

Managing Partner Greg T. Rinckey Speaks About the Legal Process Tied to a Name Change

By Kristi Barlette Marriage — or divorce — aren't the only reasons people change their names. Sometimes, the name change is a matter of a negative association or a desire to distance themselves from their family or their past. And there are some people who just dislike their name with such vigor they deem a change necessary. But while we can do everything from grocery shopping to taking a one-on-one violin lesson over the Internet these days, legally and officially changing your name can't be done online. We take a look at what you should consider and what's involved when making the switch. Think about

Cost: The main ways a person changes his or her name is through marriage or by petitioning the court, says Greg T. Rinckey, a managing partner at Tully Rinckey in Albany. The first is the easier of the two. Typically, when parties marry, they're required to go to their local municipal clerk. Most jurisdictions require that the couple both show valid driver's licenses and certified birth certificates. They would also need to show any divorce or annulment papers from a prior marriage. The only fee involved is the cost of a marriage license (\$40 in New York). If you petition the court for a name change, you'll have the expense of filing fees (varies by jurisdiction), plus the cost of hiring an attorney. Getting your name changed legally requires approval of a judge. While most judges will grant a reasonable request for a name change, it is not a guarantee, says Rinckey. Consulting an attorney and having the paperwork drafted properly can be helpful. (The cost will range from \$1,000 to \$2,500.)

The investment: Changing your name will normally require legal documents, such as a driver's license and Social Security card. This involves time, cost and, for some, inconvenience.

Name recognition: Are you famous? Does your business include your last name? You may want to consider these factors, Rinckey says. Most movie stars don't change their last name. Certain professionals may also be hesitant to change their last name if they have already built up a substantial client base.

The process

When changing your name after marriage, as mentioned above, you first need a marriage license (acquired before the wedding). You will need to bring an original copy of the license (additional copies are about \$10), your birth certificate, driver's license and any divorce papers to the Social Security office at the Leo W. O'Brien Federal Building in Albany (fourth floor) or your county clerk's office. You will be required to complete the applicable forms as well. Usually, this process can be completed while you are at the clerk's office and will take 30 minutes to an hour.

Divorce: Typically, you will just need to go to the DMV and show your divorce decree to get your driver's license changed, says Rinckey. In fact, most governmental entities require a divorce decree that normally has specific language allowing a person to resume use of a maiden name or prior surname. After divorce, you are not required to change your name back. Your ex-spouse cannot force you to change your name to your prior name.

Reasons other than marriage: You'll need to petition the court. First, you'll draft a petition requesting the court grant an order changing your name. Next, you will need to purchase an index number, which typically costs \$210. You will also need to file a Request for Judicial Intervention (some jurisdictions charge for this, some don't). Your papers will be

reviewed by the court clerk and submitted to a judge. If the judge approves your name change, you will need to publish your new name in a newspaper. The newspaper charges a fee for publishing your name change (\$15 in the Times Union). The entire process can take anywhere from four to six months. What else: After you go through the legal side of the transition, you need to make sure everything else is changed — that includes your driver's license, passport and credit cards and bank accounts (in most cases, you will need your marriage license to change these). Also, check with your human resources department at work. You will likely need to show your new Social Security card to have your name changed on your paycheck.