

Instructions for Name Change Applicants

Who may apply?

To apply for a name change, each applicant must:

- have lived in the State of Minnesota for six months;
- file the Application for Name Change in the county in which you presently live;
- be at least 18 years of age (a parent, legal guardian or next of kin may file on behalf of a minor);
- pay the civil filing fee or proceed *in forma pauperis*.

How do I apply?

1. Obtain the following forms from the Court Administrator's office:

a. Application for Name Change

b. Criminal History Check Release

c. If the sole person whose name is to be changed is under the age of 18 years, ask the court administrator for the forms and instructions for Name Change of a Minor.

2. Complete the forms. The forms should be typed or legibly written using black ink. Be sure the "changed to" name(s) appear exactly as you want the names to be after the judge signs the final order.

Note: Be sure to include in the case caption the name(s) of each person seeking to have his or her name changed.

3. **Do not proceed if the application is not made in good faith or there is any intent to defraud or mislead anyone by the change of name.**

4. Indicate the name and date of birth of a spouse, (if there is a spouse), even if the spouse is not having his/her name changed.

5. Indicate any minor children and their dates of birth, (if there are any children), even if the children are not having their names changed.

6. List all legal descriptions of property if you, a spouse, or minor children have a claim, interest or lien on any property. You must show who has interest and the nature of the interest in the property. You may need to attach a separate piece of paper to the application with this information on it.

7. The application must be made under oath and it requires you to sign in two places on the application form. Sign your name(s) in front of a notary public or a deputy court administrator.

➤ If the application is being made on behalf of a minor who is age 14 years or older, the applicant must sign **and so must the minor**.

➤ If the minor is under 14 years of age, the minor does not need to sign the application.

➤ If a spouse is included in the application, both the applicant and the spouse must sign the application.

8. After you have completed the forms, bring or mail the completed, notarized application to:
along with a filing fee of \$

If you have any difficulty filling out the forms, you should consult an attorney.

Hearing:

1. Upon filing, the Court Administrator's office will provide you with a hearing date and time.

2. All minors seeking to have their name changed must be present at the court hearing.

3. Two witnesses that know you must appear with you in court and testify as to your identity.

4. If your application is approved at the time of the hearing, the judge will sign the Order Granting Name Change.

5. After the Order is signed, you can obtain certified copies of the Order from the Court Administrator's office for a fee of \$10 each. **Certified copies of this order will be needed to change your personal records. (See "Notice to Persons Who Have Had Their Name Changed.")**

Birth Certificates:

If the intent of the application for name change is to change the birth record, you must request this change specifically on the application.

Criminal History Check:

Minn. Stat. § 259.13 requires the Court to determine whether any person seeking to have their name changed have been convicted of a felony charge in Minnesota or any other state. To comply, you must complete a Criminal History Check Release form for each party covered by the application. If you are changing the name of a minor who is 14 years of age or older, both the minor and the parent must sign the release form. A criminal history check will be made on all persons listed on the application. **If there has been a felony conviction, both the person whose name is changed and the Court shall report the change within 10 days of receiving a copy of the order by mailing a copy of the order to:**

Attention: CRIS Section
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, MN 55104

Note: Any record information placed in name change file will be accessible to the public.

Minors:

Name change request involving a minor (a person under the age of 18 years)

1. The applicant is required to show proof that both parents have been notified of the Application for Name Change.
2. If the non-applicant parent is not known, bring a certified copy of the birth certificate to court for the hearing to show the judge that the non-custodial parent's name does not appear on the birth certificate.
3. If the address of the non-applicant parent is known, send a certified letter to the parent indicating the date, time, place, and purpose of the hearing. You should bring the return receipt card with you to court to provide proof to the judge that the non-applicant parent was sent notice of the name change proceedings.
4. If you do not know the address of the non-applicant parent:
you should bring to court a signed, notarized affidavit indicating your last contact with the non-applicant parent, information indicating that you are unaware of the whereabouts of the non-applicant parent, and what efforts you have made to contact him/her.
you must publish a **Notice of Hearing by Publication (Minor Name Change)** in a designated newspaper. Before you present the notice to the newspaper, the Court Administrator's office must assign a hearing date. It is the applicant's responsibility to arrange publication and file the Affidavit of Publication with the Court Administrator's office prior to the scheduled hearing date. *Instructions and forms for publishing a notice of hearing by publication are available from the Court Administrator's office.*
5. If the sole person whose name is to be changed is under the age of 18 years, ask the court administrator for the forms and instructions for Name Change of a Minor.

Application for Change of Name by a Person Convicted of a Felony:

An applicant with a felony conviction under Minnesota law or the law of another state or federal jurisdiction shall serve notice regarding their application for name change on the prosecuting authority that obtained the conviction. If the conviction is from another state or federal jurisdiction, notice must also be served on the Minnesota Attorney General at 102 State Capitol Building, St. Paul, MN 55155. The method of service is complicated and to determine the proper method of service, consult an attorney. Local practices may vary. Proof of service shall be filed with the court as part of the name change request. The prosecuting authority has 30 days to object to the name change application.

Request for Name Change by an Inmate:

An inmate confined in a correctional facility may request a name change only once, unless the failure to allow the name change would infringe on a constitutional right of an inmate. Inmates must fill out an additional affidavit entitled

Inmate Affidavit for Name Change.