

# Name Change on Birth Certificates

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Adults. Most states will not change a birth record of an adult. A simple court order for a name change is not sufficient to change your birth record. If you have a compelling reason to change a birth record, you must petition the court when you file the name change request to issue an order to the state custodian of birth records to amend your birth records. This request may or may not be granted.

Generally it is much easier to change a birth record for a child than it is to change the birth record of an adult.

## Changing the names of children on a stepfather adoption

If you want to change a child's name from that of a biological father to that of a stepfather, most states require a stepfather adoption.

As with any adoption, the natural father will be asked if he consents. If you do not know the whereabouts of the natural father, the court will expect you to demonstrate that you attempted to locate him. Mailing a letter to the last known address or notice in a newspaper may be sufficient.

If the natural father refuses to give consent or contests the stepfather adoption, a court proceeding will be required.

Children. If a mother has a child out of wedlock, most states will use the mother's maiden name as the child's surname. If the mother subsequently marries the child's biological father, some states will not only allow the child's name to be changed to that of the father, but will allow the birth record to be, in essence, rewritten, naming the father (if he wasn't on the birth record already) and changing the last name of the child. This procedure is usually referred to as legitimization. You may write to the Bureau of Vital Records for the state in which the child was born, and ask for the requirements for a legitimization, name change, and birth record change. A court procedure may not be required. Affidavits from the mother and father, swearing that he is the biological father, and a certified copy of the marriage certificate may be sufficient. If so, the bureau of Vital Records will send forms and instructions.

If a court proceeding is necessary, you can represent yourself or retain an attorney. Representing yourself from Germany is difficult and, at some point, you will probably have to go back to the U.S. to attend a hearing. If you retain an attorney, you will have to pay the attorney, but the Legal Assistance Office may be able to assist you in completing documents provided by your attorney.