

NAME CHANGES FOR MINORS IN Texas



What are the legal requirements?

A parent, managing conservator, or guardian of a minor may file a petition requesting a change of name of the minor in the county where the child resides. *TX Family Code § 45.001*).

A petition to change the name of a minor must be verified and include:

- (1) the present name and place of residence of the minor;
 - (2) the reason a change of name is requested;
 - (3) the full name requested for the minor;
 - (4) whether the minor is subject to the continuing exclusive jurisdiction of a court under Chapter [155](#) (suits involving the parent-child relationship); and
 - (5) whether the minor is subject to the registration requirements of Chapter [62](#), Code of Criminal Procedure (sex-offender registration program).
- (b) if the minor is 10 years of age or older, the minor's written consent to the change of name must be attached to the petition. *TX Family Code § 45.002*

Where should I file the petition?

Petition should be filed in the district, county, or justice court of the county where the child lives.

What is the process and what forms should I use?

Texas Law Help has instructions and forms of an agreed name change of a minor (when all parents and legal guardians agree to name change), including an interactive form for guidance through the process that may be printed after completion.

You can find each of these forms at:

<https://texaslawhelp.org/toolkit/i-want-change-my-childs-name>

There are at least two forms that must be filed:

- (1) the Original Joint Petition For Child's Name Change, which must be signed and notarized by both of the minor's parents and any other person who has been given legal rights to the minor in a court order *Texas Family Code, § 45.002*; and
- (2) if the minor is over 10 years old, the minor must sign the Child's Consent To Name Change. *Texas Family Code, § 45.002(b)*

The minor's name is not changed until the judge signs the Agreed Order Granting Child's Name Change. The clerk's office keeps the original, signed order, but can provide certified

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copies, which are required to change the minor's name on the birth certificate (at the Bureau of Vital Statistics) and in social security records (at the Social Security Office). Alternatively, birth certificates and social security records may be changed by submission of a certified copy of a Name Change Certificate.

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?

In the case that one or more party does not consent, the petitioner must provide legal notice (service) of the petition is required to the minor's parent (whose rights have not been terminated), managing conservator, or guardian. *TX Family Code § 45.003*

Does the process require publication?

Texas law requires every parent be served with legal notice in any case that involves a minor, unless the parent is dead or the parent's parental rights have been terminated by a court order. If another parent, managing conservator, or legal guardian cannot be located, then service by publication is possible. *TX Family Code § 45.003*. The service requirement can be waived by the individual entitled to notice so long as certain conditions are met. *TX Family Code § 45.0031*

What will the judge consider?

Typical standard is best interest of the child (*TX Family Code § 45.004(a)(1)*), but for a child subject to the registration requirements of Chapter [62](#) (sex-offender registration program), *TX Code of Criminal Procedure*, the standard is: (A) the change is in the interest of the public; and (B) the person petitioning on behalf of the minor provides the court with proof that the minor has notified the appropriate local law enforcement authority of the proposed name change (*TX Family Code § 45.004(a)(2)*).

If the judge is evaluating the best interest of the child, the judge may do so 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

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friends confirming their use of preferred name, letters from providers confirming the child's gender identity, etc.

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