

NAME CHANGES FOR MINORS IN New Jersey



What are the legal requirements?

The minor's parent must file a complaint in Superior Court for authority for the minor to assume another name, accompanied by a sworn affidavit stating the minor's name, date of birth, social security number, whether or not the minor has ever been convicted of a crime or whether any criminal charges are pending against the minor, and, if so, the details of the charges. The sworn affidavit must include language that the change of name is not being instituted for purposes of avoiding or obstructing criminal prosecution, for avoiding creditors, or for perpetrating a criminal or civil fraud. If criminal charges are pending, then the minor's parent must serve a copy of the complaint and affidavit upon any State or county prosecuting authority responsible for the prosecution of the pending charges. *N.J. Stat. Amended, § 2A:52-1*

Where should I file the petition?

File the petition in the Superior Court of New Jersey - Law Division - Civil Part in the county in which the minor resides. If the minor or either parent or guardian has been involved in a case before the Superior Court of New Jersey - Chancery Division - Family Part within the past three years, then the case will be transferred to the Family Part. You can find a list of the NJ courts and their jurisdictions here:

<https://www.judiciary.state.nj.us/courts/vicinages/county.html>

What is the process and what forms should I use?

The New Jersey Courts have a packet with copies of documentation needed to obtain a court order to change the name of a child under the age of 18 here:

http://www.njcourts.gov/forms/10552_namechg_minor.pdf. The required forms found in this packet are:

- Verified Complaint
- Civil Case Information Statement (CIS)
- Order Fixing Date of Hearing
- Final Judgment
- Proof of Mailing
- Sample Newspaper Notice.

Instructions for completing these forms are included in the packet.

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.

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Does the process require parental consent?

A parent must file the complaint for an order to change the name of a minor. If the non-filing parent, if applicable, does not reside with the filing parent, then the filing parent must send a copy of the Verified Complaint and Order Fixing Date for Hearing to the last known address for the non-filing parent by both certified and regular mail.

Does the process require publication?

The Order Fixing Date of Hearing must be published at least two weeks before the scheduled court hearing. The court will designate the newspaper for publication.

What will the judge consider?

Requirements for requesting a court order to change the name of a minor include:

- The minor must be age 17 or younger. Persons 18 and older should file an application for an adult name change.
- The parent must have proper and reasonable cause for the requested change of name for the minor.
- The parent is not changing the minor's name to avoid debts or to defraud creditors or anyone else, to avoid criminal prosecution, or for other fraudulent purposes.
- If the minor's other (non-filing) biological parent does not reside with the filing parent and with the minor, then the parent must send a copy of the documents to the last known address of the non-filing biological parent by certified mail, return receipt requested, and proof of mailing must be provided to the Court.

If the non-filing parent objects by filing an Answer or a Certification in Opposition to the Complaint, then the judge will examine whether the name change is in the best interests of the child. 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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