

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 4:72. ACTIONS FOR CHANGE OF NAME

4:72-1. Complaint

(a) Change of Name for Adult.

(1) Generally. An action for change of name of an adult shall be filed and heard in the Law Division, Civil Part. The action shall be commenced by filing a verified complaint which shall contain the date of birth of the plaintiff and shall state: (1) that the application is not made with the intent to avoid creditors or to obstruct criminal prosecution or for other fraudulent purposes; (2) whether plaintiff has ever been convicted of a crime and if so, the nature of the crime and the sentence imposed; (3) whether any criminal charges are pending against plaintiff and if so, such detail regarding the charges as is reasonably necessary to enable the Division of Criminal Justice or the appropriate county prosecutor to identify the matter. If criminal charges are pending, at least 20 days prior to the hearing a copy of the complaint shall be served on the Director of the Division of Criminal Justice to the attention of the Records and Identification Section if the charges were initiated by the Division of Criminal Justice, or otherwise on the appropriate county prosecutor. Service on the Division of Criminal Justice or on a county prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate.

(2) Return to Prior Name or Assumption of New Surname in Dissolution Matters. Any action for return to a name used prior to a marriage or civil union shall be filed and heard in the Chancery Division, Family Part, either as part of the dissolution complaint or by post-judgment motion. Any action to assume a new surname may be filed and heard in the Chancery Division, Family Part only when it is sought as part of the final relief in a pending dissolution case.

(b) Change of Name for Minor. An action for the change of name of a minor shall be filed and heard in the Chancery Division, Family Part. The action shall be commenced by filing a verified complaint by a parent or guardian on behalf of the minor which shall contain the date of birth of the minor and shall state: (1) that the application is not made with the intent to avoid creditors or to obstruct criminal prosecution or for other fraudulent purposes; (2) whether the minor has ever been adjudicated delinquent or convicted of a crime and, if so, the nature of the crime and the disposition/sentence imposed; (3) whether any criminal charges are pending against the minor and, if so, such detail regarding the charges as is reasonably necessary to enable the Division of Criminal Justice or the appropriate county prosecutor to identify the matter. If criminal charges are pending, at least 20 days prior to the hearing a copy of the complaint shall be served on the Director of the Division of Criminal Justice to the attention of the Records and Identification Section if the charges were initiated by the Division of Criminal Justice, or otherwise on the appropriate county prosecutor. Service on the Division of Criminal Justice or a county prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate. Absent extraordinary circumstances, where the parent or

guardian and the minor consent to the change of name, the court shall conduct the hearing in a summary fashion for the limited purpose of creating a record and confirming the information set forth in the verified complaint.

(c) Change of Name of Adults and Minors in Same Family. An action for change of name of both adults and minors in the same family shall be filed and heard in the Chancery Division, Family Part and shall follow the same process as set forth in paragraph (b) of this rule.

Note: Source – R.R. 4:91-1. Amended July 11, 1979 to be effective September 10, 1979; amended July 15, 1982 to be effective September 13, 1982; amended November 1, 1985 to be effective January 2, 1986; amended July 13, 1994 to be effective September 1, 1994; former text of rule designated as paragraph (a) and amended, paragraph (a) caption added, and new paragraph (b) adopted July 9, 2008 to be effective September 1, 2008; paragraph (a) caption amended, paragraph (a) text amended and designated as subparagraph (a)(1) with new caption, new subparagraph (a)(2) caption and text adopted, paragraph (b) caption and text amended, and new paragraph (c) caption and text adopted July 27, 2018 to be effective September 1, 2018.

4:72-2. Guardian Ad Litem

An action for the change of name of a minor may be commenced by a parent without the appointment of a guardian ad litem.

Note: Source - R.R. 4:91-2; amended July 13, 1994 to be effective September 1, 1994.

4:72-3. Notice of Application

The court by order shall fix a date for hearing not less than 30 days after the date of the order. Notice of application must be served by certified and regular mail, at least 20 days prior to the hearing to the Director of the Division of Criminal Justice to the attention of the Records and Identification Section. The court shall also require, in the case of a minor plaintiff, that notice be served by registered or certified mail, return receipt requested, upon a non-party parent at that parent's last known address.

Note: Source – R.R. 4:91-3. Amended July 7, 1971 to be effective September 13, 1971; amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000; amended August 1, 2016 to be effective September 1, 2016; amended November 17, 2020 to be effective immediately.

4:72-4. Hearing; Judgment; Filing

Except as otherwise provided in Rule 4:72-1(b) and (c) regarding consent to a name change for a minor, on the date fixed for hearing the court, if satisfied from the filed papers, with or without oral testimony, that there is no reasonable objection to the

assumption of another name by plaintiff, shall by its judgment authorize plaintiff to assume such other name from and after the time fixed therein, which shall be not less than 30 days from the entry thereof. At the hearing, plaintiff must present adequate proof of his or her current name. Within 45 days after entry of judgment, a certified copy of the judgment shall be filed with the appropriate office within the Department of Treasury. If plaintiff has been convicted of a crime or if criminal charges are pending, the clerk shall mail a copy of the judgment to the State Bureau of Identification.

Note: Source – *R.R.* 4:91-4; amended July 24, 1978 to be effective September 11, 1978; amended July 11, 1979 to be effective September 10, 1979; amended July 22, 1983 to be effective September 12, 1983; amended July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; amended June 20, 2003 to be effective immediately; amended August 1, 2016 to be effective September 1, 2016; amended July 27, 2018 to be effective September 1, 2018; caption and text amended November 17, 2020 to be effective immediately.