to the request of Petitioner, it is hereby ORDERED that the name of
Petitioner's child, _____, is changed to _____, and
it is further ORDERED that the Petitioner's child's birth certificate shall be amended to
reflect the name change.

BY THE COURT:

J.

BY: _____, Esquire
Attorney for Petitioner
Attorney I.D. No. _____
ADDRESS
CITY, STATE ZIP
(____) ____ - ____

**IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
FAMILY COURT DIVISION**

IN RE: The Matter of _____'s Petition to Change the Name of [His/Her] Minor [Son/Daughter], _____, and Amend [His/Her] Birth Certificate	_____ Term, 20____ No. _____
---	--

**PETITION TO CHANGE NAME OF MINOR AND
AMEND BIRTH CERTIFICATE**

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Petitioner, _____, requests that this Court order a change of the name of her minor son, _____, pursuant to 54 PA. CONS. STAT. §701, *et seq.*, and in support thereof makes the following averments:

1. Petitioner currently resides at

_____, and has resided at the following address during the five years preceding the filing of this Petition:

_____.

2. Petitioner is the mother and natural guardian of the minor child, _____, who resides with her at

_____.

3. [CHILD] was born on February 20, 1994, in Philadelphia, Pennsylvania. Petitioner, _____, is listed on [Child's] birth certificate as [CHILD's] mother and _____ is listed as [CHILD'S] father. A copy of [CHILD'S] original birth certificate is attached hereto as **Exhibit A**. A Declaration of Counsel certifying that the document attached as **Exhibit A** is a true and correct copy of [CHILD'S] original birth certificate is attached as **Exhibit B**.

4. Petitioner seeks to change [CHILD'S] name from _____ to _____. The reason for this request is that Petitioner is [CHILD'S] mother and sole caretaker, and it is therefore in the best interest of [CHILD] that his last name be the same as his mother's last name.

5. Furthermore, [CHILD'S] father has not had any contact with [CHILD] since approximately 1997, three (3) years after [CHILD'S] birth; [CHILD] has no relationship with his father; and Petitioner has cause to believe that the father's name was actually _____ and not _____, which appears on [CHILD'S] birth certificate.

6. Petitioner has been unable to contact the father because she is unaware of the father's location and has not seen the father since 1997.

WHEREFORE, Petitioner respectfully requests this Court, pursuant to 54 PA. CONS. STAT. §701, *et seq.*, for the following:

- b. To fix a hearing on this Petition;
- b. To direct that notice be given of this Petition and hearing; and

c. To enter a decree changing the name of the minor child from _____ to _____, and amending his birth certificate to reflect this change.

Respectfully submitted,

_____, Esq.
Attorney for Petitioner,

Dated: _____

EXHIBIT A

EXHIBIT B

BY: _____, Esquire
Attorney for Petitioner
Attorney I.D. No. _____
ADDRESS
CITY, STATE ZIP
(____) ____ - ____

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION**

IN RE: The Matter of _____ 's Petition to Change the Name of [His/Her] Minor [Son/Daughter], _____, and Amend [His/Her] Birth Certificate	_____ Term, 20_____ No. _____
--	--

COUNSEL'S DECLARATION REGARDING BIRTH CERTIFICATE

I, _____, being of full age, hereby declare as follows:

1. I am an attorney representing Petitioner _____ ("Ms. _____") in this matter. I am admitted to practice law in the Commonwealth of Pennsylvania.
2. I make this declaration in support of Ms. _____'s Petition to Change the Name of Her Minor Son, _____, and Amend His Birth Certificate (the "Petition") based on personal information and belief.
3. Ms. _____ is the mother and natural guardian of the minor child, _____.

4. Ms. _____ seeks to change the minor child's name from _____ to _____ and amend his birth certificate to reflect this change.

5. The document attached to the Petition as **Exhibit A** is a true and correct copy of the original birth certificate of the minor child, _____. Philadelphia VIP received [CHILD'S] original birth certificate from Ms. _____ and made the copy attached to the Petition as **Exhibit A**.

6. Ms. _____ is the current custodian of [CHILD'S] original birth certificate. I will instruct Ms. _____ to bring [CHILD'S] original birth certificate to the name change hearing so that the Court can inspect it at that time.

This Declaration is made subject to the penalties of 18 PA. CONN. STAT. §4904 relating to unsworn falsification to authorities.

_____, Esq.
Attorney for Petitioner,

Dated: _____

BY: _____, Esquire
Attorney for Petitioner
Attorney I.D. No. _____
ADDRESS
CITY, STATE ZIP
(____) ____ - ____

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY COURT DIVISION**

IN RE: The Matter of _____ 's Petition to Change the Name of [His/Her] Minor [Son/Daughter], _____, and Amend [His/Her] Birth Certificate	_____ Term, 20_____ No. _____
--	--

VERIFICATION

I, _____, Petitioner herein, hereby verify that the information contained in the Petition to Change Name of Minor and Amend Birth Certificate is true and correct to the best of my knowledge, information, and belief. The Verification is made subject to the penalties of 18 PA. CONN. STAT. §4904 relating to unsworn falsification to authorities.

Dated: _____, _____, Petitioner

APPENDIX C: Sample Delayed Birth Certificate Petition

[firm name]

By: [attorney name], Esquire

PA Attorney I.D. No. ____

[firm address]

Philadelphia, PA ____

(____) ____

Attorneys for Petitioner

IN THE MATTER OF

PETITION TO ESTABLISH BIRTH

RECORD OF

[insert name]

:

: PHILADELPHIA COUNTY

: COURT OF COMMON PLEAS

: TRIAL DIVISION - CIVIL

:

: ____ TERM 20 ____

: NO.

:

DECREE

AND NOW, this ____ day of _____, 20 __, upon consideration of the Petition of
_____ to Establish Birth Record, IT IS HEREBY ORDERED and DECREED
that the petition is GRANTED. Upon proof that Petitioner was born on _____ in _____
County, Pennsylvania, and that there is no legal objection to the granting of the prayer of
the petition, the Court decrees as follows:

1. The Pennsylvania Department of Health is hereby authorized to issue a
delayed birth certificate to Pennsylvania resident _____, in accordance with
Pennsylvania statute 28 Pa. § 1.4, reflecting the following information:

Applicant:

Date of birth:

Place of birth:

Gender at birth:

Mother's name:

Father's name:

Subsequent name changes: none

Subsequent gender changes: none

and

2. The Court has signed [Form from a state's department of vital records, if required], attached as Exhibit ___ to the petition.

3. This Decree shall be sufficient proof of identity for use by petitioner in securing a Photo Identification Card or driver's license from the Pennsylvania Department of Transportation, or comparable photo identification, and shall be sufficient in lieu of a birth certificate for use by all Pennsylvania government agencies.

BY THE COURT:

J.

[firm name]
By: [attorney name], Esquire
PA Attorney I.D. No. ____
[firm address]
Philadelphia, PA ____
(____) ____

Attorneys for Petitioner

IN THE MATTER OF :
PETITION TO ESTABLISH BIRTH : PHILADELPHIA COUNTY
RECORD OF : COURT OF COMMON PLEAS
[insert name] : TRIAL DIVISION - CIVIL
: :
: TERM 20__
: NO.

PETITION OF [NAME] TO ESTABLISH BIRTH RECORD

[Name], by and through [his/her] undersigned counsel, hereby petitions the Court for a Decree establishing [his/her] birth record for the purpose of obtaining a delayed birth certificate in accordance with Pennsylvania statute 28 Pa. § 1.4. In support of [his/her] petition, Petitioner avers as follows:

1. Petitioner was born on _____ to [name of father] and [name of mother] in [address], a poor rural community.
2. No birth certificate was issued upon [his/her] birth. It is believed and therefore averred that [insert reason for absence of birth certificate].
3. The Social Security Administration issued a social security number and social security card to petitioner in or about _____. A true and correct copy of [his/her] social security card is attached hereto as Exhibit ____.
4. The Social Security Administration acknowledges that the correct date of [his/her] birth is _____, as reflected in the numident attached hereto as Exhibit ____.

5. Petitioner was married on [date] to [wife/husband], as reflected in the marriage certificate, a true and correct copy of which is attached hereto as Exhibit ____.

6. Petitioner has resided in Philadelphia for more than ____ decades. [He/She] currently resides at [address]. From ____ - ___, [he/she] resided at [address].

7. Petitioner attended school at _____ from __ to __, as reflected in the matriculation records, true and correct copies of which are attached hereto as Exhibit ____.

8. [His/Her] residence at the [_____] address as long ago as [year] is reflected in a death certificate issued to _____, which listed petitioner as the deceased's next of kin. A true and correct copy of the death certificate is attached hereto as exhibit ____.

9. Without a birth certificate, petitioner has been unable to qualify for a driver's license, update [his/her] voter registration, apply for a passport, receive [his/her] pension, and seek assistance from the state, federal and local governments.

10. Pennsylvania's procedure for obtaining an official Photo Identification Card requires that an applicant submit, *inter alia*, either a birth certificate, Certificate of U.S. Citizenship, Certificate of Naturalization or valid U.S. Passport. (See Exhibit ____ hereto). Petitioner has none of these, and has no other official photo ID.

11. A Certificate of U.S. Citizenship from the Department of Homeland Security, in turn, requires either a birth certificate, Certificate of Naturalization or valid U.S. Passport. (See Exhibit ____ hereto).

12. A U.S. Passport application likewise requires the submission of a birth certificate as proof of citizenship. (See application form, Exhibit ____ hereto).

13. Petitioner has never changed [his/her] name and has never changed [his/her] gender.

14. The Pennsylvania Department of Health returned a Certification of No Record from a birth certificate request, as reflected in the document attached as Exhibit hereto.

15. Petitioner's [type of relative], _____, grew up with [him/her] in [County, State] and has attested that petitioner's birthdate is _____. (See affidavit, Exhibit hereto.) [He/She] is ready, willing and able to affirm the factual averments of the petitioner's birth if required by the Court.

16. Under Pennsylvania law, petitioner is required to get a directive from this Court, as the Court of the state in which Petitioner resides, calling upon the state to issue such a delayed birth certificate. Specifically, 28 Pa. § 1.4 requires that a Petition be filed in a court of competent jurisdiction in the state of the petitioner's residence.

17. The authority of the Court to issue an Order establishing the petitioner's birth record is set forth in 20 Pa. Cons. Stat. §§ 713, et seq.

18. [Example of additional language required for different states – from South Carolina: According to Rachel D. Erwin, Associate General Counsel of the South Carolina Department of Health & Environmental Control (DHEC), the agency which handles issuance of delayed birth certificates, an original, signed copy of South Carolina Form DHEC 615A ("Form") must be received in order for the delayed birth certificate to be processed.

19. Specifically, DHEC advises that:

a. The Form itself, not only the Order, must be signed by the Court;

- b. Petitioner's mother's full maiden name must be listed on the Form;
- c. All documentation must be listed inside the box provided, as the bottom part of the form will be cut off when the form is placed on to the security paper to be copied.

20. The South Carolina DHEC advises that without the foregoing, no delayed birth certificate may be filed.]

WHEREFORE, petitioner respectfully requests that this Court, after a hearing on this petition, enter the proposed form of Decree attached, sign the Form attached as Exhibit __ hereto, authorizing the Pennsylvania Department of Health to issue a delayed birth certificate to petitioner, as follows:

Applicant:
Date of birth:
Place of birth:
Gender at birth:
Mother's name:
Father's name:
Subsequent name changes: none
Subsequent gender changes: none

[firm name]

By: _____
[attorney name]
[address]
[email address]
[telephone number]

Attorney for Petitioner

Dated: _____

VERIFICATION

I, [name], hereby verify that I have read the foregoing Petition, and the matters set forth therein are true and correct to the best of my knowledge, information and belief. I understand that all statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

[name]

Dated: _____

[firm name]
By: [attorney name], Esquire
PA Attorney I.D. No. ____
[firm address]
Philadelphia, PA ____
(____) ____

Attorneys for Petitioner

IN THE MATTER OF : PHILADELPHIA COUNTY
PETITION TO ESTABLISH BIRTH : COURT OF COMMON PLEAS
RECORD OF : TRIAL DIVISION - CIVIL
[insert name] :
: TERM 20 ____
: NO. ____
:

RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 20____, upon the Petition to Establish Birth Record of [name], a Rule is hereby entered to show cause why petitioner should not be granted the relief requested.

RULE RETURNABLE this ____ day of _____, 2015, Courtroom 691, City Hall, Philadelphia, PA at ____ a.m./p.m.

BY THE COURT:

J.

APPENDIX D: Template *In Forma Pauperis* Petition

BY: [ATTORNEY], Esquire

Attorney for Petitioner
Attorney I.D. No. [NUMBER]
[ATTORNEY'S ADDRESS]
[ATTORNEY'S CITY, STATE ZIP]
[ATTORNEY'S PHONE NUMBER]

I.

**IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
DIVISION**

IN RE:	<u>Term, 20</u> _____
	No. _____

**PRAECIPE TO PROCEED IN FORMA PAUPERIS
AND WITHOUT PAYMENT OF BOND**

TO THE PROTHONOTARY:

Kindly allow [PETITIONER], Petitioner, to proceed *in forma pauperis*. I,
[ATTORNEY'S NAME], Attorney for the Petitioner, hereby certify that I believe the Petitioner
is unable to pay the costs and that I am providing free legal services to the Petitioner.

Pursuant to the amendment to Pennsylvania Rule of Civil Procedure 240, an Affidavit
from the Petitioner is no longer required.

Respectfully submitted,

[ATTORNEY'S NAME]
[ATTORNEY'S FIRM]
Attorney for Petitioner
[PETITIONER]

Dated: [DATE]

BY: [ATTORNEY], Esquire
Attorney for Petitioner
Attorney I.D. No. [NUMBER]
[ATTORNEY'S ADDRESS]
[ATTORNEY'S CITY, STATE ZIP]
[ATTORNEY'S PHONE NUMBER]

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
DIVISION

IN RE:	<u>Term, 20</u> <u>____</u>
	<u>No.</u> _____

ORDER

AND NOW, this _____ day of _____, 2010, upon consideration
of Petitioner's Petition to Proceed In Forma Pauperis, it is hereby ORDERED that the Petitioner
be excused from payment of the filing fee in this matter.

J.

APPENDIX E: Sample SSA FOIA Request
Client Authorization for FOIA Request

[CLIENT]
[STREET ADDRESS]
Philadelphia, PA [ZIP]

Social Security Administration
Office of Privacy and Disclosure
617 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

To whom it may concern:

I am currently working with Philadelphia VIP to obtain record of my birth from [STATE VITAL RECORDS DEPARTMENT]. This letter authorizes you to disclose my record to my attorney, [ATTORNEY's NAME].

Sincerely,

[CLIENT]

Sworn to and subscribed before me this ____ day of _____, 20__.

Notary Public

Seal

Template FOIA Request

[DATE]

Social Security Administration
Office of Privacy and Disclosure
617 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

RE: Request for Copy of Original Application for Social Security Card for [CLIENT]

To Whom It May Concern:

[CLIENT] is a client of [ATTORNEY/FIRM]. We are gathering documentation so we can assist [CLIENT] to obtain his/her birth record from [PLACE OF BIRTH]. This letter serves as an official request for a copy of the Original Application for Social Security Card for [CLIENT]. Please find [CLIENT]'s identifying information below:

Name:
Date of Birth:
SSN:
Birthplace:
Father's Name:
Mother's Name:

Enclosed is a letter of consent from [CLIENT] authorizing you to disclose the requested information to [ATTORNEY/FIRM]. We have also enclosed a check for \$27.00 made payable to the Social Security Administration as payment of the fee for this request.

Should you have any questions or need more information to process this request, please contact me at (____) ____-____. Thank you for your time and assistance in advance.

Sincerely,

[ATTORNEY/FIRM]

Template FOIA Numident Request

[DATE]

Social Security Administration
Office of Privacy and Disclosure
617 Altmeyer Building
6401 Security Boulevard
Baltimore, Maryland 21235

RE: Request for NUMIDENT for [CLIENT]

To Whom It May Concern:

[CLIENT] is a client of [ATTORNEY/FIRM]. We are gathering documentation so we can assist [CLIENT] to obtain his birth record from [PLACE OF BIRTH]. This letter serves as an official request for a NUMIDENT printout for [CLIENT]. Please find [CLIENT]'s identifying information below:

Name:

Date of Birth:

SSN:

Birthplace:

Father's Name:

Mother's Name:

Enclosed is a letter of consent from [CLIENT] authorizing you to disclose the requested information to [ATTORNEY/FIRM]. We have also enclosed a check for \$16.00 made payable to the Social Security Administration as payment of the fee for this request.

Should you have any questions or need more information to process this request, please contact me at (____) ____ - _____. Thank you for your time and assistance in advance.

Sincerely,

[ATTORNEY/FIRM]

APPENDIX F: Sample Diligent Search Affidavit

BY: _____, Esquire

Attorney for Petitioner

Attorney I.D. No. _____

ADDRESS

CITY, STATE ZIP

(____) ____ - ____

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FAMILY COURT DIVISION

IN RE: The Matter of _____ 's Petition to Change the Name of [Her/His] Minor Son, _____, and Amend [Her/His] Birth Certificate	_____ Term, 20_____ No. _____
---	--

AFFIDAVIT OF _____, ESQUIRE

_____, Esquire, deposes and states as follows:

1. I am the attorney for the Petitioner in this matter, _____.
2. Petitioner is the [mother/father] and natural guardian of the minor child, _____.
3. Petitioner seeks to change the minor child's name from _____ to _____ and amend [his/her] birth certificate to reflect this change.
4. Despite diligent efforts, we have been unable to directly contact the [father/mother] or serve [him/her] with the petition.
5. My efforts have included:
 - a. Mailing the Petition by restricted delivery mail (see Pa. R. Civ. P. 403) to [father's/mother's] last known address. The mailing was returned to me on [DATE] because it was not claimed by the addressee. See Exhibit A.

b. Mailing the Petition by restricted delivery mail to [father's/mother's] address, as discovered by contacting the Federal Parent Locator Service. As of [DATE] the mail had not been returned to me nor had [father/mother] contacted me regarding the Petition. See Exhibit B.

6. Despite these efforts, we could not directly contact [father/mother].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.

_____, Esquire

APPENDIX G: Sample Counsel's Declaration Regarding Birth Certificate

BY: _____
Attorney for Petitioner
Attorney I.D. No. _____

Philadelphia, PA _____
(____) _____

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In The Matter of Petition to Change Name of _____ to _____, and Amend [His/Her] Birth Certificate	Term, 20_____ No. _____
--	------------------------------------

COUNSEL'S DECLARATION REGARDING BIRTH CERTIFICATE

I, _____, Esq., being of full age, hereby declare as follows:

1. I am an attorney representing Petitioner _____ ("_____) in this matter. I am admitted to practice law in the Commonwealth of Pennsylvania.

2. I make this declaration in support of _____'s Petition to Change his name, and Amend his Birth Certificate (the "Petition") based on personal information and belief.

3. _____ seeks to change his name from _____ to _____ and amend his birth certificate to reflect this change.

5. The document attached to the Petition as **Exhibit _____** is a true and correct copy of the original birth certificate of _____.

_____ received _____'s original birth certificate from _____
and made the copy attached to the Petition as **Exhibit** _____.

6. I will instruct _____ to bring his original birth certificate to the
name change hearing so that the Court can inspect it at that time.

This Declaration is made subject to the penalties of 18 PA. CONN. STAT. §4904 relating to
unsworn falsification to authorities.

_____, Esq.
Attorney for Petitioner,

Dated: _____

APPENDIX H: Template Letter to Client re Obtaining Amended Documents for an Adult Name Change

DATE

CLIENT'S NAME
CLIENT'S ADDRESS
CLIENT'S CITY, STATE ZIP

Re: Obtaining Amended Documents

Dear _____ :

Now that your name change is complete, I am writing to provide you with instructions on obtaining an amended birth certificate, an amended social security card, and government issued photo ID.

Amended Birth Certificate

Enclosed is an “Application for Certified Copy of Birth Record.” [Find application at: https://www.health.pa.gov/topics/Documents/Certificates%20and%20Records/Application_for_a_Birth_Certificate.pdf]. In order to obtain a corrected birth certificate, you must submit the completed application along with the following documents:

- (1) a photocopy of your original birth certificate,
- (2) a certified copy of the court order changing your name,
- (3) a photocopy of your valid government issued photo ID (ID must have your current mailing address),
- (4) a check or money order for \$20 made out to “Vital Records,”
- (5) a self-addressed stamped envelope, and
- (6) a cover letter requesting an amended birth certificate be issued.

The application and supporting documents should be sent to:

Division of Vital Records (ATTN: Birth Unit)
101 South Mercer Street
PO Box 1528
New Castle, PA 16103

Government Issued Photo ID

Below are instructions for obtaining government issued photo ID. Please note that if you do not have government issued photo ID, you may need to obtain it prior to requesting your corrected birth certificate. To obtain photo ID, please go to a PennDOT Photo and Exam Center. You should include the following documents with you:

1. Your original birth certificate,
2. a certified copy of the court order granting your name change,
3. two forms of proof of residency,
4. your social security card, and
5. a check or money order made payable to "Commonwealth of Pennsylvania" in the amount of \$30.50.

Amended Social Security Card

Finally, I have also enclosed an application for a social security card [Find application at: <https://www.ssa.gov/forms/ss-5.pdf>]. To obtain a new social security card, you need to submit the completed application along with a certified copy of the court order. You may submit the application in person or by mail to any social security office.

Please do not hesitate to contact me if you have any questions. I may be reached at (____)
_____.

Sincerely,

**APPENDIX I: Template Letter to Client re Obtaining Amended Documents for a
Minor Name Change**

DATE

CLIENT'S NAME
CLIENT'S ADDRESS
CLIENT'S CITY, STATE ZIP

Re: Obtaining Amended Documents

Dear _____:

Pursuant to our conversation, I am writing to provide you with instructions on obtaining an amended birth certificate and social security card for _____.

Enclosed is an “Application for Certified Copy of Birth Record.” [Find application at: https://www.health.pa.gov/topics/Documents/Certificates%20and%20Records/Application_for_a_Birth_Certificate.pdf]. In order to obtain a corrected birth certificate for _____, you must submit the completed application along with the following documents:

- (1) a photocopy of _____'s birth certificate,
- (2) a certified copy of the court order changing _____'s name,
- (3) a photocopy of your valid government issued photo ID (ID must have your current mailing address),
- (4) a check or money order for \$20 made out to “Vital Records,”
- (5) a self-addressed stamped envelope, and
- (6) a cover letter requesting an amended birth certificate be issued with _____'s new name.

The application and supporting documents should be sent to:

Division of Vital Records (ATTN: Birth Unit)
101 South Mercer Street
PO Box 1528
New Castle, PA 16103

I have also enclosed an application for a social security card [Find application at: <https://www.ssa.gov/forms/ss-5.pdf>]. To obtain a new social security card for _____, you need to submit the completed application along with a certified copy of the court order. You may submit the application in person or by mail to any social security office.

Please do not hesitate to contact me if you have any questions. I may be reached at (____)

Sincerely,

APPENDIX J: Sample Closing Letter-Adult

DATE

CLIENT'S NAME
CLIENT'S ADDRESS
CLIENT'S CITY, STATE ZIP

Dear CLIENT:

Philadelphia VIP referred your case to me for assistance with your [NAME CHANGE/AMENDED BIRTH CERTIFICATE PETITION].

I assisted you with this case by taking the following actions:

- gathered [RELEVANT DOCUMENTS];
- analyzed whether you fit the legal requirements for a [NAME CHANGE/AMENDED BIRTH CERTIFICATE PETITION]; and
- prepared document and/or filed a [NAME CHANGE/AMENDED BIRTH CERTIFICATE PETITION] on your behalf.

As a result of this work, [OUTCOME ACHIEVED].

You should keep in mind that [ADVICE ON NEXT STEPS THAT CLIENT SHOULD TAKE AND/OR THINGS THAT CLIENT SHOULD BE AWARE OF].

It was a pleasure working with you, and I wish you the best of luck in the future. Should any further questions or concerns, please feel free to contact [VOLUNTEER ATTORNEY AND/OR SPECIFIC VIP STAFF MEMBER] at [PHONE NUMBER].

Sincerely,

VOLUNTEER ATTORNEY'S NAME

Enclosures: [RELEVANT DOCUMENTS THAT CLIENT DOES NOT ALREADY HAVE ORIGINALS AND/OR COPIES OF]

cc: [VIP STAFF MEMBER], via email (without enclosures)

APPENDIX K: Sample Closing Letter- Minor

DATE

CLIENT'S NAME
CLIENT'S ADDRESS
CLIENT'S CITY, STATE ZIP

Dear CLIENT:

Philadelphia VIP referred your case to me for assistance with your [MINOR CHILD'S NAME CHANGE/AMENDED BIRTH CERTIFICATE PETITION].

I assisted you with this case by taking the following actions:

- gathered [RELEVANT DOCUMENTS];
- analyzed whether your [SON/DAUGHTER] fit the legal requirements for a [NAME CHANGE/AMENDED BIRTH CERTIFICATE PETITION]; and
- prepared document and/or filed a [NAME CHANGE/AMENDED BIRTH CERTIFICATE PETITION] on your behalf for your [SON/DAUGHTER].

As a result of this work, [OUTCOME ACHIEVED].

You should keep in mind that [ADVICE ON NEXT STEPS THAT CLIENT SHOULD TAKE AND/OR THINGS THAT CLIENT SHOULD BE AWARE OF].

It was a pleasure working with you, and I wish you the best of luck in the future. Should any further questions or concerns, please feel free to contact [VOLUNTEER ATTORNEY AND/OR SPECIFIC VIP STAFF MEMBER] at [PHONE NUMBER].

Sincerely,

VOLUNTEER ATTORNEY'S NAME

Enclosures: [RELEVANT DOCUMENTS THAT CLIENT DOES NOT ALREADY HAVE ORIGINALS AND/OR COPIES OF]

cc: [VIP STAFF MEMBER], via email (without enclosures)