

# NAME CHANGES FOR MINORS IN Nebraska



## What are the legal requirements?

File a Petition in the district court in the county where the filing adult and the minor currently reside and have resided for at least one year. Consent of both parents is required or notice must be provided to a non-consenting parent(s). After filing the petition, the petitioner must publish notice of the filing in a local newspaper. *Neb. Rev. Stat. § 25-21, 271 (2016)*.

The adult who files the Petition is required to attend a hearing in district court and to testify under oath to certain issues raised in the Petition. Whether the minor is required, or permitted, to attend the hearing depends on the rules of the local court. Contact the clerk of the local court for information on a minor's attendance at the hearing.

## Where should I file the petition?

File the petition in the district court in the county where the adult filing the petition and the minor currently reside and have resided for at least one year. Contact information for the clerks of each district court may be found here:

<https://supremecourt.nebraska.gov/directories/district-court-contacts>

## What is the process and what forms should I use?

You can find the required documents using the following links:

- Petition: [https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-1\\_o.pdf](https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-1_o.pdf)  
Instructions: <https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-1a.pdf>
- Legal Notice: <https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-2.pdf>  
Instructions: <https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-2a.pdf>
- Consent: [https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-3\\_o.pdf](https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-3_o.pdf)  
Instructions: [https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-3\\_o.pdf](https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-3_o.pdf)
- Notice to Parent: [https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-4\\_o.pdf](https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-4_o.pdf)  
Instructions at <https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-4a.pdf>
- Decree for Name Change of a Minor Child:  
[https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-5\\_o.pdf](https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-5_o.pdf)  
Instructions: <https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-5a.pdf>

When filing the Petition, ask the Clerk for contact information of the person who will schedule a hearing date. It is your responsibility to schedule the hearing with this person.

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Select a hearing date no sooner than approximately four weeks from the time of filing of the petition, as the publication requirement must be satisfied before the hearing.

The filing fee is generally \$83, but the exact amount varies by county. You may be able to get this fee fully or partially waived by completing a Financial Affidavit at:

<https://supremecourt.nebraska.gov/sites/default/files/cc-6-1.pdf>

Bring copies of all of the paperwork you have completed to the hearing and ask the Clerk whether the minor is required, or even permitted, to attend the hearing. Use the following link for an overview of what to expect at the hearing:

<https://supremecourt.nebraska.gov/sites/default/files/dc-6-11-6.pdf>

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?**

If the non-filing parent(s) consents to the name change, then the non-filing parent should sign the Consent form, which must be provided at the hearing.

If the non-filing parent(s) does not consent to the name change, then you must serve the non-consenting parent with notice of the hearing by sending a copy of a Notice to Parent to the non-consenting parent. A copy of the Notice must be sent to the other parent by certified mail within five days after publication of notice of the hearing in the newspaper. If the non-consenting parent pays child support, then the Notice must be sent to the non-consenting parent at the address last provided to the Clerk of the District Court. Call the office of the Clerk of the District Court where the child support order was entered and ask for the non-consenting parent's current address. If you know that the non-consenting parent no longer lives at the address provided by the Clerk, then you can mail the Notice to both the address provided by the Clerk and the address where the non-consenting parent currently lives. If no address for the non-consenting parent is on file with the Clerk of the District Court because no court case has ever been filed against that parent and the filing parent does not know the address of the non-consenting parent, then it is not necessary to prepare and file the Notice to Parent. When mailing the Notice, keep the green card that the post office sends back in case the court wants to see it at the hearing.

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

The process does require publication. Once the hearing date is set, complete the Legal Notice form. This notice must be published in a newspaper either in the county where the Petition is filed or in a newspaper in general circulation in the county. The Notice must be

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published once a week for two consecutive weeks prior to the hearing. This publication will cost a fee set by the newspaper, which you are responsible for paying. When submitting for publication, ask the newspaper to provide an Affidavit of Publication, and file the Affidavit with the court prior to the hearing, or request the newspaper to mail the Affidavit of Publication directly to the Clerk for filing.

## What will the judge consider?

Whether the minor's name will be changed depends on the best interests of the child. Neb. Rev. Stat. § 25-21, 270 (2016) *annotation citing, In re Change of Name of Andrews*, 235 Neb. 170, 454 N.W.2d 488 (1990).

Judges 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.