

# NAME CHANGES FOR MINORS IN Louisiana



## What is the name change process?

The parent or parents of the minor must file a petition against the district attorney in the parish in which the minor resides and state the reason for the name change and the new name desired. The district attorney will represent the interest of the state in the case and file an answer to the petition with the court. The judge will then hear the case and issue a decision. *La. Rev. Stat. Ann. § 13:4752, 13:4753*

## Where should I file the petition and what forms should I use?

You should file the petition in the district court in the parish where the minor resides.

Each district court may have forms available or you may need to modify other name change forms for your purposes. For example, you can find a petition for Livingston Parish at: <http://www.21stjdc.org/Name-Change-Minor>

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?

Consent of both parents is required unless one parent is deceased. If one parent has been granted custody of the minor, the consent of the other parent is not required if:

- (a) The parental rights of the other parent have been terminated.
- (b) The other parent has been served with a copy of the petition and any of the following exists:
  - (i) The other parent has refused or failed to comply with a court order of support for a period of one year.
  - (ii) The other parent has failed to support the child for a period of three years after judgment awarding custody to the parent signing the petition.
  - (iii) The other parent is not paying support and has refused or failed to visit, communicate, or attempt to communicate with the child without just cause for a period of two years.

In case the minor has no living parent, the petition must be signed by the guardian. *La. Rev. Stat. Ann. § 13:4751*

## National Center for Transgender Equality

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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. The judge will generally consider the best interests of the minor 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.