

[NY CLS Civ R, Art. 6](#)

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New York Consolidated Laws Service > Civil Rights Law (Arts. 1 — 10) > Article 6 Change of Name (§§ 60 — 65)

Article 6 Change of Name

History

Add, L 1920, ch 924, § 2, eff April 15, 1921.

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[NY CLS Civ R § 60](#)

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§ 60. Petition for change of name

A petition for leave to assume another name may be made by a resident of the state to the county court of the county or the supreme court in the county in which he resides, or, if he resides in the city of New York, either to the supreme court or to any branch of the civil court of the city of New York, in any county of the city of New York. The petition to change the name of an infant may be made by the infant through his next friend, or by either of his parents, or by his general guardian, or by the guardian of his person.

History

Add, L 1920, ch 924, § 1; amd, L 1939, ch 26, § 1; L 1944, ch 759, § 1; L 1952, ch 426, § 1; L 1953, ch 690, § 1; L 1962, ch 695, § 28, eff Sept 1, 1962.

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§ 61. Contents

1. The petition shall be in writing, signed by the petitioner and verified in like manner as a pleading in a court of record, and shall specify the grounds of the application, the name, date of birth, place of birth, age and residence of the individual whose name is proposed to be changed and the name which he or she proposes to assume. The petition shall also specify (a) whether or not the petitioner has been convicted of a crime or adjudicated a bankrupt; (b) whether or not there are any judgments or liens of record against the petitioner or actions or proceedings pending to which the petitioner is a party, and, if so, the petitioner shall give descriptive details in connection therewith sufficient to readily identify the matter referred to; (c) whether or not the petitioner is responsible for child support obligations; (d) whether or not the petitioner's child support obligations have been satisfied and are up to date; (e) the amount of a child support arrearage that currently is outstanding along with the identity of the court which issued the support order and the county child support collections unit; (f) whether or not the petitioner is responsible for spousal support obligations; (g) whether or not the petitioner's spousal support obligations have been satisfied and are up to date; and (h) the amount of spousal support arrearage that currently is outstanding along with the identity of the court which issued the support order.
2. If the petitioner stands convicted of a violent felony offense as defined in [section 70.02 of the penal law](#) or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, and is currently confined as an incarcerated individual in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of such conviction, the petition shall for each such conviction specify such felony conviction, the date of such conviction or convictions, and the court in which such conviction or convictions were entered.
3. Upon all applications for change of name by persons born in the state of New York, there shall be annexed to such petition either a birth certificate or a certified transcript thereof or a certificate of the commissioner or local board of health that none is available.

History

Add, L 1920, ch 924, § 1; amd, L 1942, ch 101, § 1; L 1952, ch 643, § 1; [L 2000, ch 549, § 1](#), eff Jan 24, 2001 (see 2000 note below); [L 2006, ch 320, § 20](#), eff Nov 1, 2006; [L 2006, ch 481, § 1](#), eff Aug 16, 2006; [L 2011, ch 62, § 54](#) (Part C, Subpart B), eff March 31, 2011; [L 2021, ch 322, § 252](#), effective August 2, 2021.


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Notice

 This section has more than one version with varying effective dates.

§ 62. Notice.

1. If the petition be to change the name of an infant, notice of the time and place when and where the petition will be presented must be served, in like manner as a notice of a motion upon an attorney in an action, upon (a) both parents of the infant, if they be living, unless the petition be made by one of the parents, in which case notice must be served upon the other, if he or she be living, and (b) the general guardian or guardian of the person, if there be one. But if any of the persons, required to be given notice by this section, reside without the state, then the notice required by this section must be sent by registered mail to the last known address of the person to be served. If it appears to the satisfaction of the court that a person required to be given notice by this section cannot be located with due diligence within the state, and that such person has no known address without the state, then the court may dispense with notice or require notice to be given to such persons and in such manner as the court thinks proper.
2. If the petition be to change the name of a person currently confined as an incarcerated individual in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of a conviction for a violent felony offense as defined in [section 70.02 of the penal law](#) or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, notice of the time and place when and where the petition will be presented shall be served, in like manner as a notice of a motion upon an attorney in an action, upon the district attorney of every county in which such person has been convicted of such felony and upon the court or courts in which the sentence for such felony was entered. Unless a shorter period of time is ordered by the court, said notice shall be served upon each such district attorney and court or courts not less than sixty days prior to the date on which such petition is noticed to be heard.
3. Except as provided in subdivisions one and two of this section, the court shall not require any other pre-hearing notice. The court shall not condition the entry of an order on notice to any other party or to any city, state or federal agency except by written order detailing the court's reasoning for requiring such notice and showing cause why such notice should be served. Under no circumstances shall the court require notice to United States immigration and customs enforcement, United States customs and border protection, United States citizenship and immigration services, or any successor agencies, or any agencies having similar duties.
4. The court shall not request or require consent from any party other than the petitioner, or in the case of a petitioner who does not have capacity to consent, their legal representative, as a condition of granting the name change or obtaining certified copies of the name change order.

History

Add, L 1920, ch 924, § 2, with substance transferred from Code Civ Proc § 2413; amd, L 1953, ch 690, § 2, eff April 13, 1953; [L 2000, ch 549, § 2](#), eff Jan 24, 2001; [L 2006, ch 320, § 21](#), eff Nov 1, 2006; [L 2011, ch 62, § 55](#) (Part C, Subpart B), eff March 31, 2011; [L 2021, ch 158, § 2](#), effective December 21, 2021; [L 2021, ch 322, § 253](#), effective August 2, 2021.

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§ 63. Order.

If the court to which the petition is presented is satisfied thereby, or by the affidavit and certificate presented therewith, that the petition is true, and that there is no reasonable objection to the change of name proposed, and if the petition be to change the name of an infant, that the interests of the infant will be substantially promoted by the change, the court shall make an order authorizing the petitioner to assume the name proposed. The order shall further recite the date and place of birth of the applicant and, if the applicant was born in the state of New York, such order shall set forth the number of the applicant's birth certificate or that no birth certificate is available. The order shall be directed to be entered and the papers on which it was granted to be filed in the clerk's office of the county in which the petitioner resides if they are an individual, or in the office of the clerk of the civil court of the city of New York if the order be made by that court.

History

Add, L 1920, ch 924, with substance transferred from Code Civ Proc § 2414; amd, L 1952, ch 643; L 1955, ch 386; L 1962, ch 695, § 29; L 1970, ch 314; [L 1993, ch 142, § 1](#); [L 2000, ch 549, § 3](#), eff Jan 24, 2001; [L 2006, ch 258, § 1](#), eff Aug 25, 2006; [L 2014, ch 253, § 1](#), effective August 11, 2014; [L 2021, ch 158, § 3](#), effective December 21, 2021.

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§ 64. Effect.

1. If the order is entered, the petitioner shall be known by the name which is thereby authorized to be assumed. If the surname of a parent be changed as provided in this article, any minor child of such parent at the time of such change may thereafter assume such changed surname.
2.
 - (a) If the petition states that the petitioner stands convicted of a violent felony offense as defined in [section 70.02 of the penal law](#) or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, the clerk of the court in which the order has been entered shall deliver, by first class mail, a copy of such certified order to the division of criminal justice services at its office in the county of Albany and (b) if the petition states that the petitioner is responsible for spousal support or child support obligations pursuant to court order, upon review of the petitioner's application for name change and subsequent inquiry, the court shall order the petitioner to deliver, by first class mail, the petitioner's new name with such certified order to the court of competent jurisdiction which imposed the orders of support. If a party to the order is receiving child support services pursuant to title six-A of article three of the social services law, a copy shall be mailed to the support collection unit of the applicable social services district providing such services to a party. Such certification shall appear on the original order and on any certified copy thereof and shall be entered in the court's minutes of the proceeding.
3. A name change order or other government issued document or court issued documentation of a name change shall be sufficient to change the petitioner's name on any document or record issued or maintained by the state of New York or any subdivision thereof, or any private entity, including but not limited to, all school records for current and past students, archival records and marriage certificates. This section shall not apply when archival records cannot be accessed or when modifying archival records is otherwise prohibited by law. Failure of a public or private entity to comply with such a request may constitute a violation of [section two hundred ninety-six of the executive law](#), section forty-c of this chapter and any applicable local non-discrimination law and may be the basis for a complaint to the New York state division of human rights and any other applicable enforcement entity.

History

Add, L 1920, ch 924, with substance transferred from Code Civ Proc § 2415; amd, L 1942, ch 612; L 1947, ch 351; L 1948, ch 690; L 1985, ch 583, § 4; [L 1993, ch 142, § 2](#), eff June 28, 1993; [L 2000, ch 549, § 4](#), eff Jan 24, 2001; [L 2006, ch 258, § 2](#), eff Aug 25, 2006; [L 2006, ch 320, § 22](#), eff Nov 1, 2006; [L 2006, ch 481, § 2](#), eff Aug 16, 2006; [L 2021, ch 158, § 4](#), effective December 21, 2021; [L 2022, ch 163, § 1](#), effective December 21, 2021.

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§ 64-a. Sealing name change papers.

1. If the court shall find that open record of an applicant's change of name would jeopardize such applicant's personal safety, based on totality of the circumstances, the court shall, at the request of the applicant or sua sponte, order the records of such change of name proceeding be sealed, to be opened only by order of the court for good cause shown or at the request of the applicant. For the purposes of this section, "totality of the circumstances" shall include, but not be limited to, a consideration of the risk of violence or discrimination against the applicant, including such applicant's status as transgender or as the subject of domestic violence. The court shall not deny such sealing request solely on the basis that the applicant lacks specific instances of or a personal history of threat to personal safety.
2. Notwithstanding any other provision of law, pending such a finding in subdivision one of this section where an applicant seeks relief under this section, the court shall immediately order the applicant's current name, proposed new name, residential and business addresses, telephone numbers, and any other information contained in any pleadings or papers submitted to the court to be safeguarded and sealed in order to prevent their inadvertent or unauthorized use or disclosure while the matter is pending.

History

Add, [L 1994, ch 447, § 1](#), eff July 20, 1994; amd, [L 2009, ch 83, § 1](#), eff July 7, 2009; [L 2015, ch 241, § 1](#), effective September 22, 2015; [L 2021, ch 158, § 5](#), effective December 21, 2021.

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§ 65. Optional change of name upon marriage, divorce or annulment.

1. Any person may, upon marriage, elect to assume a new name according to the provisions of paragraph (b) of subdivision one of [section fifteen of the domestic relations law](#).
2. Any person may, upon divorce or annulment, elect to resume the use of a former surname or middle name according to the provisions of [section two hundred forty-a of the domestic relations law](#).
3. The effect of the name changes accomplished in the manner prescribed in subdivisions one and two of this section shall be as set forth in [section sixty-four](#) of this article.
4. Nothing in this article shall be construed to abrogate or alter the common law right of every person, whether married or single, to retain his or her name or to assume a new one so long as the new name is used consistently and without intent to defraud.
5. Notwithstanding any inconsistent provision of law, the state shall not impose any fee, charge, surcharge or assessment solely to change the surname or middle name contained on a license, permit, registration or other identifying document for a person who, because of a change in marital status, has assumed a new name or reassumes use of a former surname as provided for in this section.

History

Add, L 1985, ch 583, § 5, eff Sept 1, 1985; amd, [L 1999, ch 417, § 1](#), eff Sept 30, 1999; [L 2019, ch 716, § 4](#), effective December 20, 2020.

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