

Guidance for Pro Se Minor Name Changes

This guide is intended to help people residing in Kansas legally change the name of a minor child without the representation of an attorney. This guide will walk you through the necessary paperwork, and the steps you will have to take after finishing the paperwork. It is intended to be informative. It **does not** provide legal advice. If you have questions about your legal rights or obligations, you should consult with an attorney.

This process will legally change your name. It will grant you a court order declaring your legal name change. It will not change the name on your birth certificate. That is a separate administrative process. You can complete that process after you complete the legal name change and receive the name change order. For more information about birth certificate corrections, see the [Kansas Department of Health and Environment website](#).

These forms should be used if both of the minor child's parents consent to the name change. If one or more of the parents or guardians does not consent to the name change, you should consult with an attorney about your legal options.

Your first step in the name change process is to fill out the necessary forms for your name change. The necessary forms are attached to this document and available on Kansas Legal Services' website.

Completing the Documents:

For the most part, name changes in Kansas are controlled by Kan. Stat. Ann. 60-1402. For a minor child to petition for a name change in Kansas, the following things are required:

1. Civil Cover Sheet
2. Petition
3. Order
4. Parental Consent
5. Notice
6. Filing Fee

1. Civil Cover Sheet

- Complete a Civil Cover Sheet. You will only need to fill out the Plaintiff information section. Select the "Other Civil" box for the nature of the suit.

2. Petition

- Fill out the information in this petition. Use the child's old name (**the name on their birth certificate**) throughout the document, except the portions specifically referring to the new name. The minor child will sign this document, and all documents, with their **old name**.
- Notes for filling this out:
 - o Do not fill in the case and division number; the court will provide you with those when you file.
 - o Because the person seeking the name change is a minor child, a parent must file on behalf of the child as the child's "next friend."
 - o There are some mid-sentence blanks for you to include the child's pronouns. These usually come before the word "name." You may use the child's correct pronouns, not necessarily the ones that coincide with the child's sex assigned at birth.
 - o Include only the **YEAR** the minor child was born, not their entire birth date.
 - o K.S.A. 60-1402, the name change law, requires the petition to state that you have been a resident of Kansas for at least 60 days.
 - o You must include a reason for the change of name in your petition. For transgender petitioners, this might be "because the new name better aligns with the minor child's gender identity" or "because this is the name the minor child uses most often with friends and family." For a minor child changing their last name, it might be because they want to have the same last name as one of their parents. When filling out this part of the petition, please keep in mind that this document will become publicly accessible once filed.

3. Order

- This is the Order the Judge will sign. It's almost identical to the Petition. You will fill it out and have it ready for the judge to sign at the time of hearing. Use the same information in this document as you used in the Petition.
- Remember to only include the **YEAR** the minor child was born, not their entire birth date.

4. Consent

- As noted on page 1, these forms should only be used when all of the minor child's parents or guardians consent to the name change, or if the child has one parent and that parent consents to the name change.
- One parent should list themselves as the minor child's "next friend" on the forms in question, and sign them as well. This will demonstrate the parent's consent to the name change
- If there is another parent, that parent can consent to the name change in one of two ways. One option is that the second parent can complete and sign the form "Consent by Parent – Minor Name Change." Alternatively, the second parent can attend the name change hearing and consent to the name change on the record at that hearing.

5. Notice

- Under Kan. Stat. Ann. 60-1402, people who petition for change of name must provide public notice of their name change. The statute allows petitioners to do this in one of two ways: They can publish notice in the newspaper, or provide notice by certified or registered mail. The court has discretion to decide which form of notice it will allow.
- If petitioners choose to publish their notice in the newspaper, they must follow the procedure set out in Kan. Stat. Ann. 60-307(d)(1): “The notice must be published once a week for three consecutive weeks in a newspaper published in the county where the petition is filed and that is authorized by law to publish legal notices. If there is no newspaper published in the county, the notice may be published in a newspaper having general circulation in the county.” Note that this process can be expensive.
- The county selects what newspapers you must public your legal notice in. It may not be the “main” newspaper. You can find a tentative list of those newspapers here: <https://www.kansaslegalservices.org/sites/kansaslegalservices.org/files/KS%20Legal%20publications3.pdf>. However, you should confirm with the Clerk of the Court that the newspapers hasn’t changed.
- If petitioners choose not to publish notice in the newspaper, they can petition the court to allow them to provide notice by certified mail to “parties of interest.” For most people, “parties of interest” are creditors.
- If petitioners choose to provide notice by certified mail, they must send a Notice of Hearing to their creditors. They will then file a copy of the Notice of Hearing and the certification that the creditor received the mail with the court.
- For minor children who have no outstanding debts and have two parents/guardians who consent to the name change, there is likely no one who must receive notice. In this circumstance, you may petition the court to waive notice altogether. You can use the attached “Motion to Waive Service.”

6. Filing Fee

- Kansas courts require you to pay a fee to file a Petition for Name Change. Contact your county’s court for more information about the required filing fee. It is likely that this fee is about \$195.
- If you cannot afford this filing fee, you can petition the court to waive your filing fee. You do this by filing out a Poverty Affidavit and corresponding Order to Waive Docket Fee with the court. For more information about eligibility for poverty affidavits, see [Kansas Legal Services’ website](#).
- Different courts have different requirements for granting fee waivers. Many courts will waive your fees if your income is at or around 100% of the poverty line for the county you are filing in. Because it is the parent filing this case, it is the parent’s income that goes on this form.

Filing the documents:

Your next step is to file these documents with the court.

- File in the district court in the county in which you live. You can contact the clerk of the court in the county where you live to learn their filing procedures. Generally, you can walk in and file them in person, but Covid-19-related health restrictions may have changed the procedure.
- File your poverty affidavit and Order Waiving Docket Fee with the rest of your documents. The judge will determine whether you are eligible for the fee waiver. If the court denies the fee waiver, you will have to pay the filing fee. Check with the clerk's office to determine your court's accepted methods of payment.
- When you file the rest of your documents, ask the court clerk for the case number and division number. Write this information down—you will need it later.
- The clerk of the court should be able to give you some instructions about how to schedule your case for a hearing. When you get a date and time for your hearing, ask whether that hearing will be virtual or in-person. If virtual, ask how to get the information to log onto the virtual hearing.
- Also ask that clerk what type of notice the court requires. If you filed a Motion to Waive Service by Publication, ask the court clerk how you will be notified of the court's decision on your motion. If you do have to provide notice, do so by publication or mail, according to what the court orders.
- Obtain proof of that notice (for certified mail, return receipts; for publication, verification from the newspaper).
- If the hearing is in person, bring the proof of notice (if applicable) and a copy of the Order for Name Change to the hearing.
- If the hearing is virtual, you will need to get the proof of notice to the court clerk in advance. You will also need to get the Original copy of the Order for Name Change to the judge in advance, by leaving it with the Judge's aid. If you have questions about how to do this, contact the court clerk.
- After the hearing is over and the Order has been signed, obtain multiple certified copies of your name change order from the clerk of the court. You will be charged a small fee for each copy that the Clerk makes for you. You can bring your own copies and they will do the stamping and signing needed to "certify" your copies of the order.