

# NAME CHANGES FOR MINORS IN Michigan



## What are the legal requirements?

An individual may file a Petition to Change Name with the Family Division of the Circuit Court for the county in which the minor has been a resident for at least one year. *Mich. Comp. Laws* § 711.1(1). Generally, this petition must be signed by the parent(s) or legal guardian of the minor. If the minor is 14 years old or older, the minor must sign a separate form consenting to the name change in the presence of the court. Publication of the name change request is made pursuant to the rules of the local court – some courts will send the Notice to Legal News for publication automatically, other courts will require that you ensure publication of the Notice in a local newspaper.

## Where should I file the petition?

File the petition with the Family Division of the Circuit Court for the county in which the minor has been a resident for at least one year.

You can find a directory of the courts for each county in Michigan here:

<http://courts.mi.gov/self-help/directories/pages/trial-court-directory.aspx>

## What forms should I use?

You can find the required documents using the following links:

- Petition to Change Name:  
<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/pc51.pdf>
- If the minor is at least 14 years old, a consent form signed by the minor:  
<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/pc51b.pdf>

The filing fee is \$150. You may apply for a full or partial fee waiver at:

<http://courts.mi.gov/Administration/scao/forms/courtforms/mc20.pdf>

If your circuit court requires you to publish notice of the name change in your local paper, you can find the required documents for this process using the following links:

- Notice of Hearing:  
<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/pc563.pdf>
- Proof of Publication Affidavit:  
[https://www.michigan.gov/documents/272f\\_2986\\_7.pdf](https://www.michigan.gov/documents/272f_2986_7.pdf)

## National Center for Transgender Equality

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If you are required to provide notice to a noncustodial parent, you can find the required documents for this process using the following links:

- Notice of Hearing:  
<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/pc563.pdf>
- Proof of service:  
<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/jc12a.pdf>

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?

Generally, this process does require parental consent. The Petition can be signed by

- a) both parents;
- b) by the surviving parent if one parent is deceased;
- c) by the legal guardian if both parents are deceased; or
- d) by the one legal parent available if the other parent is not available to give consent.  
*Mich. Comp. Laws § 711.1(5).*

Consent may not be required in the following circumstances:

- a) the noncustodial parent, having the ability to support the child, has failed or neglected to provide regular and substantial support for the child for 2 or more years before the filing of the petition and the noncustodial parent, having the ability to visit, contact or communicate with the child has regularly and substantially failed or neglected to do so for 2 or more years before the filing of the petition; or
- b) the noncustodial parent has been convicted of certain crimes.  
*Mich. Comp. Laws § 711.1(7)*

The noncustodial parent must be served notice of the petition at their last known address with a copy of the Petition and a Notice of Hearing. If the noncustodial parent's address is unknown and cannot be determined after diligent inquiries, then the Notice of Hearing must be published one time at least 14 days before the date of the hearing in a newspaper in the county where the court is located. You must provide the court with proof that this notice was published.

A single publication may be used to serve the noncustodial parent as well as complete the general publication requirement if the Notice contains the noncustodial parent's name.  
*Mich. Court Rules § 3.613.*

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## Does the process require publication?

The process does require publication. You must publish notice of the name change in a local newspaper. This may be automatically done by the court in certain counties, but the petitioner is still responsible for the publication fee. If required by the Circuit Court in your county to publish in a local newspaper, then the newspaper should complete and submit the Proof of Publication Affidavit to the court. In the instance that publication may put the minor or someone else in physical danger, the court may order that publication be waived and that the record of the name change be kept confidential. *Mich. Comp. Laws* § 711.3(1).

## 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.