

Legal Assistance of Western New York, Inc. ®

How to Change a Child's Name

We provide free legal aid to people with civil legal problems in western New York.

www.lawny.org

How to Change a Child's Name in New York

Schools and government agencies are likely to require that your child's name match the one on their birth certificate.

There are 3 ways to officially change your child's name.

1. You change your own last name
 1. If you get a name change order, your child can take your new last name if the other parent is notified and agrees. You would need to request this in your court proceeding.
2. Paternity
 1. The parents can sign a paternity acknowledgment form that adds the father's name to the child's birth certificate. Using this form, the child can take the father's last name, or a name combining the parents' names, if both parents agree. A new birth certificate would be issued.
3. To change your child's name for any other reason
 1. You have to ask the New York State Supreme Court to change your child's name. To do that, you must fill out and file these court forms:
 1. Name Change Petition
 2. Notice to Interested Persons
 3. Name Change Order
 4. Request for Judicial Intervention (RJI) (original plus 2 copies)
 5. Index Number Application

Where can I get the court forms?

The court system has forms available online at <http://www.nycourts.gov/courthelp/namechange/index.shtml>

Does the court need to see my child's ID?

Yes. You must submit a certified copy of your child's birth certificate. In New York, you can get

this from the state Department of Health. For more information, please visit them on the web here: http://www.health.state.ny.us/vital_records/birth.htm.

What else do I need to know about changing my child's name?

1. Unless the child's other parent has already agreed to the change in a notarized statement or the other parent's rights have already been terminated, you will need to give them notice of court. This is true even if you have been granted "sole custody". The other parent might try to block the name change.
2. If you are seeking to change your child's name because of domestic violence and you fear that giving notice of the name change to the child's other parent will endanger yourself or your child, you may ask the Court to waive the notice requirement.
3. The Court will only change your child's name if there is a good reason. You have to give a reason for the change.

What happens if the other parent does not agree to the name change?

It can be very difficult to change your child's name if the other parent does not agree to the name change. You can try an informal name change. You should know that the other parent can stop this if they learn about it.

You can find information about name change on the Court's web site. Please visit <http://www.courts.state.ny.us/forms/namechange.shtml>.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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