

# NAME CHANGES FOR MINORS IN New York



## What are the legal requirements?

The parent, guardian, or next friend of the minor must file a petition requesting the name change of a minor. *N.Y. Civil Rights Law § 60*. The name change will need to be published in a local newspaper, unless the publication requirement is waived for safety reasons. Any parent who does not sign the petition must receive notice.

## Where should I file the petition?

File a petition requesting the name change of a minor with the county court or the Supreme Court in the county in which the minor resides. If the minor resides in the City of New York, they can file in any of the five boroughs. *N.Y. Civil Rights Law § 60*. It may be best to file in a civil court in Manhattan.

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

The below website will generate instructions on the process for how to go about your name change: <https://www.nycourts.gov/CourtHelp/DIY/childnameChange.shtml>

Please note the above website will generate an optional fee waiver application for City of New York residents, but New York State residents must get that form from the court where they are filing. Please also note that the website will not generate a request to waive publication or a request to seal the record. If you would like to request waiver of publication in a newspaper see the section on publication below.

If the court approves the petition, it will send a signed Order to the applicant. Publish the signed Order and deliver the Affidavit of Publication to the clerk of court, making the name change final.

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 does not require parental consent from both parents. The petition may be filed by a next friend, a guardian, or either of their parents. Any parent who does not sign the petition must receive notice, and will have the chance to appear and object, but a judge may grant the name change without parental consent.

## National Center for Transgender Equality

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## Does the process require publication?

In general, within 20 days after receiving a certified copy of the signed Order, the applicant is required to publish a notice in a local newspaper in the county in which the Order was issued in substantially the following form:

Notice is hereby given that an order entered by the \_\_\_\_\_ court, \_\_\_\_\_ county, on the \_\_\_\_\_ day of \_\_\_\_\_, bearing Index Number \_\_\_\_\_, a copy of which may be examined at the office of the clerk, located at \_\_\_\_\_, in room number \_\_\_\_\_, grants me the right to assume the name of \_\_\_\_\_. The city and state of my present address are \_\_\_\_\_; the month and year of my birth are \_\_\_\_\_; the place of my birth is \_\_\_\_\_; my present name is \_\_\_\_\_; N.Y. *Civil Rights Law § 63*

The publication requirement may be waived if the court finds that the publication of an applicant's change of name would jeopardize the applicant's personal safety, based on totality of the circumstances. *N.Y. Civil Rights Law § 64-a*. To request a waiver of the publication requirement and to request to seal the record, insert the following language into both the Petition and Order:

“Because of [CHILD’S DEADNAME]’s young age and because of the potential danger of physical harm to the child we also ask that, pursuant to Civil Rights Law §64(a), the publication requirement of Civil Rights Law §§ 63 and 64 be waived, and that the record of the name change be sealed. The Court, in *In Re EP.L.*, 26 Misc 3d 336 (NY Sup Ct - Westchester [2009]), waived publication requirements for a transgender individual without a particularized history of violence or crime against him, finding that “there exist numerous documented instances of those targeted for violence based upon their sexual orientation or gender identity,” *id.*, 339; accord, in the *Matter of Jane Doe*, (NY Sup Ct – Westchester, #50547/2016).

## What will the judge consider?

The judge will consider the interests of the child. The judge will grant a petition for a minor name change if it determines that the petition is true and that there is no reasonable objection to it, and in the case that the petition is to change the name of an infant, then the standard is the substantial promotion of the interests of the infant. *N.Y. Civil Rights Law § 63*

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Judges typically evaluate the 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 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 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.