

# NAME CHANGES FOR MINORS IN Indiana



## What are the legal requirements?

A parent or guardian may file a petition in the Indiana courts stating the reason a name change is being requested. Before a minor child's name may be changed, the parent(s) or guardian of the child must be served a copy of the petition and must consent, unless an exception is given. *Ind. Code § 34-28-2-2*

## Where should I file the petition and what is the process?

You can file a petition for the name change of a minor in the circuit court, superior court, or probate court of Indiana in the county in which you reside. *Ind. Code § 34-28-2-1*. You can find a list of courts by county at: <http://www.in.gov/judiciary/2808.htm>.

The court will hear the petition for name change of a minor after 30 days have passed since (a) the court posted notice that you requested the case to be private, (b) notice of the petition has been published in a local newspaper for three consecutive weeks, or (c) notice of the petition has been given to the parent(s) or legal guardian of the minor. *Ind. Code § 34-28-2-4*. You can request that publication be waived for the child's safety, see the section below on publication for more information.

The Court will hold a hearing about why it is in your child's best interest to change their name. At the hearing the Judge will review the consent from the other parent, hear arguments about why his or her consent is not required, or hear objections from the other parent.

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.

## What forms should I use?

Instructions and all forms (including those for a Rule 9 request to waive publication and seal the record) are available from Indiana Legal Services:

<https://www.indianalegalservices.org/NameGenderMarkerCourtForms>

If there is consent from both parents, use these forms:

<http://www.in.gov/judiciary/selfservice/2340.htm>

## National Center for Transgender Equality

[transequality.org](http://transequality.org) | [ncte@transequality.org](mailto:ncte@transequality.org) | 202-642-4542

If consent from the other parent is not given, use these forms:

<http://www.in.gov/judiciary/selfservice/2339.htm>

Local court rules may require filing more than one copy or additional forms.

## Does the process require parental consent?

The process generally requires consent from both parents, except when one or both parent(s) has abandoned or deserted the minor, failed to communicate significantly with the minor, or if the parent(s) has committed a crime against the child. *Ind. Code* § 31-19-9. If a parent's whereabouts are unknown, the adult requesting the name change may ask the court to waive the notice requirement.

## Does the process require publication?

The process does require publication of the name change. The petitioner must publish notice of the petition in a local newspaper once a week for three (3) weeks. The last of these publication dates must be at least 30 days before the hearing date for the name change. *Ind. Code* . § 34-28-2-4; <http://www.in.gov/judiciary/selfservice/2339.htm>

However, the court may allow a waiver of the publication requirement and may even seal the court records if significant risk of substantial harm can be demonstrated. This is called a Rule 9 request. See instructions from Indiana Legal Services, <https://ilsit.sharepoint.com/:b:/g/ESr5MIzykY5Fl7oQ8BXniuYBYMml7LDosaWTEXHiOm3sKA>.

## 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. The judge will generally consider the best interests of the minor 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.

## National Center for Transgender Equality

[transequality.org](http://transequality.org) | [ncte@transequality.org](mailto:ncte@transequality.org) | 202-642-4542

The judge will also consider the wishes of a parent of a minor who (a) has been making support payments and fulfilling other parental duties; and (b) objects to the proposed name change of the child. *Ind. Code* § 34-28-2-4.