

Changing Your Child's Name

In today's world with marriage rates down, divorce rates up and many of the old customs gone it's not uncommon to want to change the name of your child. Maybe the baby paternity was in doubt, your remarried or your ex has remarried, there are many reasons why you may want to change your child's name.

As is often the case we have laws in Minnesota to help decide if this can be done. [Minn. Stat. 259.10](#) gives us some guidance. Generally, you have to be in Minnesota for 6 months and then you can file a motion to change, the problem comes up when the other parent doesn't want the change. There have been many court cases addressing this and what has come out, is that generally the name change must be in the child's best interest. Ok, we've heard that before, but what does that mean? Again the Minnesota Supreme Court has given us some guidance on this issue. The Court has said the following factors must be looked at these (although they say they are only SOME of the factors):

- Difficulties, harassment and embarrassment the child may experience with either the current name or proposed name. (You may want to re-think Luke Skywalker...)
- The Degree of community respect associated with both the present and proposed surname.
- Length of time the child has had their current name.
- Effect a change of the last name would have on the relationship with each parent.
- Child's preference for each name.

While the list is nice, it's still a little hard to see what the court really wants. As always, my advice is be reasonable, it's no secret that the Judge will be. You need to be able to articulate your request for the change and really give the Judge a good reason why the name should be changed. If you have a good reason then, get a good Minnesota Divorce Lawyer and proceed with a motion to change the name!

Thanks for reading my latest Mankato Family Law Blog post, any comments or questions feel free to post them below or email me directly at jkohlmeyer@rokolaw.com

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Remember I am not giving anyone legal advice, this is just an informational blog that hopefully will answer some basic questions and lead you to call an experienced Minnesota Divorce Lawyer.