

# CHANGE OF NAME OR SEX



(MINOR)

***Please note: You must be a parent, legal guardian, or legal representative for the child.***

## WHERE DO I FILE?

**Name Change** - File in the circuit court for the county where the child lives.

**Sex Change** – File in any circuit court in Oregon. If you are also asking for a name change, file in any circuit court in Oregon.

***Please note:*** Oregon Law mandates a name change record to be sealed if the party is a participant in the Address Confidentiality Program (ACP) or sex change record upon request. If you are requesting name *and* sex change and the minor is not a participant in the ACP, the entire case may not be sealed under the statute. You may wish to consult with an attorney prior to filing any pleadings that may jeopardize the request to seal the change of sex.

## HOW MUCH DOES IT COST TO FILE?

Go to <http://www.courts.oregon.gov/Pages/fees.aspx> for the filing fee

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## CONTENTS OF PACKET

- Form 1 - Petition for Name/Sex Change for Minor
- Form 2 - Petition for Appointment of Guardian Ad Litem
- Form 3 - Order Appointing Guardian Ad Litem
- Form 4 - Consent to Guardian ad Litem and to Change of Name/Sex (Minor)
- Form 5A - Consent to Guardian ad Litem and to Change of Name/Sex (Minor's Legal Father)
- Form 5B - Consent to Guardian ad Litem and to Change of Name/Sex (Minor's Legal Mother)
- Form 6 - Declaration Supporting Petition for Name/Sex Change
- Form 7 - General Judgment of Name/Sex Change
- Form 8 - Request for Certified Copies of General Judgment of Name/Sex Change

## HOW DO I FILE?

1. Be sure to clearly print or type the minor's present legal name on **all** forms. Do not use initials as part of the name unless the legal name contains initials. If you are using hyphenated names, please review your legal documents to determine when a hyphen is appropriate.
2. Complete Forms 1 and 2 (Petition for Name/Sex Change and Petition for Appointment of Guardian ad Litem). **Please note: While a sex change can be sealed upon request on the petition, a request for both name and sex change in the same petition cannot be sealed unless you are participant in the Address Confidentiality Program under ORS 192.826.** You may file separate cases for name and sex if you require the sex change be sealed.
3. If the minor is over the age of 14 but under the age of 18 they must consent to the appointment of Guardian Ad Litem and name/sex change. Complete Form 4 (Consent by Minor) and obtain the minor's signature and date they signed.
4. A parent has the right to notice and time to object to any change in their child's name or sex. The Consent to Change of Name/Sex (Form 5A **or** 5B) to show the court the minor's **other** legal parent agrees to the appointment of guardian ad litem and the name/sex change must be filed with the Petition for Name/Sex Change and Petition for Guardian ad Litem.
5. If you cannot obtain consent from the minor's **other** legal parent, you must provide notice of the proceeding to them. If you are mailing a copy of the Petitions to them, certified mailing is recommended. An Affidavit of Service form is available at the Probate Department and can be provided to you at the time you file your petition.
6. Complete Form 3 (Order Appointing Guardian ad Litem), leaving the signature line for the judge blank. *If* you have the consent of the minor (over the age of 14) (#3 above) and the other legal parent (#4 above) you may leave this form with the clerk at the time of filing. Otherwise, this form will have to be submitted at a later time after the court rules on notice to the other legal parent.
7. If you cannot obtain consent from the minor's **other** legal parent (#4 above) or provide notice as required (#5 above), you *must* file the Declaration Supporting Petition for Name/Sex Change (Form 6). The declaration should tell the court why you cannot get notice to the parent **AND** why the court should waive notice to the parent. **Be specific when you fill out the declaration.**

Some examples:

- have not seen the parent for how many years (give number of years)
- you do not know where the parent is
- what you have done to try and locate the parent
- the parent has not paid child support for how many years
- the parent has not written or visited the minor for how many years
- any other information you want the court to consider.

If you do not give the court enough specific information, your request to waive notice may be denied. The judge will enter an order either waiving the required notice or requiring notice as provided by law.

8. **When you are ready to file your paperwork, you may appear at the Probate Counter** located in the Clerk's Office (1<sup>st</sup> Floor Justice Services Bldg) Monday – Friday during court operating hours.

***If you are not ready to file your paperwork, a clerk will be available at that time should you have any procedural questions.*** Please note that court staff is not allowed to give you legal advice.

Bring your completed forms with you when you file. The clerk will review them and give you a case number.

9. If you have the required consents from the other legal parent and the minor (over the age of 14), the General Judgment (Form 7) may also be left with the clerk for review by the Judge.
10. If you are requesting a waiver of the notice to the other legal parent, the General Judgment (Form 7) may not be left with the clerk. The Judge will make a ruling on the notice requirements and the clerk will notify you by mail with a copy of the order, instructions and the Affidavit of Service Form (if necessary).
11. If you are required to give notice to the other legal parent, it is your responsibility to follow the law regarding service. The judgment may be submitted with the completed Affidavit of Service Form to the clerks after the appropriate notice has been completed.
12. If someone appears to object to the minor's name/sex change, the judgment may not be submitted and the court will set a hearing to present evidence on the objection. You will receive notice of the hearing date by mail. You may want to contact an attorney to represent you at the hearing.
13. If no objections are filed and the judge finds the name/sex change is not contrary to public interest, the name/sex change will be granted. All of the original pleadings will be maintained in the permanent court file. In some instances the judge may want to talk to you or the minor. In that case a hearing notice will be sent to you to appear before the judge.

### **WHAT HAPPENS NEXT?**

The court will enter the judgment into the court's records (called the Register of Actions). The judgment is effective once it's entered. The court will send you a *Notice of Entry of Judgment*. If you want a copy of the Judgment for yourself, you may visit the records department or order online at [www.courts.oregon.gov/courts/washington/records](http://www.courts.oregon.gov/courts/washington/records).

### **DO I NEED A LAWYER?**

You do not need a lawyer to file for a change of name or sex. If you have questions about how the law works or what other issues may arise from a name or sex change, you may want to talk to a lawyer. Court staff cannot give you legal advice. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636.



**(FORM 2)**  
IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

**In the Matter of:**

**Case No:** \_\_\_\_\_

**PETITION FOR APPOINTMENT  
OF GUARDIAN AD LITEM**

\_\_\_\_\_  
First

\_\_\_\_\_  
Middle

\_\_\_\_\_  
Last  
a Minor Child.

**ORCP Rule 27** Check *all* that apply:

Petitioner represents to the Court as the legal parent of the child and petitions the court for the appointment as Guardian Ad Litem.

***AND (IF OVER THE AGE OF 14)***

The child, over the age of 14 but under the age of 18, consents to the petition before the Court to appoint a Guardian Ad Litem. Evidence of the consent to Guardian Ad Litem and Name/Sex Change is filed herein.

Petitioner's relationship with the other legal parent ***listed on the birth certificate*** is:

Married  Divorced  Separated  Never Married  Other parent deceased

If the parents are unmarried, has legal paternity of the child been established?  Yes /  No  
If yes, paternity has been established by the following legal means: \_\_\_\_\_

Other parent not listed on the Birth Certificate

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The other legal parent of the child consents to the petition before the Court to appoint a Guardian Ad Litem. Evidence of the consent to Guardian Ad Litem and Name/Sex Change is filed herein.

**OR (PLEASE CHECK ONE BELOW)**

I have not obtained the other legal parent's consent; however, I will be sending them notice of this proceeding by certified mail. Proof of certified mailing will be submitted prior to entry of judgment.

I have not obtained the other legal parent's consent; however, I am requesting to waive notice to the other legal parent. My declaration regarding the waiver is filed herein.

The child is now living with: \_\_\_\_\_, at the following address:  
Street \_\_\_\_\_, City/State/Zip \_\_\_\_\_ The  
child has resided in the State of Oregon since \_\_\_\_\_ (mo/yr)

Is there any other court order now in effect concerning the child? Yes / No  
If yes: Case number: \_\_\_\_\_ filed in \_\_\_\_\_ County,  
State of \_\_\_\_\_

I have/have not participated as a party, witness or in any other capacity in any other proceeding concerning the custody, parenting time or visitation of the child.

I know of no other proceeding that could affect this case (including any other proceeding concerning custody, parenting time enforcement, protective orders, termination of parental rights and adoptions) in this or any other state EXCEPT: \_\_\_\_\_  
(If none, so state)

I know of no other person who has the physical or legal custody of the child or who claims custody, parenting time or visitation rights with the child EXCEPT: \_\_\_\_\_  
(If none, so state)

Therefore, \_\_\_\_\_, as the legal \_\_\_\_\_  
(Name of Proposed Guardian Ad Litem) (Mother/Father)

of the above-named minor, is properly qualified to act as Guardian Ad Litem for

\_\_\_\_\_, a minor who is \_\_\_\_\_ years old.  
(Name of Minor)

**I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Petitioner

**(FORM 3)**  
IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

**In the Matter of:**

**Case No:** \_\_\_\_\_

**ORDER APPOINTING  
GUARDIAN AD LITEM**

\_\_\_\_\_  
First                      Middle                      Last  
a Minor Child.

Based upon the Petition for Appointment of Guardian Ad Litem filed in this matter,

**IT IS HEREBY ORDERED:**

That \_\_\_\_\_ is appointed as Guardian Ad Litem to act on behalf  
(Name of Guardian Ad Litem)  
of the above named minor child in this proceeding.

\_\_\_\_\_

**(FORM 4)**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

**In the Matter of:**

**Case No:** \_\_\_\_\_

**CONSENT BY MINOR TO  
APPOINTMENT OF GUARDIAN  
AD LITEM AND TO CHANGE OF**

**NAME**     **SEX**

\_\_\_\_\_  
First

\_\_\_\_\_  
Middle

\_\_\_\_\_  
Last

a Minor Child.

I, \_\_\_\_\_, am \_\_\_\_\_ years old. I am aware that  
(Minor's present legal name)

\_\_\_\_\_ has petitioned this Court to be appointed as my  
(Guardian Ad Litem's name)

Guardian Ad Litem and petitioned this Court to change my  name  sex.

I waive further notice of this proceeding and consent to the appointment of  
Guardian Ad Litem and to the proposed change of  name  sex.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Minor



**(FORM 5A)**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

**In the Matter of:**

**Case No:** \_\_\_\_\_

**CONSENT TO APPOINTMENT  
OF GUARDIAN AD LITEM  
AND TO CHANGE OF**

**NAME**     **SEX**

(Minor's Legal Father)

\_\_\_\_\_  
First

\_\_\_\_\_  
Middle

\_\_\_\_\_  
Last

a Minor Child.

I, \_\_\_\_\_, am the legal father of the above cited minor.  
(Name of Minor's Legal Father)

**Check one:**

I have petitioned this Court to change my child's  name sex.

I am aware that \_\_\_\_\_ has petitioned this Court to be appointed as guardian ad litem for my child and to change my child's  name sex.

I waive further notice of this proceeding and consent to the appointment of guardian ad litem and to the proposed change of my child's  name sex.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Minor's Legal Father

(FORM 5B)

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

**In the Matter of:**

**Case No:** \_\_\_\_\_

**CONSENT TO APPOINTMENT  
OF GUARDIAN AD LITEM  
AND TO CHANGE OF**

**NAME**     **SEX**  
(Minor's Legal Mother)

\_\_\_\_\_  
First                                 Middle                                 Last  
a Minor Child.

I, \_\_\_\_\_, am the legal mother of the above cited minor.  
(Name of Minor's Legal Mother)

**Check one:**

- I have petitioned this Court to change my child's  name  sex.
- I am aware that \_\_\_\_\_ has petitioned this Court to be appointed as guardian ad litem for my child and to change my child's  name  sex.

I waive further notice of this proceeding and consent to the appointment of guardian ad litem and to the proposed change of my child's  name  sex.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Minor's Legal Mother

**(FORM 6)**  
IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

**In the Matter of:**

**Case No:** \_\_\_\_\_

**DECLARATION SUPPORTING  
PETITION FOR CHANGE OF**

**NAME**       **SEX**

\_\_\_\_\_  
First                                  Middle                                  Last  
a Minor Child.

I am the \_\_\_\_\_ of the above cited minor child. The name  
(Relationship to the minor child)  
of the other legal parent of the minor child is \_\_\_\_\_.  
(Name of minor's parent(s))

I have not obtained the other parent's consent to the proposed change of name. I have not given notice of this proceeding to the biological parent. I request that the Court waive the statutory notice requirement to the other legal parent for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty of perjury.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Guardian Ad Litem

**(FORM 7)**  
IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

**In the Matter of:** \_\_\_\_\_

**Case No:** \_\_\_\_\_

**GENERAL JUDGMENT  
FOR CHANGE OF**

**NAME**     **SEX**

\_\_\_\_\_  
First

\_\_\_\_\_  
Middle

\_\_\_\_\_  
Last  
a Minor Child.

Based on the Petition, the court orders the following:

The name change is:

**Granted.** The name of the minor (*use complete names. First, Middle, Last*)

\_\_\_\_\_  
is hereby changed to:

**Denied**

The sex change is:

**Granted.** The minor's sex is changed to:

**Denied**

male  female  nonbinary

*For court use only:*

This record is ordered **SEALED** at Petitioner's request because

Petitioner has requested a change of sex for the minor and that the record be sealed. ORS 33.420(4) requires sealing in this circumstance.

The minor is a participant in the ORS 192.826 Address Confidentiality Program (ACP) and Petitioner has requested *only a change of name*. No good cause exists to deny sealing.

SEALING is DENIED for this ACP petitioner seeking only a name change, based on this good cause: \_\_\_\_\_

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**Certificate of Readiness per UTCR 5.100**

This judgment is ready for signature because it is submitted ex parte as allowed by statute

Submitted by Petitioner: \_\_\_\_\_