



Name Change Petitions Service of Process Instructions

Court Address

2 Woodward Avenue, Suite 711, Detroit, MI 48226

Telephone

313-224-6639

These are process instructions concerning service of a Name Change Petition and a Notice of Hearing on a non-custodial parent, and instructions on submitting the proof of service to the Court. *Please note that if the non-custodial parent signs the Petition, then you do not have to serve him or her.*

Note: These instructions apply to a custodial parent who has completed a Name Change Petition for an applicant under 18 years of age and who needs to serve the non-custodial parent with a copy of the petition and notice of hearing. Please see the Name Change Instructions for full instructions on how to petition for a name change.

INSTRUCTIONS:

If you are a custodial parent who is filing the Petition for an applicant under 18 years of age, and **the non-custodial parent will not sign the Petition, you must serve the non-custodial parent with a copy of the Petition and a Notice of Hearing 14 days before the hearing.**

- a. Acceptable methods to serve the non-custodial parent, if the non-custodial parent's address or whereabouts is *known*:

Personal Service:

1. Have a non-party (over the age of 18) hand deliver a copy of the Petition and Notice of Hearing to the non-custodial parent in-person.
2. You must receive a written statement, **signed under oath**, from the non-party process server, which states the manner, time, date, place of service, and the process server's official capacity, if any. You may use [SCAO form PC 564](#) to complete this step.
3. You must bring this written statement to the name change hearing.

****NOTE: "Non-party" means someone who is not involved in the name change case.****

Service by Mail:

1. Mail a copy of the Petition and Notice of Hearing to the non-custodial parent by **first class mail**.
- b. Applicants may complete and submit the **original** Proof of Service ([SCAO form PC 564](#)) and other **original** documents by email, mail, or fax to the Wayne County Clerk's Office before your hearing. Go to [Family Division/FOC Filing Instructions](#) to review detailed instructions on how to file documents with the Court.
- c. Acceptable methods to serve the non-custodial parent, if the non-custodial parent's address or whereabouts is *unknown after diligently attempting to find him or her*.

Publication:

1. Complete the Publication of Notice of Hearing form ([SCAO form PC 50](#)). If you have an order for nonpublication, but must publish a notice to a noncustodial parent, use SCAO form [PC 50c](#), Publication of Notice of Hearing Regarding Petition for Name Change (Noncustodial Parent)
2. The Publication of Notice of Hearing must be published at least **14 days** before the name change hearing.
 - i. To publish in the local newspaper, take the Publication of Notice of Hearing form ([SCAO form PC 50 or SCAO form PC 50c](#)) to the Detroit Legal News, which may be contacted at phone number (313) 409-6398 or e-mail at wayneprobate@legalnews.com.
 - ii. **The current Detroit Legal News' publication fee can be found on the Court's website.** Go to <https://www.3rdcc.org/forms/family-domestic>, and click on the document titled, "Name Change Costs."
 - iii. **For those with a valid Fee Waiver on file**, provide a copy of your Fee Waiver to the Detroit Legal News along with your Publication of Notice of Hearing form ([SCAO form PC 50](#)). Your publication fees will be paid by the Court in accordance with MCR 3.613(B).
3. Applicants may file the **original** Publication of Notice of Hearing and the Affidavit of Publication that you received as a receipt for the publication with the Wayne County Clerk's Office, by email, mail, or fax. Go to Family Division/FOC Filing Instructions online at: [Family Domestic/FOC Filing Instructions \(3rdcc.org\)](#) to review detailed instructions on how to file documents with the Court.

Note: The Publication of Notice Hearing form ([SCAO PC form 50](#)) only needs to be completed and submitted to a local newspaper for publication one time.

Note: If the non-custodial parent is not properly served before the hearing, the Petition will be **DISMISSED**. It will not be reinstated and the applicant will need to start the entire process over — including paying all filing fees again.