

Instructions

Minor Name Change Application

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

These instructions are for the *Minor Name Change Application* (NAM202). To use these instructions and forms, all persons having their name changed must be under 18 years old. See the general *Name Change Application Instructions* (NAM101) for how to apply for name change for both adults and minors in the same application. Please read this entire document before you go any further. Remember that this is only a guide and not an all-inclusive document. If you have other questions you may need to talk with an attorney. The filing fee is not refundable if you change your mind.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer.
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <https://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

Who may apply?

To apply for a minor name change, each applicant must:

- Have lived in the State of Minnesota for at least 6 months;
- file the *Application for Minor Name Change* in the county in which the minor presently lives;
- the APPLICANT must be at least 18 years of age (a legal parent, legal guardian, or next of kin files on behalf of a minor); and

- pay the civil filing fee and certified copy fee (if you are unable to pay the filing fee you can ask court administration for forms to see if you qualify for a fee waiver).

Who is a legal parent?

A legal parent, for the purposes of applying for a minor name change, is one who is named on the child's birth certificate or is adjudicated as a parent by court order.

How do I apply?

1. Get the following forms:

- Application for Name Change of a Minor (NAM202)
- Proposed Order Granting Name Change of a Minor (NAM208)
- *Criminal History Check Release (Minor)* - Required for all minors age 10 and older (NAM203)

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.

3. Complete the application and criminal history release. 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. For the proposed order (NAM208), complete the case caption and all other information up to the "IT IS ORDERED" section. Do not fill in anything below "IT IS ORDERED."
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. List the names of each minor child and their dates of birth.
6. List all legal descriptions of property in which each minor child has 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. *Example of Legal Description: Lot 1, Block 4, Hamden Edition, Hennepin County, Minnesota.* You can get a copy of the legal description from the Deed, Contract for Deed or Certificate of Title at the office of the County Recorder or Registrar of Titles in the county where the property is located. **Do not use property descriptions found on tax statements.**

7. The application must be signed under penalty of perjury. By signing the application under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. Perjury is the crime of lying or misrepresenting the truth. You must sign in two places on the application form. Any minor who is 14 years or older needs to sign the application. Minors under 14 years of age do not need to sign the application. If your spouse is a co-applicant, the application should be signed by both you and your spouse.
8. After you have completed the forms, file them in the district court in your county and pay the applicable filing fee.

You can file the forms:

At the Courthouse:

- File the original forms with court administration.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://www.mncourts.gov/Find-Courts.aspx>.

Electronic Filing through eFS System:

- The eFS System allows you to eFile your forms. Information for eFiling is on the MN Judicial Branch website at www.mncourts.gov/efile.
- Once you choose to eFile, you will need to continue to use the eFS System for the rest of the case. See Minn. Gen. R. Prac. 14.01(b)(5)(i) (https://www.revisor.mn.gov/court_rules/gp/id/14/).

If you have any difficulty filling out the forms, you should [talk to an attorney](http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

Hearing:

1. The Court Administrator's office will give you a hearing date and time.
2. All minors seeking to have their name changed must be present at the court hearing.
3. At the hearing you must bring 2 adult witnesses (other than the applicant) who have known the minor 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. The same witnesses may testify for more than one child if there are multiple children on the application.
4. At the hearing, the judicial officer may ask you to prove that you have the legal right to request a name change. If you are the legal parent, you should bring a copy of the birth certificate. If you are the guardian, you should bring a copy of the court order appointing you guardian.

5. If your application is approved at the time of the hearing, the judicial officer will sign the *Order Granting Name Change of a Minor*.
6. After the Order is signed, you can obtain certified copies of the Order from the Court Administrator's office for a fee of \$14 each. **Certified copies of this order will be needed to change your personal records.** See *Notice to Persons Who Have Had Their Name Changed* (NAM106).

Parental Notice of Name Change of a Minor:

Minn. Stat. § 259.10 states that no minor child's name may be changed without both legal parents having notice of the pending application of change of name. The applicant must show proof that the non-applicant parents have received a copy of the *Application for Name Change of a Minor*.

Note: If a second parent is listed on the minor's birth certificate, that second parent must be notified of the Application for Name Change of a Minor and the date and time of the hearing. If a second biological parent is not listed on the birth certificate and there is no order adjudicating another biological parent, no notice of the pending name change application is required to be given to that biological parent. You must bring a certified copy of the birth certificate to the court hearing to show the judicial officer that the biological parent's name does not appear on the birth certificate.

- If your county court staff informs you certified mail is required, once you have a hearing date, then send a certified letter (return receipt requested) to the non-applicant parent indicating the date, time, place, and purpose of the hearing. You should bring the return receipt card to the court hearing with a copy of the letter as proof to the judicial officer that the non-applicant parent received notice of the name change proceedings.
- If your county court staff informs you personal service is required, then read the *Instructions for Personal Service – Minor Name Change* (NAM204) and complete the *Affidavit of Personal Service* (NAM205). Both of these documents are available at www.mncourts.gov/forms. You should bring the *Affidavit of Personal Service* with you to the court hearing as proof to the judicial officer that the non-applicant parent was personally serviced with notice of the name change proceedings.
- If you do not know the address of the non-applicant parent, you should bring to court a signed *Affidavit in Support of Order for Publication* (NAM207) (this affidavit and instructions are available with the Minor Name Change forms at www.mncourts.gov/forms). If so ordered by a judicial officer, 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. See *Instructions for Publishing Notice for Name Change of a Minor* (NAM206) for more detailed information on this process.

Birth Certificates:

If the information on a birth certificate is wrong because a mistake was made when the birth certificate was created, DO NOT file an *Application for Name Change* to have the birth record changed. Mistakes can be corrected through your local County Vital Statistics office or the Minnesota Department of Health. Procedures to amend the birth record can be found on the Minnesota Department of Health web site at <https://www.health.state.mn.us/people/vitalrecords/change.html> or by calling the Minnesota Department of Health at 651-201-5000. Please refer to Minnesota State Agency Rules 4601.1000 and 4601.1100 for further information.

You should talk with an attorney for more information on when changing a birth certificate is appropriate and what information you should include in your *Application for Name Change*. You may specifically ask the judicial officer on your *Application for Minor Name Change* to order the birth certificate changed. You may use the "Other" category on the *Application for Minor Name Change* to request any other changes to the birth certificate and to explain why amending the birth certificate to reflect the legal name change or other information is appropriate.

If a judicial officer determines a change on the birth certificate is warranted the judicial officer will include that provision in the final name change order that would direct the Department of Health to amend a birth certificate. The Court must find that a change of a minor child's name is in the best interests of the child before granting a request to amend a birth certificate for a minor child.

Criminal Record Check:

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 (NAM103) form for each minor covered by the application who is age 10 or older.** A criminal history check will be made on all persons listed on the application age 10 or older. If the minor 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. Without this evidence, your name change will not be granted.

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

According to Minn. Stat. § 259.13, if the minor has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the applicant must serve notice about the name change application on the prosecuting authority that obtained the conviction. The *Name Change Notice for Person with Felony Conviction* (NAM104) can be used.

If the conviction is from another state or federal jurisdiction, notice must also be served on the Minnesota Attorney General at 1400 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101. Proof of service shall be filed with the court as part of the name change request. The prosecuting authority has 30 days, from the date of service, to object to the name change application.

What happens if the prosecutor or attorney general objects?

The person asking for the name change can contest the objection by filing a motion with the court. The law requires the Judicial officer to deny the name change request, unless the person asking for the name change can prove by clear and convincing evidence that the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to a person, and will not compromise public safety.

The court must grant the name change if failure to do so would infringe on a constitutional right of the person asking for the name change. Read Minn. Stat. § 259.13, subds. 1-6, to see all the requirements in the law. The court does not have forms or instructions for a motion to contest the objection. You should seek help from a lawyer if you want to contest the objection of the prosecutor or attorney general.