

# Minnesota Judicial Branch Self-Help Center

Fourth Judicial District • Hennepin County

300 South 6th Street, A0260  
Hennepin County Government Center  
Minneapolis, MN 55487  
651-478-8757  
[www.mncourts.gov/selfhelp](http://www.mncourts.gov/selfhelp)

## **Fourth Judicial District (Hennepin) Supplemental Name Change Guide**

**Spouses:** Married couples may apply jointly for a change of name in the same application. Each person changing their name should include a separate proposed order with the application.

**Non-Citizens:** You do not have to be a U.S. citizen to request a name change for yourself or your child. If you are not a citizen, you must contact the Department of Homeland Security – U.S. Citizenship and Immigration Services (USCIS) to determine any special requirements they may have.

**Background Check:** The judge assigned to your name change case may require you to take additional steps regarding your criminal history. For example, a judge may require you to obtain your background check from the Bureau of Criminal Apprehension, 1430 Maryland Avenue, St. Paul, MN 55106, and bring it to your name change hearing. When you schedule your name change hearing, ask the judge’s clerk whether the judge will require this background check.

**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 that 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 ALL the statements below are true:

1. The non-applicant parent is not listed on the birth certificate; AND
2. 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
3. The non-applicant parent never signed a “Recognition of Parentage;” AND
4. 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:

- If you know the address of the non-applicant parent:
  1. Get a hearing date. See section below, “Schedule a Name Change Hearing.”

2. Send a certified letter (return receipt requested) to the parent indicating the date, time, place, and purpose of the hearing. Include a copy of the Application for Name Change of a Minor.
  3. File an Affidavit of Service with the court.
  4. Bring the certified mail receipt with you to the hearing with a copy of the letter. If the non-applicant parent signed the return receipt, bring the return receipt to your court hearing as proof to the judge that the non-applicant parent received notice of the name change proceedings.
- If you do not know the address of the non-applicant parent(s):
    1. Schedule and attend your hearing. See section below, “Schedule a Name Change Hearing.”
    2. The judge may ask about:
      - 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 the non-applicant parent. If ordered by a judge, you may be required to submit an affidavit regarding this information.
      - A judge may require you serve the non-applicant parent by alternative means or publish a Notice of Hearing by Publication.

**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:

1. The child’s preference;
2. The effect of the change of the child’s surname on the preservation and development of the child’s relationship with each parent;
3. The length of time the child has borne a given name;
4. The degree of community respect associated with the present and the proposed surname;
5. 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. DO NOT use the description found on your tax returns.

If the property is in Hennepin County, you can get the legal description from the Real Estate Services Office by calling 612-348-3011. If the property is in another county, you must get the legal description from the Property Recorder of that county.

**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](http://health.state.mn.us/people/vitalrecords/change.html) (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 now 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](http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) 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](http://mncourts.gov/GetForms.aspx?c=19&p=69) (mncourts.gov/GetForms.aspx?c=19&p=69) (IFP forms) and turn it in with your name change paperwork. IFP forms are available at the Self-Help Center or online at [mncourts.gov/forms](http://mncourts.gov/forms) (mncourts.gov/GetForms.aspx) (click on "Fee Waiver / In Forma Pauperis.")

**Turn in (File) Your Original Name Change Paperwork with the Court:** File your paperwork with Civil Filing, either in-person, by mail, or electronically. There will be an initial filing fee. You must have the fee (cash, check, money order, or credit) or an IFP

form for the Court to accept your papers. Checks can be made payable to the “District Court Administrator.” The address is:

4<sup>th</sup> Judicial District Civil Filing  
300 South 6<sup>th</sup> Street, Room C-300  
Minneapolis, MN 55487

**Schedule a Name Change Hearing:** Within 2 weeks after filing your papers, the court will send you a letter telling you which judge has been assigned to your case, and the judge’s clerk’s phone number. **Call the judge’s clerk to schedule a hearing.** If there are other parties you need to serve (for example, a non-applicant parent), ask for a court date that is at least 30 days away so you have enough time to give everyone notice. Make sure you write down the date and time of the hearing. If you need an interpreter, let the clerk know.

**Go To Your Court Date:** Be on time! You will need to bring two witnesses to the hearing. Your witnesses can be anyone who has known you for at least one year. If you are married, one witness can be your spouse. If you are requesting the name change of a minor, the minor should attend the hearing.

**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](http://mncourts.gov/GetForms.aspx?c=27&f=301) (mncourts.gov/GetForms.aspx?c=27&f=301) (NAM106).