

NAME CHANGES FOR MINORS IN Utah



What are the legal requirements?

File a petition in the district court of the county where the minor resides, setting forth:

- (1) The cause for which the change of name is sought;
- (2) The name proposed; and
- (3) That the minor has been a bona fide resident of the county for the year immediately prior to the filing of the petition. *Utah Code 42-1-1*

Where should I file the petition?

File the petition in the district court of the county where the child has resided for at least one year. *Utah Code 42-1-1*. You can find a list of the courts by district at:

<https://www.utcourts.gov/courts/dist/>

What is the process and what forms should I use?

The Utah Courts maintain a website with detailed instructions and forms for the name change of a minor. You can find this information here:

<https://www.utcourts.gov/resources/forms/namechange/juvenile/instruct.asp>

Note the following restrictions and guidelines:

- The minor must live in the county where the name change petition will be filed for at least one year before the petition is filed.
- The name change petition cannot be filed while the minor is involved in any kind of lawsuit, or while the minor is on probation or parole.
- Some courts may require the filing of the Department of Corrections Certification Regarding Sex Offender Registry form for minors older than 10. A minor must not be barred as a sex offender from name changes under the provisions of *Utah Code Section 77-41-106*.
- The name change petition cannot be filed to avoid creditors, fines, or sentences in criminal actions.
- The name change process cannot be used for an unworthy motive, or to commit fraud on the public.
- The court will not change a name to one that is bizarre, unduly lengthy, ridiculous, or offensive to common decency and good taste.
- Before changing a minor's name, the court must find that the name change is in the minor's "best interest."

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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?

Written consent to the name change is required from the minor's natural parent(s), guardian, or custodian. If consent is not obtained, the court will require that notice and the Petition be sent to these persons. The hearing will be scheduled to allow non-consenting parties time to respond and to participate in the hearing. If it is not possible to serve the other parent, guardian, or custodian, the petitioner can complete the forms for asking the court to waive service.

Does the process require publication?

The judge will order what, if any, notice must be given of the hearing, and the hearing will be held in open court. If the judge is satisfied that the name change is in the best interests of the child, then the judge will issue, in open court, an order granting the name change. *Utah Code 42-1-2*

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 consider the best interests of the child. To determine the best interests of the child, they will evaluate:

1. the minor's preference, in light of the minor's age and experience;
2. the effect of a name change on the development and preservation of the minor's relationship with each parent;
3. the length of time a minor has used a name;
4. the difficulties, harassment, or embarrassment a minor may experience from the present or proposed name;
5. the possibility that a different name may cause the minor insecurity and lack of identity; and
6. the motive or interests of the custodial 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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