

# NAME CHANGES FOR MINORS IN HAWAII



## What are the legal requirements?

A parent may petition the Office of the Lieutenant Governor to change the name of a minor. The process requires a non-refundable filing fee of \$50, paid upon submission of the petition. The petitioner must sign the petition and consent forms before a notary public and submit these documents to the Office of the Lieutenant Governor. Once the petition is approved, the Lieutenant General will sign the notice and return it to petitioner, who must mail or take the notice to the newspaper agency for publication. Once the Lieutenant Governor receives notice from the newspaper showing publication of the name change, they will sign the administrative order and send it to the petitioner, who must file a copy of the order with the Bureau of Conveyances within 60 days after the signing of the order. *H.R.S. 574-5, 574-6b.*

All petitions on file with the office are confidential and not a matter of public record. The hearing on the denial of a petition is also confidential and not open to the public. *Haw. Admin. Rules (HAR) § 2-2-6.1.*

## Where should I file and what forms should I use?

File a petition with the Office of the Lieutenant Governor. Links to the forms and instructions here:

Name Change of Minor by both Parents – <https://ltgov.hawaii.gov/wp-content/uploads/2012/10/Form-C.pdf>

Name Change of a Minor by One Parent with Notarized Consent from the Other Parent – <http://ltgov.hawaii.gov/wp-content/uploads/2012/10/Form-E.pdf>

Family court also has the authority to process name changes for minors in limited circumstances. *Haw. Rev. Stat. §§ 574-5.*

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?

This process does require parental consent. The petition must be accompanied by a consent to the change of name signed by (1) the parents of the minor and (2) the minor if they are 10 years or older when the petition is filed. If only one parent is consenting to the name change, the family court may have the authority to issue a name change order. Upon proof that the parent filing the name change petition has made all reasonable efforts to locate and

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notify the other parent of the name change proceeding but has not been able to locate or obtain a response from the other parent, the court may order a change of name if it is in the best interests of the minor. The family court may waive the notice requirement to the non-initiating, noncustodial parent if necessary to protect the minor. *Haw. Rev. Stat. §§ 574-5*

## **Does the process require publication?**

Once the notice of name change has been signed by the Lieutenant Governor, the petitioner must publish the notice once in a local newspaper, and file with the Lieutenant Governor's office an affidavit signed by an officer of the newspaper stating that the notice has been published. The petitioner must then send the affidavit with an attached clipping showing the published notice. Failure to file this affidavit of publication will void that petition for a change of name. *Haw. Rev. Stat. §§ 574-5*

## **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.

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