

## **Important Information:**

A minor name change petition will not be ruled on without a hearing. The hearing will be recorded and normally last approximately 15 minutes.

Two issues will be addressed at the hearing:

- 1) The appointment of an adult who will act on behalf of the minor child. This person is called a guardian ad litem and must be appointed unless a court has previously appointed an adult to act as a guardian or a conservator of the minor child and that person is petitioning for the name change on behalf of the minor.
- 2) The actual petition.

### **Guardian ad Litem**

The rules for appointment of a guardian ad litem to change the name of a minor child are as follows:

- A) When the minor is 14 years of age or older, the minor is the person who applies for the appointment of a guardian ad litem. The minor must be present at the hearing.
- B) When the minor is under 14 years of age, a parent, adult relative, adult friend or other adult interested person may apply for an appointment of a guardian ad litem for the minor. The person applying to have guardian ad litem appointed must be present at the hearing along with the person who is the proposed guardian ad litem if that person is different from the applicant.
- C) No later than 7 days after filing the motion for appointment of a guardian ad litem and at least 14 days before the hearing, the person filing the motion must provide a notice of the petition to change the minor's name to the following people:
  - 1) The minor, if the minor is under age 14 (and therefore did not apply to have a guardian ad litem appointed to act on the minor's behalf);
  - 2) Both parents of the minor;
  - 3) Any person having legal custody of the minor;
  - 4) The person who has exercised principal responsibility for the care and custody of the minor in the last sixty days; and
  - 5) Any additional notice requirements under Oregon Rules of Civil Procedure 27E.
- D) The notice must contain:
  - 1) The name, address and telephone number of the person petitioning for appointment of a guardian ad litem to change the name of the minor and that person's relationship with the minor.
  - 2) A statement that any objections to the appointment of a guardian ad litem must be made within 14 days of service of the notice and how the objection is filed with the clerk of the court.

A judge may waive or modify the notice requirements if the judge finds that the party seeking to have a guardian ad litem appointed has satisfactorily shown to the judge that there is good cause for the judge to waive the notice.

**Petition for name change proceedings:** Name and sex change proceedings are governed by ORS 33.410 to 33.460.

- A) The court can only grant name changes to residents of Lane county. The minor must be a U.S. citizen or a permanent legal resident alien (If the minor is here under a visa or otherwise, the court does not have authority to change the minor's name).
- B) The court will grant a name change unless the change would not be consistent with the public interest.
- C) The name change law requires a showing that both the custodial and non-custodial parent and any legal guardian of the minor have been given notice of the proposed name change. While the form for petitioning for a name change has a box allowing an applicant to seek waiver of requirements to give notice to a parent who has not contributed to the support of the minor, a judge will not automatically waive that notice. This is because appellate caselaw weighs against granting this exception in many cases. If notice of the intent to change a minor's name cannot be given to the minor's parent, you should be prepared to present evidence to the court about what you did to give the notice and why it could not be given. If the judge decides that a waiver of the notice is not appropriate, the name change will be denied or continued until you have either given notice to the other parent, or demonstrated that you have made reasonable efforts to give that notice.
- D) If the parent (or parents) and the minor child are seeking name changes, a minor over the age of 8 must be present at the hearing and may be asked to talk with the judge.
- E) If a minor seeking a name change is 14 or older, they must be present at the hearing and may be asked to talk with the judge.