

Instructions for Name Change of a Minor

Who may apply?

To apply for a name change of a minor, the minor must have lived in the State of Minnesota for at least six months and the APPLICANT must:

- file the Application for Name Change of a Minor in the county in which the minor presently lives;
- be at least 18 years of age to proceed on behalf of the minor;
- be the minor's guardian or next of kin;
- 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 of a Minor
- b. Criminal History Check Release (Minor)

2. Complete the case caption as follows: In the Matter of the Application of:
Your Name, (parent/legal guardian/next of kin)
On Behalf of:
Name of Minor (current name)
For a Change of Name to:
New Name of Minor.

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

3. Complete the forms. The forms should be typed or legibly written using black ink. Be sure the "changed to" name(s) appear exactly the way you want them changed.
4. **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.**
5. Indicate the names of each minor child and their dates of birth.
6. List all legal descriptions of property in which the minor child(ren) 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 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 parent, guardian or next of kin 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.
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 minor(s) seeking to have their name changed must be present at the court hearing.
3. Two witnesses that know the minor(s) must appear with you in court and testify as to the minor's identity.
3. If your application is approved at the time of the hearing, the judge will sign the Order Granting Name Change of a Minor.
4. 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 change their name has been convicted of a felony 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 applicant must sign the release form. A criminal history check will be made on any minor over the age of 14 seeking to have their name changed. **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.

Parental Notice of Name Change of a Minor:

1. Minn. Stat. §259.10 states that no minor child's name may be changed without both parents having notice of the pending of the application of change of name. The applicant must show proof that the non-applicant parent(s) have been notified of the Application for Name Change of a Minor.
2. If the non-applicant parent is not known, 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.
3. Local practices may vary with regard to the standard of service if the address of the non-applicant parent is known. You will need to check with the local court administrator to determine the acceptable standard of service. Service can be accomplished by either mailed notice or personal service. **MAILED NOTICE:** send a certified letter to the parent indicating the date, time, place, and purpose of the hearing. You

should bring the return receipt card to the court hearing as proof to the judge that the non-applicant parent was sent notice of the name change proceedings. You must mail notice of the hearing to the non-applicant parent at least 31 days prior to the scheduled hearing date. **PERSONAL SERVICE: A party to an action is not allowed to serve the other party.** You must have someone else who is 18 years of age or older serve the other party. Papers CANNOT be served on a Sunday or on a legal holiday. After the papers are served, the person who served the papers must fill out the *Affidavit of Personal Service* form included in this packet. This form is evidence that the papers were served on the other party. *See the instructions and form for Affidavit of Personal Service.* Notice of the hearing date must be served at least 28 days prior to the scheduled hearing date.

4. If you do not know the address of the non-applicant parent(s):
- you should bring to court a signed, notarized affidavit indicating your last contact with the parent, information indicating that you are unaware of the whereabouts of the parent, and what efforts you have made to contact the non-applicant parent.
 - 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. *Instruction and forms for publishing a notice for publication are available from the Court Administrator's office.*

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

Any person requesting to have their name changed 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**.