

NAME CHANGES FOR MINORS IN Illinois



What are the legal requirements?

A parent, custodial parent, or legal guardian of a minor may file a petition on the minor's behalf for a name change. The petition must state the minor's current name, the desired name, the minor's residential address the length of time the minor has resided in this state, and the state or country of birth. The petition should be signed by the parent or guardian who has legal custody of the minor. *735 Ill. Comp. Stat. Ann. 5/21-101.*

Where should I file the petition?

You should file the petition in the circuit court in the county where the petitioner lives. For a map of the circuit courts visit:

<http://www.illinoiscourts.gov/CircuitCourt/CircuitMap/Map1.asp>.

What forms should I use and what is the process?

You can find instructions for a name change here:

http://illinoiscourts.gov/Forms/approved/name_change/Name_Change_minor_How_to.pdf

Typically, you will only need to fill out:

- [Request for Name Change](#) (Minor Children)
- [Request for Name Change](#) - Child Info
- [Order for Name Change](#) (Minor Children)

Depending on your individual situation and as explained in the instructions, you may need to fill out additional forms, available here:

http://www.illinoiscourts.gov/Forms/approved/name_change/name_change.asp. Be sure to get all forms notarized and to bring the minor's birth certificate to the hearing.

The judge will set a hearing to determine whether the petition should be granted. An order changing a child's name may not be entered unless the trial court finds a change is necessary to serve the child's best interest. *735 Ill. Comp. Stat. Ann. 5/21-101.* If the minor is in Department of Child and Family Services (DCFS) custody, it may be difficult to get the courts to grant the name change. However, they do evaluate on a case-by-case basis. Consult with the guardian ad litem of that the minor and reach out for additional assistance (see below) in order to evaluate the case.

National Center for Transgender Equality

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

It is also important to note that Illinois requires e-filing of civil cases through their centralized electronic filing manager [eFileIL](#). Both the county clerk and additional support services can provide assistance with this program.

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 requires the consent of both parents. If one parent does not consent, the petitioner must mail a copy of the name change petition and the notice of the court hearing to the other parent via certified mail. If the other parent is deceased, the petitioner must bring a copy of the death certificate to the hearing. If the petitioning parent does not know the current address of the other parent, they must mail the document to that parent's last known address.

If the petitioner does not know the current address of the non-consenting parent, they must also publish the notice of the hearing in a newspaper and obtain a certificate of publication from the newspaper after the notice has been published for three (3) consecutive weeks. The certificate of publication should be filed with the court before the scheduled court hearing.

If the petitioner feels that notification of the non-consenting parent will put the minor at risk of physical harm or discrimination, they can file a [Motion to Waive Notice & Publication](#).

Does the process require publication?

Publication is not required if notice of the hearing is given to any parent or guardian before the name change is granted. Otherwise, notice must be given by publishing in a local newspaper where the minor resides a notice that a petition for a name change has been filed. The notice must be published for three (3) consecutive weeks after the petition is filed, and the first publication must be released at least six (6) weeks before the day of the hearing with a judge. *735 Ill. Comp. Stat. Ann. 5/21-103*

If the petitioner feels that publication of the name change will put the minor at risk of physical harm or discrimination, they can file a [Motion to Waive Notice & Publication](#).

What will the judge consider?

The standard is the best interests of the minor. In determining the best interest of a minor, the court shall consider all relevant factors, including:

National Center for Transgender Equality

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

- (1) The wishes of the minor's parents and any person acting as a parent who has physical custody of the child.
- (2) The wishes of the minor and the reasons for those wishes. The court may interview the minor to determine the minor's wishes with respect to the change of name. Counsel shall be present at the interview unless otherwise agreed upon by the parties. A court reporter will be present to make a complete record of the interview.
- (3) The interaction and interrelationship of the minor with parents or persons acting as parents who have physical custody of the minor, step-parents, siblings, step-siblings, or any other person who may significantly affect the minor's best interest.
- (4) The minor's adjustment to his or her home, school, and community.

735 Ill. Comp. Stat. Ann. 5/21-101

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.

Additional Assistance

The Transformative Justice Law Project (TJLP) can offer free support services regarding name changes for any Illinois resident or person with an Illinois birth certificate. Contact them at namechange@tjlp.org for more information.