

## **MINOR NAME AND GENDER MARKER CHANGE**

This packet will show you how to change your child's name and gender marker. It has four steps:



### **Step One: Start Your Case**



### **Step Two: What to do Before Court**



### **Step Three: What to do in Court**



### **Step Four: What to do After Court**

This document is not legal advice. It only gives general information about how to change your child's name and gender marker. If you have questions about your specific situation or want to apply for legal assistance, contact Indiana Legal Services at 317-829-3180 or [lgbtgroup@ils.net](mailto:lgbtgroup@ils.net).





## Step One: How to Start Your Case





This step will show you how to start your court case. The next step will show you what you need to do before your hearing. In this part:

1. We will show you what forms you need to review and sign.
2. We will tell you how to start your legal case in court.






### 1: Review and Sign Forms

This packet has all the legal forms you need to change your child's name and gender marker. The forms you need to sign are marked with . The document your child's other parent may need to sign is marked with a . The rest of the forms are for the judge.

Forms everyone needs to sign:

-  Appearance by Self-Represented Party
-  Name and Gender Marker Change Petition

Forms some people need sign:

-  Affidavit of Indigency and Request for Fee Waiver (if you qualify)
-  Verified Request to Prohibit Public Access
-  Affirmation of Diligent Search
-  Verified Consent to Name and Gender Marker Change of Minor
-  Affirmation of Service

We will help you figure out if you need these forms later.



# Step One: How to Start Your Case



The first page of each form has a box on the top called a caption. You should fill out the county information, your child’s legal name, and your legal name on each form but leave the case number blank like this:

STATE OF INDIANA	IN THE <u>MONROE</u> COUNTY COURT
COUNTY OF <u>MONROE</u> <small>(county you live in)</small>	<small>(county you live in)</small>
IN RE THE CHANGE OF NAME OF:	Case Number:
<u>Ashley Crystal Smith</u> <small>(child's current legal name)</small>	
A minor.	

You should fill out the rest of the paperwork like this:

### Current legal name

The name that is on your child’s birth certificate that you want to change from.

### Mailing Name

The name you want the court to use when mailing you documents.

### Judicial Officer

Leave this blank. It is for the judge to sign.

### Check boxes

Check any box that applies to you. If none of the boxes apply, check “other” and then explain.

13. My petition is made in good faith and not for fraudulent purposes. I want to change the child’s name to Aiden Michael Smith

So that the child’s name matches their gender identity and presentation  Other

\_\_\_\_\_  
\_\_\_\_\_





## Step One: How to Start Your Case



### **The next 7 pages are forms for everybody.**

You need to sign:

-  Appearance by Self-Represented Party
-  Name and Gender Marker Change Petition

Forms for the Judge:

- Order Setting Hearing
- Name and Gender Marker Change Order



## Step One: How to Start Your Case



### The next 3 pages are forms for a fee waiver.

#### What do these forms do?

These documents ask the judge to let you start your case for free. It costs \$157 to start this type of legal case. But a judge can let people who can't afford to pay the fee start their case for free.


#### Do I need these forms?

If you can't afford to pay \$157 to start your case, you need these forms.

If you can pay \$157, you skip this section.

#### What is in this section?

You need to sign:

 Affidavit of Indigency and Request for Fee Waiver

Form for the Judge:

- Order on Fee Waiver Request



## Step One: How to Start Your Case



**The next page is a form for your child's other parent to sign.**

### **What does this form do?**

Your child's other parent needs to agree to the name change. This form tells the Judge that they agree.

### **Do I need these forms?**

Yes, if your child's other parent is paying child support or visiting and communicating with your child, they must agree to the name change.

No, if your child's other parent is refuses to pay court-ordered child support or doesn't talk to or visit your child, they don't need to agree to the name change.

If you don't know where your child's other parent lives or works, skip this section.

### **What is in this section?**

The other parent needs to sign:

 Verified Consent to Name and Gender Marker Change of Minor



### **The next page is a form if you don't know where your child's other parent is.**

#### **What does this form do?**

Your child's other parent needs to be served with a copy of the name change petition even if they don't have to agree to the name change. This form tells the Judge that you don't know where your child's other parent is.


#### **Do I need these forms?**

Yes, if you don't know where your child's other parent lives or works and have no way of getting that information.

If you know where your child's other parent lives or works, skip this section.

#### **What is in this section?**

You need to sign:

 Affirmation of Diligent Search



## Step One: How to Start Your Case



### **The next 11 pages are forms to make your case private.**

#### **What do these forms do?**

Name changes have to be published in a newspaper and the court records are public. But judges can make your case private to protect your safety.

#### **Do I need these forms?**

Yes, if you are afraid that having your child's name change in a newspaper or having everyone see all these documents could put your child in harm's way.

Common reasons for asking to make your case private are:

- Your child is trans and you think it would be unsafe for them to be outed
- Your child has experienced domestic or family violence and you are afraid of a specific person (or people) knowing your child's new name or address.

If you think your child will be fine having the case public, skip this section.

#### **What is in this section?**

You need to sign:

 Verified Request to Prohibit Public Access

Forms for the Judge:

- Exhibit A: Memorandum of Law
- Public Notice of Hearing (this goes in the courthouse, not in the newspaper)
- Order on Verified Request to Prohibit Public Access





## Step One: How to Start Your Case



### 2: Start your case in court

Now that you signed the legal forms, you need to bring them to court to start your case.

Bring all the forms in this packet to the County Clerk's office. The clerk's office is in the Courthouse Building. A list of clerk's offices is at <https://www.in.gov/courts/files/court-directory.pdf>.

If you are paying to start your case, bring \$157. You can pay the \$157 fee by credit card, cash, or money order.

After you file the forms, the clerk will tell you when your hearing is.

They may tell you when you start your case, or they may let you know by mail or email. When they tell you the date and time, they will also tell you what court your case is in.

The court will also let you know if your hearing will be in person, over video, or on the phone.

The courtroom will be written on your hearing notice. It will usually be a Circuit or Superior court and may have a number. If a court has more than one room, your hearing notice should tell you which one to go to.

My case court date is: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_:\_\_\_\_ am/pm

My case number is: \_\_\_\_\_

My courtroom is: \_\_\_\_\_



## Step Two: What to do Before Court



You started your case and have a hearing date. This step shows you what you need to do before your hearing. The next step will show you what to do on your court date. In this part:

1. We will tell you what documents to gather.
2. We will tell you how to notify your child's other parent about the court case.
3. We will tell you how to publish in a newspaper.

### 1: Gather Documents

You need to bring these documents to court:

- Your Indiana photo ID and your child's photo ID if they have one;
- Original or certified copy of your child's Birth Certificate
- Your child's US passport, if they have one
- Proof of previous names (like marriage certificates or divorce decrees), if you've had any

Some Judges want a letter from a doctor. This is NOT required. If your child sees a doctor, you can decide if you want to bring a letter to give to the judge. If you are not okay giving medical info or your child is not medically transitioning, tell the judge that.

### 2: Notify your child's other parent

If you don't know where your child's other parent is, skip this step.

You need to let your child's other parent know that you are changing your child's name and gender marker. This is done by giving them a copy of the petition. If the other parent is coming to the hearing, you can skip this step.


You have 3 options for how to notify your child's other parent. If possible, you should have someone else do one of these for you. You can:

1. Mail a copy of the petition by certified mail, return receipt to their home or work address;
2. Personally give a copy of the petition to them
3. Leave a copy of the petition at their house and send a copy of the petition via first class mail to their last known address.



## Step Two: What to do Before Court



After the other parent is notified, the person who let them know should fill out the Affirmation of Service and bring to the hearing. 

### 3: Publish in a newspaper

If you asked for your case to be private, skip this step.

If you didn't ask for your case to be private, you need to place an ad in a newspaper ASAP. The ad must be in the paper for three weeks, with the last ad at least 30 days before your hearing.

The clerk will have stamped a Notice of Petition for Change of Name when you filed your case. This is what needs to be published in the newspaper.

The clerk will tell you what newspaper the ad should be in. To place an ad and to find out how much publication costs, call the newspaper.

After the ad is in the paper, the newspaper will send you proof of publication. Keep this and give it to the Judge at your hearing.

### Here are answers to some questions people have about court:

Does my child need to come to court?

Only if you want them there. Though they don't need to be there, some Judges like to ask older teens if they agree with the name and gender marker change.

Does the other parent need to come to court?

That is for the other parent to decide. If the other parent doesn't want to or can't come, that is ok as long as you let them know about the hearing.

What name and pronoun will the judge use?

It depends. The court case is in your child's dead name, but some judges try to avoid using old names or pronouns. A few judges ask what your child's pronouns are. Other judges do not think about it and will use your child's dead name.



## Step Two: What to do Before Court



I live in Marion County. What does this Order for Documents mean?

The Order for Documents you got is automatically given to everyone. If you gave paperwork asking to keep the records private, you don't need to publish anything before your hearing.

You should email copies of your child's birth certificate and photo ID, along with your photo ID to the court at [MC01-Civil@Indy.Gov](mailto:MC01-Civil@Indy.Gov) at least 5 days before your hearing. You should also email the court copies of any other documents on that list that you have, like a passport.



## Step Three: What to do in Court



You have your documents and know what the judge will talk about in court. This step shows you what to expect when you go to court. In the step part, we will show you what to do after the judge decides your case.

### **DON'T FORGET TO BRING THE DOCUMENTS YOU COLLECTED IN STEP TWO TO COURT!**

In this part:

1. We will tell you what to expect when you first get to court.
2. We will tell you how to talk to the Judge.

### **1: What to Expect When You First Get to Court**

In many courts, you must go through security. The lines can be long, so try and arrive at least 15 minutes before your hearing.

Find your courtroom. If you don't know, ask a security guard or court worker where you need to go.

When you find your courtroom, go to the court office and tell them you are here for your hearing. The court worker will tell you where to wait. Take a seat and wait.



### 2: How to talk to the Judge

When it is your turn to talk to the judge, someone from the court will call out your legal name. That person will tell you where to sit in the courtroom.

The hearing will start. You will swear to tell the truth and then the judge will start asking you questions.

What happens next depends on if you asked the judge to keep your case private.

The Judge will usually ask you about what you said in the documents you gave to the court. You will know the right answers because all the questions are about you and your child!

#### **If you asked for the case to be private: you will talk about that request**

You need to show the judge that your child would face a “significant risk of substantial harm” if your child’s name change was in the newspaper and on the court website. To prove this, tell the judge about any violence you or your child have experienced and/or why you would feel unsafe if your child were outed as trans through court records.

*Some counties do these two parts on different days. The judge will let you know if they are going to keep your records private and when you need to come back for the second part of your hearing.*

#### **For Everyone: you will talk about why you want to change your child’s name and gender marker.**

You need to show the judge that it is in your child’s “best interest” to change their name and gender marker. To do this, you should explain that you want your child’s name to match their gender identity. You should also tell the judge about how it is hard for them to have their birth name. If your child sees a doctor, you can tell the judge if the doctor told you to change their name.

You also need to show the judge that the child’s other parent has agreed to the name change or explain why they don’t need to agree.



## Step Three: What to do in Court



After the judge is done asking questions, they will tell you if your child's name and gender marker are changed.

Sometimes they can't tell you right away because they need more information. This can happen if you forgot to bring your ID or birth certificate.

If your child's name and gender marker change was approved, go to step 4

If any part of your case was denied, please contact the LGBT project ASAP at [lgbtgroup@ils.net](mailto:lgbtgroup@ils.net) or 317-829-3180.



## Step Four: What to do after Court

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CONGRATULATIONS! The judge has signed the order that legally changes your child's name and gender marker. This step shows you what to do next. In this part:

1. We will tell you how to get copies of your child's name and gender marker change order.
2. We will show you how to update (or get) IDs with your child's new name and gender marker.

### 1: Get copies of the order

To use the court order to update your child's IDs, you need to get it certified. A certified order has a special stamp that tells people it is an official court document.

The Judge will tell you if you can get orders after your hearing or if you need to come back another day.

To get certified copies of the order, go to the clerk's office. This is the same office where you started your case.

It can cost up to \$2 a page to get the order certified. You should get 3-5 orders.

### 2: Update your child's IDs

Updating IDs requires a lot of paperwork and running around. Each place that gives you an ID has its own rules about how to change the name and gender marker.

You need to update Social Security records before updating a BMV ID. This is because the BMV verifies people's identity with Social Security records. The order you update the rest of your child's documents in does not matter.

This guide has instructions and forms for updating your child's:

- Voter Registration
- Social Security Card
- Indiana driver's license or ID
- Birth Certificate
- US Passport
- USCIS Immigration Documents

**You're done with this packet! You just did a lot of work. Great job!  
And good luck!**