

NAME CHANGES FOR MINORS IN Maine



What are the legal requirements?

The parent(s) or legal custodian of the minor may petition for a name change on a minor's behalf. *Me. Rev. Stat. tit. 18-A, § 1-701*

Where should I file the petition?

You should file the petition in the Probate Court in the county where the minor resides. If there is a proceeding involving custody or other parental rights regarding the minor in the District Court, you must file the petition in the District Court. *Me. Rev. Stat. tit. 18-A, § 1-701*

Find the appropriate Probate Court at: <https://www.maineprobate.net>

What is the process and what forms should I use?

The parent(s) or legal custodian of a minor may submit a name-change petition to the Probate Court on the minor's behalf. If both parents do not sign the petition, notice must be given to the other parent. To protect the minor's safety, the judge may limit the notice required if the petitioner shows that the minor is a victim of abuse and the minor is currently in reasonable fear of their safety.

The judge, after a hearing, will determine whether or not to grant the change of name of the minor. If the judge limited the notice required because the minor was a victim of abuse and is in fear of their safety, the judge may seal the records of the name change. *Me. Rev. Stat. tit. 18-A, § 1-701*

The name change forms are available here:

[http://www.courts.maine.gov/fees_forms/forms/pdf_forms/pb/PB-004,Petition%20Name%20Change%20\(MINOR\),fillablelocked,Rev%207.16.pdf](http://www.courts.maine.gov/fees_forms/forms/pdf_forms/pb/PB-004,Petition%20Name%20Change%20(MINOR),fillablelocked,Rev%207.16.pdf)

There is a \$40 fee for filing the name change petition.

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?

Both parents must consent to the name change if they are the legal custodians of the minor. Even in the case of divorce, where legal custody of the minor is still maintained by both

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parents and parental rights and responsibilities are still shared, both parents must agree to a change of name for the minor. *In re Perry*, 2004 ME 46, 845 A.2d 1153 (2004)

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.