NAME CHANGE GUIDE
Adult With Minor Child

Minnesota Statute §259.10 states no minor child's name may be changed without both parents having notice of the pending application of change of name. You will be required to show proof that the non-applicant parent(s) has been notified of the Application for Name Change of a Minor.

Please read this entire guide before you go any further. Remember that this is only a guide and not an all-inclusive document. If you have further questions you may need to consult with an attorney before going further. The filing fee is not refundable if you change your mind.

WHAT AN ADULT MUST DO TO FILE FOR A CHANGE OF NAME HEARING for themselves and a minor child:

- You must file in the county where you and the minor live.
- You and the minor must have lived within the State of Minnesota at least six months.
- The minor must be present at the hearing
- Pay the civil filing fee and certified copy fee or proceed in forma pauperis. (Fee Schedule)
- At the hearing you must bring two adult witnesses who have known you for one year or longer. If both parents come to the hearing, you only need to bring one other witness. Your witnesses may be relatives. If you are married, one of your witnesses should be your spouse.
- If you or the minor owns a home or other real estate, you need to have the legal description when you file your documents.

PARENTAL NOTICE OF NAME CHANGE OF A MINOR: Minnesota Statute §259.10 states that no minor child's name may be changed without both parents having notice of the pending application of change of name. The applicant must show proof that the non-applicant parent(s) has received notification of the Application for Name Change of a Minor.

- 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, once you have a hearing date, send a certified letter (return receipt requested) to the parent indicating the date, time, place, and purpose of the hearing. You should bring the return receipt card signed by the non-applicant parent 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 the non-applicant parent does not sign the return receipt card, notification must be done by alternative means (for example, personal service, publication) before you can proceed with the hearing.

- 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. If so ordered by a judge, you may be required to give service by alternative means or to publish a Notice of Hearing by Publication (Minor Name Change) in a designated newspaper at your own expense. (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.)

CRIMINAL RECORD CHECK (Minnesota Statute 259.11)
Minn. Stat. § 259.11 requires the Court to determine whether any person seeking to have their name changed has a criminal history in Minnesota or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the required fee to the Bureau of Criminal Apprehension. 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 the applicant has a criminal history, 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 granting the name change to:**

Attention: CRIS Section
Bureau of Criminal Apprehension
1430 Maryland Avenue East
St. Paul, MN 55106

Note: Any information placed in name change file will be accessible to the public, unless the court determines that the name change is made in connection with participation in a victim or witness protection program.

You will need to prove to the Court by clear and convincing evidence that your application for name change is not based on the intent to defraud, is made in good faith, will not cause injury to a person and will not compromise public safety. Absent this evidence, your name change will not be granted.

For criminal history in Hennepin County:
Hennepin County Attorney's Office
C-2100 Government Center
300 South Sixth Street
Minneapolis, MN 55487

For criminal history in Ramsey County:
Director, Prosecution Division
Ramsey County Attorney's Office
50 West Kellogg Blvd., Suite 315
St Paul, MN 55102

FORMS THAT ARE REQUIRED TO OPEN A CHANGE OF NAME

- Application for name change
- Order granting name change
- Request for Copy form (not required but highly encouraged)
- If there is a criminal history, proof of service of Application of Name Change on the prosecuting authority and/or Attorney General

You may bring your forms here to fill in using a sample we will provide. The forms should be typed or legibly written using black ink. Be sure the "For a change of name to" name(s) appear exactly, do not use initials, unless that is the way you want the name changed.

A married couple complete one application listing both parties (one application per file with one filing fee). All other adults including related adults must complete separate applications (each application is a file and the filing fee must be paid for each file).

The Civil Intake Department cannot fill out your forms for you.

Do not sign the application. Your signature must be witnessed and notarized by a court clerk or a notary.

If you or the minor owns the house you live in, or any other property, we need the legal description of the property. **(This is not the address.)** You can find the legal description on the deed, contract for deed, mortgage or the 5th floor of the Administrative Tower of the Hennepin County Government Center or call 612-348-3011.

Bring your forms to the Civil Intake counter on the Public Service Level (2nd floor) of the Hennepin County Government Center, 300 South Sixth Street, Mpls., MN from 7:30 am to 4:30 pm Monday-Friday (except for legal holidays) or mail it to Civil Filing, MC 332 Government Center, 300 South 6th St, Mpls, MN 55487-0332.

A filing fee and a fee for each certified copy of the signed order you will need is required (Fee Schedule). The copies you have requested will be mailed out to you after the hearing. All checks written to the Court must be made payable to District Court Administrator.

In approximately two weeks, a "Notice of Judicial Officer Assignment" will be mailed to you. On this Notice will be the name of the Judge assigned to the case. *You will need to wait until you have your assignment before calling for a hearing date and courtroom number.* Contact the Judge's clerk that has been assigned. The clerk who assists in filing your case will give you a list of Judges and their phone numbers to call to schedule your hearing. You may also check for the phone numbers online at:

http://www.mncourts.gov/district/4/?page=1629.

- **If there is a non-custodial parent, you must set your court hearing 30 days from the day that you will mail your certified letter.** This allows enough time for your letter to be returned to you if it is undeliverable
- **If you have a felony conviction your hearing date cannot be less than 45 days from filing.**

(These time frames are set by Statute.)

WHAT YOU NEED TO DO ON THE DAY OF YOUR HEARING

- Come at the assigned time with your two adult witnesses and go straight to the courtroom. **The minor must be present.** Three adults must be present (yourself and your two witnesses) and all minors who might be changing their names.

GETTING A CERTIFIED COPY OF THE SIGNED ORDER GRANTING NAME CHANGE

You need to fill out a request form. You can do this at the time you file your application. There is a fee for each certified copy you request (Fee Schedule). **Your certified copy will be mailed in two to three weeks after your hearing**. You may make additional photocopies of the certified copy as needed. A certified copy of the Order is required to change your driver's license, social security records, etc.

It is your responsibility to notify all interested people, businesses, employers, schools, etc. of your new name. It is up to those you notify of your name change to inform you whether they require a certified copy or a plain copy of the Order Granting Name Change. An extensive list will be given to you in Court as to whom you may need to notify.

APPLICATION FOR NAME CHANGE BY A PERSON CONVICTED OF A FELONY CHARGE:

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. 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.

Ask the clerk for the notice that is to be sent out and the proof of service forms.

ADDITIONAL INFORMATION WHICH MAY BE BENEFICAL TO YOU

- You do not have to be a citizen of the United States to have your name changed, but you must contact the US Citizenship and Immigration Services of the US Department of Homeland Security to determine any special requirements they may have.

- If you are requesting an Order to change your sex or that of the minor's on the birth certificate you must contact the Department of Health for the requirements. If it is mandatory that you have a hearing for the change **and** the party for whom the change is request is changing their name, you can use these forms. You should add a sentence on the Application and Order requesting/ordering the Department of Health to change, amend or correct the sex. You should bring a medical verification of the sex change to the hearing. **If you are not changing your name you <u>cannot</u> use these forms.**

STATE OF MINNESOTA **FOURTH JUDICIAL DISTRICT**

COUNTY OF HENNEPIN **DISTRICT COURT**

☐ **Interpreter Requested**

Language_____

Case Number _____

APPLICATION FOR NAME CHANGE

In the matter of the application of:

_____
First *Middle* *Last*

_____
First *Middle* *Last*

And on Behalf of:

_____
First *Middle* *Last*

For a change of name to:

_____
First *Middle* *Last*

_____
First *Middle* *Last*

to:

_____
First *Middle* *Last*

The undersigned applicant sworn on oath states that:

1. This application is made in good faith, without intent to defraud or mislead.

2. Applicant has resided in the State of Minnesota for at least six months immediately prior to the date of this application, and now resides at:

   _____
   No. *Street* *City/Town* *State* *Zip*

   in Hennepin County, and was born on _____, at _____
   DOB *City*

   in _____.
   Country

3. ☐ No party to this application has a criminal history **OR**

   ☐ The following parties included in this application have a criminal history:

   _____

   _____

   ☐ The following parties included in this application have been convicted of a felony:

   _____

   _____

   (List name, date of offense, and state.) Permission is granted to release criminal history information to the court by appropriate agencies including the BCA to determine the accuracy of this statement.

4. Former name(s) the applicant has been known as _____

5. Name of spouse and date of birth: _____
   This application ☐ does ☐ does not include spouse

   Name(s) of all minor children, dates and places of birth: _____

   _____

☐ This application does not include minor children listed above.

☐ This application includes the following minor children listed above: _____

_____

The name and last known address of the non-applicant parent is: _____

_____

The non-applicant parent's name is: *(Check all that apply)*

☐ The name on the birth certificate
☐ The person acting as the non-applicant parent
☐ The biological parent
☐ The non-applicant parent is not known and his/her/their name(s) is/are not shown on the birth certificate.

6. Legal description of lands in the State of Minnesota upon which the following have a claim, interest, or lien:

Legal Description (Attach additional sheet if necessary)

☐ Applicant _____

☐ Spouse _____

☐ Minor _____

7. Applicant requests:

☐ To have his/her name changed to _____

☐ To have the name of his/her spouse changed to _____

☐ To have the names of his/her children changed to _____

_____

8. ☐ I am currently involved in a victim or witness protection program.

_____
Co-Applicant's Signature

_____
Applicant's Signature

_____
Minor's Signature (14 or older

_____
Address

_____
Telephone

_____
City *State* *Zip*

_____
Telephone

State of Minnesota **VERIFICATION**

County of _____

_____ being duly sworn on oath says that he/she has read the forgoing application and knows the contents thereof, and that the same is true of his/her own knowledge. Subscribed and sworn to before me on

_____, 20___

_____
Notary Public/Clerk

_____
Applicant's Signature

_____
My Commission Expires

_____
Co-Applicant's Signature

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR NAME CHANGE

1. This application is made under oath, so do not proceed if it is not made in good faith and there is any intent to defraud or mislead anyone by the change of name

2. Do not proceed with the application if you have not resided in Minnesota for at least six months immediately before making this application. If you have, show your present address.

3. The court is required to determine whether anyone named in this application has a criminal history in Minnesota or in any other state. A criminal history check will be made on all persons listed. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the required fee to the Bureau of Criminal Apprehension. The Court and the applicant shall report the change to the Bureau of Criminal Apprehension, Attn: Criminal History Unit, 1430 Maryland Avenue East, St. Paul, MN 55106. An inmate confined in a correctional facility may request a name change only once, and may proceed in forma pauperis only when the failure to allow the name change would infringe on a constitutional right of an inmate. Inmates must fill out an additional affidavit.

4. Indicate any names you or the minor(s) have had or have been known by.

5. Indicate name and date of birth of spouse and date of birth and whether your application does or does not include spouse. Indicate name(s) and date(s) of birth of minor children and whether your application does or does not include the minor children, and the name of those that are included in the application. Indicate the name and address of the non-applicant parent and standing as a parent.

6. If there are lands upon which you (the applicant), a spouse or minor have a claim, interest or lien, give the description, the nature of the interest and show who has that interest in those lands. This information is to be shown on a separate sheet and attached to the application.

7. Show the manner in which your name is to be changed; and also the name of a spouse or minor children, if applicable.

Sign the application before a person authorized to acknowledge a signature, and also complete the verification. If a spouse is included, he or she must also sign. If an application is made on behalf of a minor, the guardian must sign and also the minor, if the minor is over 14 years of age.

If there is a non-custodial parent, you will be required to show proof that both parents have been notified of the Application to Change Name.

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

STATE OF MINNESOTA **FOURTH JUDICIAL DISTRICT**

COUNTY OF HENNEPIN **DISTRICT COURT**

ORDER GRANTING NAME CHANGE **Case Number** _____

In the matter of the application of:

_____
First *Middle* *Last*

_____
First *Middle* *Last*

For a change of name to:

_____
First *Middle* *Last*

_____
First *Middle* *Last*

And on Behalf of:

_____
First *Middle* *Last*

To:

_____
First *Middle* *Last*

The above entitled matter came on for hearing before the undersigned Judge on _____ upon the
Date
Application for a Change of Name. Upon the testimony and files, the Court finds the following:

1. That the application is made in good faith without intent to defraud or mislead.

2. That the applicant and the minor (s) have resided in the State of Minnesota for at least six months immediately preceding the filing of the within application, and now lives in Hennepin County at:

   _____
   No. *Street* *City/Town* *State* *Zip*

3. ☐ That no party included in this application has a criminal history in any state.

   OR

   ☐ That the following parties included in this application have a criminal history: _____

   _____

   AND ☐ Proper notice has been given to the prosecuting authority and MN Attorney General
   AND ☐ No objection has been filed

4. Former name(s) the applicant and/or minor(s) has been known as_____

5. Name of applicant and date of birth: _____

   Name of spouse and date of birth: _____

   This application ☐ does ☐ does not include spouse

   Name(s) of all minor children, dates and places of birth: _____

   _____

☐ This application does not include minor children listed above.

☐ This application includes the following minor children listed above: _____

_____

The name and last known address of the non-custodial parent is: _____

_____

6. Legal description of lands in the State of Minnesota upon which the following have a claim, interest, or lien:

Legal Description (Attach additional sheet if necessary)

☐ Applicant _____

☐ Spouse _____

☐ Minor _____

7. That the applicant desires:

☐ To have his/her name changed to _____

☐ To have the name of his/her spouse changed to _____

☐ To have the names of his/her children changed to _____

_____

IT IS HEREBY ORDERED:

☐ The application is granted.

☐ The legal name of the Applicant shall be _____

☐ The legal name of the spouse shall be _____

☐ The legal name(s) of the minor children shall be _____

_____

DUTY TO REPORT NAME CHANGE MINNESOTA STATUTE 259.11B

If you have a criminal history and have changed your name, you have a duty to report your name change to the Bureau of Criminal Apprehension located at 1430 East Maryland Avenue, St Paul, MN 55106, 651-793-2400 **within ten (10) days of this order.** Failure to do so is a gross misdemeanor punishable by up to one (1) year in prison and/or a fine of $3000.

Note: The applicant shall file a certified copy of this order with the County Recorder or Registrar of Titles for Torrens Property of each county where the applicant, spouse/domestic partner registered in accordance with Minneapolis City Ord. 142.20(a) or minor children claims an interest in land.

BY THE COURT

Date: _____

_____
District Court Judge