



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

**Spouses/Domestic Partners:** Married or registered domestic partners may apply jointly for a change of name in the same application. Each individual changing his or her name should attach a separate proposed order to 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.

**Service on a Non-Applicant Parent:** Minnesota law states that no minor child's name may be changed without both parents having notice of the pending application of change of name. You will need to make 2 copies of the paperwork. One copy is to serve on the other parent. One copy you will keep for your records.

The applicant must show proof that the non-applicant parent(s) has received notification of the Application for Name Change of a Minor.

- Non-applicant parents need not be notified if they:
  - are not listed on the birth certificate,
  - have not substantially supported the child,
  - were never married to the applicant parent,
  - do not openly live with the child or the applicant parent,
  - have not been legally adjudicated the child's parent,
  - have not filed a declaration or Recognition of Parentage,
  - have not filed a paternity action, and
  - have not registered for the adoption registry.

If all of the above are true, submit an affidavit stating this information along with your name change application.

- 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 information 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 submit an affidavit regarding this information. In addition, a judge may require you serve the non-applicant parent by alternative means or publish a Notice of Hearing by Publication.

**Property Owners:** If you or your minor child owns 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. Or, if the property is in Hennepin County, you can get the legal description from the Real Estate Services Office located on the skyway level of the Hennepin County Government Center, or by calling 612-348-3011. If the property is located in another county, you must get the legal description from the Property Recorder of that county.

**Sex/Gender Marker Change Requests:** If you are requesting an Order to change the sex designated on your birth certificate, you must contact the Department of Health for their requirements. The Department of Health has an administrative process to change the sex designation on your birth certificate without a court hearing. Visit <http://www.health.state.mn.us/divs/chs/osr/amend.html> for more information.

If the Department of Health tells you that they require a court order for the sex/gender marker change and you are changing your name, you can use these forms. You should ask the assigned judge's clerk what is required to be submitted at the hearing; some judges require a doctor's proof of the sex change. If you are not changing your name you cannot use these forms to amend your birth record.

**Birth Certificate Change Requests:** If you are requesting an Order to change your (or your child's) birth certificate, you must contact the Department of Health for their requirements. The Department of Health has an administrative process to change certain information on your birth certificate without a court hearing. Visit <http://www.health.state.mn.us/divs/chs/osr/amend.html> for more information. If the Department of Health tells you that they require a court order, you must explain to the court what you want amended and why in the "Other" section at the end of the name change application. Requests to amend a birth certificate are **not** automatically granted.

Your request could be denied by the judge assigned to your case. In addition, Judges in Hennepin County do not have the authority to order a state other than the State of Minnesota to amend a birth record. Therefore, such requests will **not** be granted. If you are not changing your name you cannot use these forms to amend your birth record.

**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 a fee waiver application (IFP form) and take it (with your name change papers) to the Signing Judge for approval. IFP forms and Signing Judge information are available at the Self Help Center.

**Turn in (File) Your Original Name Change Paperwork with the Court:** File your paperwork with Civil Filing. There will be a filing fee of \$324. You must have the fee (cash, check, or money order) or an order waiving the fee for the Court to accept your papers.

**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. The letter will tell you 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, time, and room number 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. If you are married, one witness should be your spouse. The other witness can be a friend or family member who has known you for at least one year. 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 use the certified copy of the Court's order to apply for the new birth certificate through the Minnesota Department of Health.