

D. PASSPORTS

The United States Department of State, Bureau of Consular Affairs, designates the clerk of a state court of record as passport acceptance agent. In Texas, this duty is given to district clerks. This duty is entirely optional with the individual clerk.

*Gov't Code
Sec. 51.3031(a)*

If the district clerk does perform this duty, his or her role is to accept the applications, and forward them to the U.S. Passport Agency for actual issuance of a passport. The laws governing passports may be found in United States Code, Title 22, Chapter 4. Clerks accepting passport applications should be familiar with the general rules regarding passport issuance and eligibility.

*22 USCA
Sec. 211a-218*

A district clerk may also perform all duties necessary to process an application for a United States passport, including taking passport photographs. To recover the costs of taking passport photographs, a district clerk may collect a reasonable fee in an amount set by the commissioners court. (This is in addition to the fees set out below.)

*Gov't Code
Sec. 51.3031(b)
and (c)*

Beginning in the summer of 2008, there will be two different types of passports. The first is a passport "book" that will basically be the same as traditional passports. The second is a passport "card" that will facilitate entry and expedite document processing at U.S. land and sea ports-of-entry when arriving from Canada, Mexico, the Caribbean and Bermuda. The card may not be used to travel by air. The card will otherwise carry the rights and privileges of the U.S. passport book.

A fee of \$75.00 per passport book for each applicant 16 years of age or older, and a fee of \$60.00 per passport book for each applicant 15 years of age or younger, is required and is sent to the Passport Agency along with the application. The fee for a passport card (beginning in the summer of 2008) is \$20 for those persons age 16 and above and \$10 for those persons younger than 16. An additional fee of \$60.00 per application, also sent to the Passport Agency, is charged for any requested expedited service.

The district clerks, as passport acceptance agents, are authorized to charge an execution fee of \$25.00 for their services for each application for a passport book or a passport card.. Passport processing fees (that is, the execution fee and any fee charged for photographs) collected shall be paid to the county treasurer, or to an official who discharges the duties of the county treasurer, for deposit into the general fund of the county.

Applicants with U.S. Government or military authorization for a no-fee passport may not be not charged any fees except the execution fee.

Special conditions apply to passport applications for children under age 14. Both parents or the legal guardian(s), and the minor child, must appear in person. The parents or guardian(s) must provide proof of the child's U.S. citizenship, evidence of the child's relationship to the parents or guardian(s) and parental identification.

If only one parent appears, he or she must also submit one of the following: second parent's written statement consenting to passport issuance for the child; evidence of sole authority to apply; or written statement, made under penalty of perjury, explaining the second parent's unavailability.

Passports are to be sent for processing to:
Houston Passport Agency
Mickey Leland Federal Building
1919 Smith Street
4th Floor
Houston, Texas 77002-8049

Further information regarding the issuance of passports may be obtained from the State Department's web site: www.travel.state.gov/passport/passport_1738.html. The National Passport Information Center has a toll-free number: 877/487-2778 for questions regarding passports.

E. NAME CHANGE

Name changes incident to divorce are covered in Chapter X, Family Law. The procedures covered here apply to name changes for other reasons. Clerks cannot, of course, give legal advice to people seeking a name change. They should, however, be familiar with the procedures to accurately file and process the petitions.

1. Children

A petition requesting a name change is filed in the county in which the child resides. It can be filed by a parent, managing conservator or guardian. The petition must be verified and include the following:

*Family Code
Sec. 45.001
Sec. 45.002(a)*

- the present name and residence of the child;
- the reason a change of name is requested;
- the full name requested for the child;
- whether the child is subject to the continuing exclusive jurisdiction of a court under Chapter 155, Family Code; and
- whether the child is subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

In addition, if the child is 10 years old or older, his or her written consent to the name change must be attached to the petition.

Sec. 45.002(b)

Citation is issued and served on a parent whose parental rights have not been terminated, on any managing conservator, and on any guardian of the child.

Sec. 45.003