

NAME CHANGES FOR MINORS IN FLORIDA



What are the legal requirements?

The parent(s) or guardian of the child can file a petition for a name change with the Chancery court in the county in which the minor resides. *Florida Statute, Title VI, § 68.07*. The petition must show that the minor is a resident of the county where the change of name is sought, the date and place of birth, the father's name and the mother's maiden name, and where the minor has resided since birth. The petition must also show whether the petitioner has ever been arrested for, charged with, or found guilty of a criminal offense and whether the petition is filed for an ulterior or illegal purpose. § 68.07(2)(c).

The hearing may be held immediately after the clerk of the court receives the results of the criminal history records check. When the court enters a final judgment on the name change, the clerk will send a judgment to the Office of Vital Statistics of the Department of Health, if the birth occurred in Florida. If the minor was born in another state, the clerk must provide the petitioner a certified copy of the final judgment. § 68.07(5). The clerk must also send a report of the judgment to the Department of Law Enforcement. § 68.07(6).

Where should I file and what forms should I use?

You can find a list of the circuit courts at:

<http://www.flcourts.org/florida-courts/trial-courts-circuit.stml>

You can find the documents required for name change at:

<http://www.flcourts.org/resources-and-services/family-courts/family-law-self-help-information/family-law-forms.stml#982> under “Name Change; Forms 12.982 A-G”

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

Does the process require parental consent?

The process does require parent consent. If both parents agree to the change of name and live in the county where the change is sought, they may both file as petitioners. If only one parent is a resident of the county where the change of name is sought or only one parent agrees to the change, the other parent must be notified and their consent must be obtained.

Does the process require publication?

There is no specification on whether or not the process requires publication.

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What will the judge consider?

Judges have a lot of discretion in granting name changes. Some may have lots of questions and want to see lots of evidence regarding the name change of the child, others may grant a name change as long as there are no objections. Judges may consider whether to grant a name change for a minor according to what is in the ‘best interests of the child’. They typically evaluate the best interest of the child by looking at a variety of factors, which may include the child’s preference (taking into consideration their age and experience), the length of time a child has used that name, the difficulties, harassment, or embarrassment a child may experience from the present or proposed name, and the motives or interests of the parent.

To demonstrate that the name change is in the best interests of the child, along with the name change petition you may want to submit evidence showing the judge why this is in the child’s best interest. Examples of such evidence would be letters from teachers, family, or friends confirming their use of preferred name, letters from providers confirming the child’s gender identity, etc.