

NAME CHANGES FOR MINORS IN Minnesota



What are the legal requirements?

A parent, legal guardian, or next of kin (who is at least 18 years old) of a minor may file an Application for Minor Name Change with the district court in the county in which the minor presently lives. The person(s) filing the Application and the minor must have lived in the State of Minnesota for at least six months. *Minn. Stat. § 259.10 (2016)*

Where should I file the petition?

File the petition in the district court in the county where the minor currently lives. *Minn. Stat. § 259.10 (2016)*. An interactive map of all the district courts in Minnesota may be found here: <http://mncourts.gov/Find-Courts.aspx>

What forms should I use and what is the process?

You can find the required documents using the following links:

- Application for Name Change of a Minor at:
<http://www.mncourts.gov/mncourtsgov/media/CourtForms/NAM202.pdf?ext=.pdf>
- Proposed Order Granting Name Change of a Minor at:
<http://www.mncourts.gov/mncourtsgov/media/CourtForms/NAM208.pdf?ext=.pdf>
- If the minor is at least 10 years of age, Criminal History Check Release (Minor):
<http://www.mncourts.gov/mncourtsgov/media/CourtForms/NAM203.pdf?ext=.pdf>

The filing fee is approximately \$310 (exact amount may vary by county). Use this link to file for a fee waiver or partial waiver:

<http://mncourts.gov/mncourtsgov/media/CourtForms/IFP101.pdf?ext=.pdf>

Upon filing the paperwork and filing fee, the Court Administrator's office will provide a hearing date and time. The minor seeking to have their name changed must be present at the hearing. The petitioner should bring adult witnesses to the hearing who have known the minor for at least one year. If both parents attend the hearing, then only one other witness is needed. If both parents do not attend the hearing, then two witnesses other than the petitioner must attend.

At the hearing, the judge may ask the applicant to prove that petitioner has the legal right to request a name change. A parent should bring a copy of the minor's birth certificate. A guardian should bring a copy of the court order appointing the guardian.

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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?

If both parents did not sign the Application, then the petitioner will have to show proof that the non-applicant parent has received notification of the Application at the hearing

- If the non-applicant parent is not listed on the birth certificate and there is no order assigning parenthood, bring a certified copy of the birth certificate to the court hearing to show the judge that the non-applicant parent's name does not appear on the birth certificate.
- If the address of the non-applicant parent is known, show proof that the non-applicant parent has received notification of the Application for Name Change of a Minor. Counties differ on the type of proof required.
- If certified mail is required, send a certified letter (return receipt requested) to the parent indicating the date, time, place, and purpose of the hearing. Bring the return receipt card to the court hearing with a copy of the letter as proof to the judge that the non-applicant parent received notice of the name change proceedings.
- If personal service is required, then personally give notice to the non-applicant parent of the hearing date, time, place and purpose. Complete the Affidavit of Personal Service, <http://www.mncourts.gov/mncourtsgov/media/CourtForms/NAM205.pdf?ext=.pdf>, and bring it to the hearing as proof that the non-applicant parent was personally serviced with notice of the name change proceedings.
- If the address of the non-applicant parent(s) is unknown, the judge will likely require publication of the name change. See below.

Does the process require publication?

Publication may be required to comply with the requirement to give notice to the non-applicant parent(s). If the address of the non-applicant parent(s) is unknown, file with the court a signed Affidavit in Support of Order for Publication,

<http://www.mncourts.gov/mncourtsgov/media/CourtForms/NAM207.pdf?ext=.pdf>. The judge may then issue a Notice of Hearing by Publication and order that such Notice be published in the legal newspaper of the non-applicant parent's last known county of residence at your expense. The court will then set a hearing date no earlier than necessary

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to allow publication once a week for three consecutive weeks plus 10 days from the last date of publication.

If ordered to publish the name change by a judge, you must arrange publication by doing the following:

- Delivering the Notice of Hearing by Publication to the legal newspaper
- Informing the newspaper that the Notice must be published once a week for three consecutive weeks
- Instructing the newspaper to send the bill to you, unless you have an Order to proceed “in forma pauperis”. If so, the bill must be sent directly to the court.
- Instructing the newspaper to mail the Affidavit of Publication to the court prior to the hearing date indicated on the Notice.

What will the judge consider?

The Application will be granted unless (1) there is an intent to defraud or mislead; (2) the minor has a criminal history (Application may still be granted if further conditions are satisfied); or (3) the name change is not in the best interests of the child. Minn. Stat. § 259.11 (2016).

Judges 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.

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