

# NAME CHANGES FOR MINORS IN Pennsylvania



## What are the legal requirements for a minor born in Pennsylvania?

If a minor was born in Pennsylvania, no court order is required to change their legal name on the birth certificate. The parent(s) listed on the birth record can request the name and sex designation of their child under 18 years old be updated using the correction form on the back of the certificate. Follow these instructions to update the birth certificate:

<http://www.transequality.org/sites/default/files/docs/PA-BC-Policy.pdf>.

Please keep copies of all records of the old certificate and the request for an updated certificate. You should be able to use the newly issued birth certificate along with those records to update your child's name on other documents and records. If you have trouble getting other documents and records updated, you can still petition the court for an official name and gender change order using the instructions below.

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## What are the legal requirements for a minor not born in Pennsylvania?

If a minor was not born in Pennsylvania, or otherwise needs a court order to change their legal name on documentation, follow the below instructions.

A petitioner must file a petition in the Court of Common Pleas of the county in which the minor resides, setting forth the reasons for the name change, and attaching a certified copy of the minor's birth certificate and official set of fingerprints. *Title 54 PA Cons. Stat. Sec. 701.* The court will set a hearing date for the name change. *Title 54 PA Cons. Stat. Sec. 701.* At the hearing, the petitioner must present proof of that notice of the change was published. The court may enter a decree approving the name change after it is satisfied that there are no lawful objections. *Title 54 PA Cons. Stat. Sec. 701*

File the petition in the Court of Common Pleas for the county in which the minor resides. You can find an interactive map of these courts and their applicable counties at:

<http://www.pacourts.us/courts/courts-of-common-pleas/>

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

State-specific forms for a minor name change are not available, but certain counties have minor name change forms available online, generally including: (1) a Name Change Petition; (2) a Fingerprinting Order; and (3) an Order scheduling a hearing date. In addition to obtaining fingerprints of the minor at the local police station, publishing notice, and providing notice to the non-petitioning parent, the applicant must search offices of the counties in which the petitioner has resided for the prior five years to confirm that there are no judgments, decrees, or other similar matters against the petitioner.

County-specific forms can be found at the applicable courthouse or, in some instances online. See instructions and forms for York County:

<https://yorkcountypa.gov/forms/send/112-name-change-form/243-minor-name-change-packet-rev6-2015.html>

Lehigh County: <https://www.lccpa.org/selfhelp/namechange/>

Please note that in addition to the petition documents above, you may want to include a request to waive publication and seal the record, as well as to have a hearing that is not held in open court, for the privacy of the minor. Philadelphia and Allegheny counties do often grant publication waivers, other counties may depend on the judge.

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, but does require that notice is given to all parental parties or guardians. *Title 54 PA Cons. Stat. Sec. 701*

## Does the process require publication?

The process does require publication. You must publish notice of the petition in two newspapers of general circulation in the county where the minor resides or in a contiguous county and give notice to any non-petitioning parent. The court may waive notice requirements if it determines such notice would jeopardize the safety of the minor. *Title 54 PA Cons. Stat. Sec. 701*

## 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 best interests of

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the 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.

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