

MINNESOTA JUDICIAL BRANCH

Third Judicial District

Third Judicial District Supplemental Minor Name Change Guide

If Only One Parent is Applying for a Minor Child’s Name Change: Minnesota law states that no minor child's name may be changed without both parents having notice. The applicant must show proof the non-applicant parent(s) has received notification of the Application for Name Change of a Minor.

The applicant does not need to send notice to the non-applicant parent if the non-applicant parent’s rights have been terminated by a court of law

-OR-

IF ALL the statements below are true:

- The non-applicant parent is not listed on the birth certificate; AND
- The applicant was not married to the non-applicant parent at the time the child was born or within 280 days of the birth (this includes attempted marriages); AND
- The non-applicant parent never signed a “Recognition of Parentage;” AND
- There is no court order determining the non-applicant parent is a legal parent.

If notifying the non-applicant parent is required, follow the instructions below:

1. Complete the Criminal History Check Release for Name Change of a Minor ([NAM203](#)) form for any minor that is 10 years of age or older. Send the completed form to the agency noted in the chart below based on where the case is filed:

County	Agency that does background check	Mailing Address	Telephone Number
Dodge	BCA	Attn: CRIS Section Bureau of Criminal Apprehension 1430 Maryland Ave E St. Paul, MN55106	651-793-2400
Fillmore	Local Sheriff	Fillmore County Sheriff 901 Houston St NW Preston, MN 55965	507-765-3874
Freeborn	Local Sheriff	Freeborn County Sheriff 411 S. Broadway Ave S Albert Lea, MN 56007	507-377-5200
Houston	BCA	Attn: CRIS Section Bureau of Criminal Apprehension 1430 Maryland Ave E St. Paul, MN55106	651-793-2400
Mower	Local Sheriff	Mower County Sheriff 201 1 st St NE	507-437-9400

County	Agency that does background check	Mailing Address	Telephone Number
		Austin, MN 55912	
Olmsted	BCA	Attn: CRIS Section Bureau of Criminal Apprehension 1430 Maryland Ave E St. Paul, MN55106	651-793-2400
Rice	BCA	Attn: CRIS Section Bureau of Criminal Apprehension 1430 Maryland Ave E St. Paul, MN55106	651-793-2400
Steele	Local Sheriff	Steele County Sheriff 204 E Pearl St Owatonna, MN 55060	507-444-3800
Wabasha	Local Sheriff	Wabasha County Sheriff 848 17 th Ste E STE 1 Wabasha, MN 55981	507-565-3361
Waseca	BCA	Attn: CRIS Section Bureau of Criminal Apprehension 1430 Maryland Ave E St. Paul, MN55106	651-793-2400
Winona	Local Sheriff	Winona County Sheriff 201 W 3 rd St Winona, MN 55987	507-457-6368

Note: You must have the completed background check and receive the results before the next step in the process can be completed.

2. File your Application for Name Change of Minor and Criminal History Check Release for Name Change of a Minor with the court.
3. Court Administration will schedule a Name Change hearing and send you a Hearing Notice that includes the date, time, and location of the hearing (along with applicable connection information for a remote hearing).
4. **If you are co-applicants:**
 - A. Service is not required.
 - B. Both applicants must attend the hearing.
 - Be on time!
 - All minor(s) seeking to have their name changed must be present at the court hearing, along with two adult witnesses other than the applicant that have known the minor for one year or longer.
 - 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.
5. **If you are not co-applicants**, follow the applicable steps below based on whether you know the address of the non-applicant parent or not.

If you know the address of the non-applicant parent:

1. Serve the Application for Name Change of a Minor, along with the Hearing Notice you received from Court Administration by certified mail (return receipt requested) on the non-applicant parent at least 28 days prior to the hearing.
2. File an Affidavit of Service ([NAM205](#)) and the certified mail receipt with the court at least 14 days prior to the hearing.

NOTE: *If the court does not receive the Affidavit of Service at least 14 days prior to the hearing, your hearing will be canceled, and you will receive a deficiency notice in the mail with the steps you need to take.*

- If the non-applicant parent signed the return receipt, file the signed receipt with the court as well, as proof to the judge that the non-applicant parent received notice of the name change proceedings.
3. Attend your hearing.
 - Be on time!
 - All minor(s) seeking to have their name changed must be present at the court hearing, along with two adult witnesses other than the applicant that 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.

If you do not know the address of the non-applicant parent(s):

1. Prepare the Affidavit in Support of Order for Publication (See [NAM207](#)) and file this form along with your Application for Name Change of Minor and Criminal History Check Release for Name Change of a Minor with the court.
 - A. If publication is ordered:
 - 1) Court Administration will schedule a Name Change hearing and send you a Hearing Notice that includes the date, time, and location of the hearing (along with applicable connection information for a remote hearing), along with a signed Order for Publication.
 - 2) Following the instructions in [NAM206](#) to complete publication.
 - B. If publication is not ordered, Court Administration will provide you with further instructions.
2. Attend your hearing once the hearing date arrives.
 - Be on time!
 - All minor(s) seeking to have their name changed must be present at the court hearing, along with two adult witnesses other than the applicant that 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.

Best Interest Factors for a Minor Name Change: If you are asking for a minor's name to be changed, the judge will consider these factors:

- The child's preference;
- The effect of the change of the child's surname on the preservation and development of the child's relationship with each parent;
- The length of time the child has borne a given name;
- The degree of community respect associated with the present and the proposed surname;
- The difficulties, harassment, or embarrassment, that the child may experience from bearing the present or the proposed surname.

Property Owners: If you or your minor child has interest in any real property, you must list the legal description of the property on your name change application. This is not the address. You can find the legal description on the deed, contract for deed, or mortgage. If you don't have these documents, you must get the legal description from the Property Recorder in the county where the property is located. DO NOT use the description found on your tax returns.

Birth Record Change Requests: Sometimes, the Minnesota Department of Health will change information on a birth record, and you won't need to go to court. The MDH website, <https://www.health.state.mn.us/people/vitalrecords/change.html>, has more information about this option.

If you need a court order:

- And you are asking for a name change with birth record changes, you can use the name change forms.
- And you are not asking for a name change, you can use the Motion ([NAM113](#)) and Order ([NAM114](#)) to Replace Birth Record.

Your paperwork must explain to the court what you want changed and why. Requests to change a birth record are **not** automatically granted. Your request could be denied by the judge.

If you are requesting a court order for the sex/gender marker change, you should come to court with written medical certification of appropriate clinical treatment for gender transition. This should be an original letter from a licensed physician.

- **Note about Parents:** You can use the name change process to change the name of the parents if:

- The parent's name is misspelled; OR
- if the parent changed (or is changing) their name and wants their new name on their child's birth record.

The name change process cannot change who is listed on the birth record. If you are looking to change the parent listed on your birth record, please get legal advice. You can find a list of legal resources on the [Find a Lawyer Help Topic](#) on the MN Judicial Branch website.

- **Note about Out of State Birth Records.** You may ask for your out-of-state birth record to be amended, and a judge may recommend that the other state update your record. However, some states may not accept an order from Minnesota to update the birth record. It is up to you to reach out to the other state to ask if they will accept an order from Minnesota.

Fee Waiver: If your income is low and your name change request has merit, the court may waive or reduce the filing fee. To ask for this, you must fill out the [fee waiver paperwork](#) (IFP forms) and turn it in with your name change paperwork. IFP forms are available at mncourts.gov/forms (click on "Fee Waiver / In Forma Pauperis.")

Get a Certified Copy of the Order: You will need a certified copy of the Court's order to change important documents (such as MN I.D. or driver's license, social security card, bank account, etc.). If you requested a birth record amendment and the judge granted it, you will need a certified copy of the Court's order to apply for the new birth certificate through the Minnesota Department of Health. There are copy fees. You can also find a list of other suggested items to update in the [Notice to Persons Who Have Had Their Name Changed \(NAM106\)](#).