

NAME CHANGES FOR MINORS IN DELAWARE



What are the legal requirements?

A parent or guardian must file a petition with the Court of Common Pleas sitting in the county in which the minor resides and indicate the minor's present and proposed names. At least one of the minor's parents or legal guardian must sign the petition; if the minor is over 14, the minor also must sign the petition. *Delaware Code, Title 10 – Courts and Judicial Procedure, Part IV – Special Proceedings, Chapter 59 – Change of Name, § 5901, 5902.*

What should I file and what forms should I use?

File a petition in the Court of Common Pleas where the minor resides:

<http://courts.delaware.gov/commonpleas/>

Forms for Kent, New Castle, and Sussex Counties can be found here:

<https://courts.delaware.gov/forms/list.aspx?sec=Forms&sub=Change%20Your%20Name>.

File the following documents:

- Application for Name Change
- Affidavit re Change of Name
- A copy of the birth certificate
- Two forms of identification including at least one form of photographic identification.

The court will then hold a hearing on the application. Notice of the hearing will be sent to all interested parties.

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 does require parental consent. If both parents do not consent, the petitioning parent must explain reasons the other parent chose not to join in the petition.

Does the process require publication?

Petitioners must give notice to the general public of the name change once a week for three (3) weeks. A list of appropriate newspapers and other information on the publication process can be found in the name change packet or here:

<https://courts.delaware.gov/forms/download.aspx?id=16858>

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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 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.