Helping Human Trafficking Survivors with Name Changes In Maryland: Tips for Attorneys

MARYLAND VOLUNTEER LAWYERS SERVICE

HTPP
The Human Trafficking Prevention Project

People change names for many reasons, such as marriage, gender transition, personal preference, correcting an error, or feeling that their legal name does not reflect the person they have become. Survivors of human trafficking may want to change their name because their legal name triggers past trauma, does not capture their current identity, or a new name is essential for their personal and/or family's safety. Maryland law accommodates all these scenarios.

In Maryland, individuals can use a new name during everyday interactions and share their new name with family, friends, and others without going through a legal process. However, if a person wishes to change their name on official documents such as their driver's license or state identification card, open a bank account under a new name, or apply for certain jobs, leases, etc., they will have to change their name through a court process. While this process is fairly straightforward in some ways, for survivors of human trafficking there may be certain additional considerations and challenges around safety, the court process, and fees that can make attorney assistance helpful.

Name Change via the Court Process in Maryland

Name changes in Maryland, whether for safety, a desire to break with the past, or any other reason, starts with the same process: filing a "Petition for Change of Name of an Adult," Form CC-DR-060 (mdcourts.gov). A person **cannot change** their name for "illegal or fraudulent" reasons, and the new name cannot interfere with the rights of anyone else, for example, a person can't change their name to "Beyonce" or "Taylor Swift"!

In addition to completing the petition, the individual requesting a name change must submit proof of identification, which can be a birth certificate copy, driver's license, government-issued ID, or passport. The petition and documentation must be submitted to the Circuit Court of the county where the individual lives, conducts regular business, is employed, or was born.

For all Maryland jurisdictions, an individual can file online by going to Odyssey File & Serve (tylertech.cloud)and registering for a Self-Represented (Pro Se) Account and paying a fee ($165 as of 2024) to file the petition.

> ***NOTE REGARDING FEES:** If a survivor (or any individual) is represented by a non-profit legal services provider like Maryland Volunteer Lawyers Services, the $165 filing fee can generally be easily waived via request to the court.

If a survivor requesting a name change has concerns about their privacy or safety, they can request that the proceedings be sealed and inaccessible to the general public. To do this, a "Petition to Seal or Otherwise Limit Inspection of a Case Record," **Form CC-DC-053 (mdcourts.gov),** must be submitted with the initial filing of the Name Change Petition.

After filing, the petitioner must wait for the Court's required 30-day waiting period to expire, which provide opportunities for any interested parties to object to the name change or for the Court to schedule a hearing to learn more about the reasons for a name change.

If the petition has been completed correctly, adequate documentation of the petitioner's current name has been provided, and there are no objections to the name change, the Court will issue a signed Order legally changing the petitioner's name. The Court may mail the petitioner a certified copy of the Order, or they may need to pick it up from the Clerk's office**.**

> ***NOTE REGARDING FEES: There is a $5 fee for certified copies.** We recommend the individual who requested the name change ask for **3-5 certified copies**, one for each of the agencies or businesses where they will need proof of name change; for example, they will need certified copies of the Court Order to change their name on their social security card, driver's license, passport, birth certificate, and Marriage Records.

Name Change of Minor (Over Age One)

A name change petition for a minor (Maryland Court Form CC-DR-063) must be brought by an adult petitioner on behalf of the minor in the county where the minor resides, or where a parent, guardian, or custodian of the minor resides. The name change petition must be submitted with a copy of the minor's birth certificate, and include (i) the written consent of each parent, guardian, and custodian of the minor or an explanation why the consent is not attached, and (ii) the written consent of the minor, if the minor is at least ten years old. If a petition filed on behalf of a minor contains confidential information about the minor, the petitioner may request that the court seal or otherwise limit inspection of a case record as provided in Md. Rule 16-934.

Special Circumstances for Name Changes in Maryland

Divorce: If a survivor (or any individual) took on a new name due to marriage and is now getting divorced, they can return to their birth name or some other previous name without going through the above procedure. The easiest way is to request it when they file for divorce. The judge issuing the decree may also ask the parties if they wish to undertake a name change. If the name change is not done when the decree is issued, they can file a "Motion for Restoration of Former Name," Form CC-DR-097 (mdcourts.gov), within 18 months after the divorce decree is issued.

Gender Identity: If a survivor (or any individual) is filing a "Petition for Judicial Declaration of Gender Identity of an Adult" (Form CC-DR-120) or a "Petition for Judicial Declaration of Gender Identity of a Minor" (Form CC-DR-121) and they wish to change their name at the same time, check the "With Name Change" box at the beginning of the form and answer the questions regarding the name change. The name change rules in this context are the same as those on page one.

Minor Child Under One Year: If a survivor (or any individual) has a minor child born in Maryland, they may change the name on the child's birth certificate on time within the first year without a court order. This can be done by filing a written request with the Maryland Department of Health. For more information and to download the affidavit, please visit https://health.maryland.gov/vsa/Pages/changename.aspx.

Criminal Registration: If a survivor (or any individual) is on probation, granted a suspended sentence, received a sentence that does not include a term of imprisonment, or have been released from the Juvenile Court's jurisdiction, they can change their name. However, they must notify local law enforcement within **three days** of the name change.

Changing Additional Documents:

- **Begin with the Social Security Administration (SSA) -** An updated card is free and is required for a corrected Driver's License or ID card in Maryland. The SSA process begins with a simple online questionnaire; based on the applicant's input, they must prepare proof of identity and proof of name change. Submit an online application, schedule an appointment with documents; applicants will receive the card in the mail. For more information, please visit https://www.ssa.gov/number-card/replace-card/get-started/apply-online. Alternatively, contact SSA, schedule a meeting, and bring documents to that appointment. Name change documents must be original or certified copies with a raised seal, stamp, or signature!

- **Driver's License or State Identification Card**—Detailed steps are on the MD Motor Vehicle Administration's website https://mva.maryland.gov/drivers/Pages/md-drivers-license.aspx#mddlcorrecting. Make an appointment and bring the court-ordered name change to the Motor Vehicle Administration (MVA). The cost for an updated license or identity card is $20.00. MVA requires updated Social Security Cards and a certified copy of the Court Order; bring these documents to the MVA appointment. Name change documents must be original or certified copies with a raised seal, stamp, or signature!

  ***NOTE REGARDING GENDER DESIGNATION**: To only change gender designation on a driver's license or identification card in Maryland, no additional documentation is needed, and an individual can make an appointment to do so at https://mva.maryland.gov/drivers/Pages/md-drivers-license.aspx.

- **Other Agencies** - Provide a certified copy of the name change order to agencies and businesses, including banks, credit card companies, insurance companies, health care providers, and employers to officially update those records. Lastly, notify the post office, employers, educational institutions, health care providers/insurance, financial institutions (including credit reporting agencies), and other important contacts of the name change.

This tip sheet was created as a part of the Human Trafficking Prevention Project (HTPP), working in partnership with the Maryland Volunteer Lawyers Service (MVLS).

The information on this tip sheet is adapted from the HTPP webinar: *"The Legal Process for Name Change in Maryland,"* available at www.mvlslaw.org/ht/resources.

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