

NAME CHANGES FOR MINORS IN Kansas



What are the legal requirements?

To request a change of name for a minor, file a petition in the county in which the minor resides stating: (1) that the petitioner-minor has been a resident of the state for at least 60 days, (2) the reason for the change of name, and (3) the name desired. *Kan. Stat. § 60-1402*

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

You should file a petition in the district court in the county where the minor lives. *Kan. Stat. § 60-1401*. You can find the location of district courts here: <http://www.kscourts.org/Kansas-Courts/District-Courts/>.

After the petition is filed on behalf of the minor, the court will hold a hearing to consider the petition. The petitioner must give notice of this hearing to all parents and/or parties of interest. The court, at its discretion, will decide whether the petitioner must give notice of the hearing by mail or by publication. If the court orders that the notice be published, it must be done in a local newspaper once a week for three weeks. If notice of hearing must be done by mail, the petitioner must send notice by registered or certified mail to all parties of interest as directed by the court.

At the hearing, the judge will order the name change granted if the judge is satisfied that the allegations in the petition are true, and that there is reasonable cause for changing the name of the minor. *Kan. Stat. § 60-1402*

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?

The Kansas courts do not have specific forms available for the name change of a minor, but you can adapt the forms for a name change of an adult available here: <http://www.kansasjudicialcouncil.org/legal-forms/adult-name-change>

Does the process require parental consent?

Kansas law does not explicitly require parental consent, but likely you will need to explain any lack of parental consent to the judge.

National Center for Transgender Equality

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

Does the process require publication?

If the court requires notice of the hearing through publication, the notice must be published once a week for three consecutive weeks in a newspaper published in the county where the petition is filed. *Kan. Stat. § 60-307*

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 consider the minor's best interests. *J.N.L.M. ex rel. Killingsworth v. Miller, 130 P.3d 1223, 1224 (Kan. Ct. App. 2006)*. 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 current legal name or requested legal 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.