

NAME CHANGES FOR MINORS IN ALABAMA



What are the legal requirements?

Requirements regarding name change rules for minors are county-specific. Generally, one or both parents file a petition for name change in the county where the parent(s) or child resides. This petition requires a certified copy of the child's birth certificate, photo ID of the petitioner(s), proof of residency, and criminal background checks. Consent of the minor child is also required if the child is over 14.

Where do I file and what forms should I use?

The petition should be filed at the Probate Court in the jurisdiction where the parent(s) or child resides. The process and forms vary slightly from county to county, but below are examples of requirements and forms that are required for Jefferson County and Montgomery County.

The Petition and Declaration for Change of Name of Minor Child form used in the Probate Court of Jefferson County can be found at: <http://jeffcoprobatelcourt.com/wp-content/uploads/2013/08/Change-of-Name-Minor-Petition-030916.pdf>.

The guidelines for name change in Montgomery County can be found at: <http://www.mc-ala.org/ElectedOfficials/ProbateJudge/ProbateDivisions/ProbateCourt/Pages/NameChange.aspx>

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

Does the process require parental consent?

The process generally does require parental consent. Returning to the above examples, Jefferson County requires that both parents sign the petition if both names appear on the child's birth certificate. If one parent is not available to sign the petition, then there will be a hearing. In Montgomery county, if both parents' consent cannot be obtained, then the petition must be filed by an attorney.

What will the judge consider?

Judges have a lot of discretion in granting name changes. Some may have lots of questions and want to see lots of evidence regarding the name change of the child, others may grant a name change as long as there are no objections. Judges may consider whether to grant a

National Center for Transgender Equality

transequality.org | ncte@transequality.org | 202-642-4542

name change for a minor according to what is in the ‘best interests of the child’. They typically evaluate the best interest of the child by looking at a variety of factors, which may include the child’s preference (taking into consideration their age and experience), the length of time a child has used that name, the difficulties, harassment, or embarrassment a child may experience from the present or proposed name, and the motives or interests of the parent.

To demonstrate that the name change is in the best interests of the child, along with the name change petition you may want to submit evidence showing the judge why this is in the child’s best interest. Examples of such evidence would be letters from teachers, family, or friends confirming their use of preferred name, letters from providers confirming the child’s gender identity, etc.