

INSTRUCTIONS

Application for Name Change and Other Relief

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.

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 name change, each applicant must:

- have lived in the State of Minnesota for at least six months;
- file the Application for Name Change in the county in which you presently live;
- be at least 18 years of age (a parent, legal guardian or next of kin may file on behalf of a minor); and
- pay the civil filing fee, unless an exemption applies, and certified copy fee (if you are unable to pay the filing fee, you can see if you qualify for a fee waiver, by using the fee waiver forms found online at mncourts.gov/forms under the “Fee Waiver” category.).

NOTE: If the sole person whose name is to be changed is under 18 years old, please see the instructions in the Minor Name Change materials.

How do I apply?

1. Get the following forms from the Court Administrator’s office or from the Minnesota Judicial Branch website (www.mncourts.gov/forms under the “Name Change” category):

- Application for Name Change and Other Relief (NAM102)
 - Criminal History Check Release (NAM103)
 - Proposed Order Granting Name Change (NAM107) – Complete only the portions of the order above the “IT IS ORDERED” section. Do not fill in any information below “IT IS ORDERED.”
2. Complete the application and criminal history forms. The forms should be typed or legibly written using black ink. Be sure the “changed to” name(s) appear exactly as you want the names to be after the judicial officer signs the final order. The case caption should include the name of each person applying for a name change.
 3. 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.
 4. List the name and date of birth of your spouse, (if there is a spouse), even if your spouse is not having their name changed.
 5. List any minor children and their dates of birth, (if there are any children), even if the children are not having their names changed.
 6. List all legal descriptions of property if you, your spouse, or minor children 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 include a separate piece of paper with the application that has 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 intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.
 - If your spouse is included in the application, both you and your spouse must also sign the application under penalty of perjury.
 - If any minors (14 years and older) are included on the application, the minor needs to sign the application. Minors under 14 years of age do not need to sign the application.
 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** (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

Hearing:

1. The Court Administrator's office will provide you with a hearing date and time.
2. All minors seeking to have their name changed must be present at the court hearing.
3. Two witnesses that know you must appear with you in court and testify as to your identity.
4. If your application is approved at the time of the hearing, the judicial officer will sign the Order Granting Name Change.
5. 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) for more information).

Parental Notice of Name Change of a Minor

Minn. Stat. § 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 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* (NAM202) 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 the address of the non-applicant parent is known, you will have to show proof that the non-applicant parent has received notification of the *Application for Name Change of a Minor*. Counties differ on the type of proof required. Contact your county court administration office and ask if they require certified mail or personal service for minor name change cases.
- 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 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 tells you personal service is required, then read the *Instructions for Personal Service – Minor Name Change* (NAM204) and complete the *Affidavit of Personal Service*. Both 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* for more detailed information on this process.

Birth Records

If the information on a birth record is wrong because a mistake was made when the birth record was created, mistakes may be corrected through your local County Vital Statistics office or the Minnesota Department of Health. Procedures to change 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 record is appropriate and what information you should include in your *Application for Name Change and Other Relief*. You may specifically ask the judicial officer on your *Application for Name Change and Other Relief* to order the birth record changed. You must check the appropriate boxes on the *Application for Name Change and Other Relief* to request any other changes to your birth record and to explain why changing your birth record to reflect the legal name change or other information is appropriate.

If a judicial officer determines a change on your birth record is warranted, the judicial officer will include that provision in the final name change order that will direct the Department of Health to amend and/or replace a birth record. If the request to amend a birth record is for a minor child, the Court must find that a change of a minor child's name is in the best interests of the child.

If you previously were granted a name change in Minnesota and you only want to request replacement of your birth record, and you still live in the county where your name change matter was heard, you may use your existing name change court file. You will need to complete *the Motion to Replace Birth Record* (NAM113) and *Order Granting Replacement Birth Record* (NAM114). Use the same court file number that appears on your Order Granting Name Change. You must pay the

motion fee. However, if you no longer live in the same county where the name change matter was heard, or this is your initial request to change your name, you must use the *Application for Name Change and Other Relief* (NAM102) and *Order Granting Name Change and Other Relief* (NAM107) and must pay the initial filing fee.

Criminal History 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) for each party age 10 and over covered by the application. A criminal history check will be made on all persons aged 10 and over listed on the application. **If any 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

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

According to Minn. Stat. § 259.13, an applicant with a felony conviction under Minnesota law or the law of another state or federal jurisdiction must serve notice about their application for name change 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.

NOTE: A person with a felony conviction cannot request a name change through a marriage license application. Instead, that person must complete a *Name Change Application* and follow the same process listed above in Minn. Stat. § 259.13. However, while a name change application is pending, a marriage license may still be granted without the name change.

Fee exemption: By statute [see Minn. Stat. § 259.13, subd. 5(b)], filing fees are automatically waived for a person with a felony conviction if the name change application is filed within 180 days after the person's marriage. A certified copy of the marriage certificate must be filed with the name change application. Otherwise, a person seeking a name change with a felony conviction may only apply for a fee waiver when the failure to allow the name change would infringe upon a constitutional right.

NOTE: Using a different name or surname (last name) without complying with Minn. Stat. § 259.13, if applicable, is a gross misdemeanor.

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.

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* (NAM105).

Request for Name Change Post-dissolution (after a divorce)

Other than a person with a felony conviction, a person may apply for a name change to change the person's name to the legal name on the person's birth certificate when the following conditions apply:

- The person has resided in Minnesota for at least six months and obtained the person's most recent final marriage dissolution from a Minnesota district court;
- The application is filed in the county where the person resides; and
- A certified copy of the Certificate of Dissolution and a certified copy of the person's birth certificate is filed with the name change application.

If the person applying for a name change obtained a divorce in a state other than Minnesota, a certified copy of the *Certificate of Dissolution* or certified copy of an equivalent court order ending the marriage, along with a certified copy of the person's birth certificate must be filed with the court.

When the conditions listed above are met:

- No filing fee is required upon filing a name change application;
- No criminal background check is required; and
- No requirement for the person applying for a name change post-dissolution to provide proof of the person's identity by two witnesses unless the proof of identity is necessary to determine whether the person has an intent to defraud or mislead the court.