

How to Change a Child's Name

Frequently asked questions about changing a child's name. Links to form sets are included.

How do I legally change my child's name?

You must get a court order to legally change your child's name. You can ask a judge to make a court order by filing a child name change case. Get instructions and do-it-yourself child name change forms here: **[I want to change my child's name. \(https://texaslawhelp.org/name-change/name-change-child/toolkit/i-want-change-my-childs-name\)](https://texaslawhelp.org/name-change/name-change-child/toolkit/i-want-change-my-childs-name)** [1]



What if I just need to correct the spelling of my child's name on his or her birth certificate?

It is possible to make minor corrections to a child's first or middle name without a court order. Read about birth certificate amendments and get the application **[here \(http://www.dshs.texas.gov/vs/reqproc/amendment.shtm\)](http://www.dshs.texas.gov/vs/reqproc/amendment.shtm)** [2].

Who can file a child name change case?

A child name change case can be filed by the child's parent, managing conservator, or legal guardian.

Where do I file my child name change case?

File your child name change case at the district clerk's office in the county where the child lives.

How much does it cost to file a child name change case?

Contact the district clerk's office in the county where the child lives to learn the filing fee for your case. If you have a low-income, you can ask the Court to waive the filing fee by completing and filing a Statement of Inability to Afford Payment of Court Costs. (<https://www.texaslawhelp.org/node/1043>) [3]

Do I have to tell the other parent that I want to change our child's name?

Yes. You must tell the other parent that you want to change your child's name (unless the other parent's parental rights have been terminated).

If the other parent agrees to the name change, you can file the request together.

If the other parent does not agree to the name change, you must have the other parent served with legal notice of the case by a constable, sheriff, or private process server.



What if I am the only parent listed on our child's birth certificate?

The other parent must get legal notice of your child's name change case even if the other parent is not listed on your child's birth certificate.

What if I am worried about the other parent finding out where we live?

The Petition to Change the Name of a Child asks for your child's address. The other parent will get a copy of the Petition. If you are concerned about your safety or the safety of your child, call the Family Violence Legal Line at 800-374-4673 or Crime Victims at 844-303-7233 for free advice **before** filing anything with the court.

What if the other parent's parental rights have been terminated?

If the other parent's parental rights have been terminated by a court order and no one else has been named as the managing conservator or legal guardian of the child, use these instructions and forms to change your child's name:

[Instructions & Forms for Child Name Change – One parent filing – Other parent dead or rights terminated \(https://texaslawhelp.org/checklist/instructions-forms-child-name-change-one-parent-filing-%E2%80%93-other-parent-dead-or-rights-terminated\)](https://texaslawhelp.org/checklist/instructions-forms-child-name-change-one-parent-filing-%E2%80%93-other-parent-dead-or-rights-terminated) [4].

What if the other parent is dead?

If the other parent is dead and no one else has been named as the managing conservator or legal guardian of the child, use these instructions and forms to change your child's name: **[Instructions & Forms for Child Name Change –](#)**

One parent filing – Other parent dead or rights terminated

(<https://texaslawhelp.org/checklist/instructions-forms-child-name-change-one-parent-filing-%E2%80%93-other-parent-dead-or-rights-terminated>) [4].

What if I can't find the other parent?

If you cannot find the other parent after looking really hard, you must give the other parent legal notice by having the notice published in a local newspaper, on the state's service by publication web site, or both. You must also hire a lawyer to serve as the other parent's attorney ad litem (<http://www.texaslawhelp.org/node/5340>) [5].



For more information read this article: **Service by Publication (when you can't find the other parent)** (<https://texaslawhelp.org/article/service-publication-when-you-cant-find-other-parent>) [6]. This process is complicated and can be expensive. If you can't find the other parent, it's a good idea to talk with a lawyer before filing anything with the court.

What if I don't know who my child's father is?

If you do not know the identity of the child's father, you must give the unknown father legal notice by having the notice published in a local newspaper. You must also hire a lawyer to serve as the unknown father's "attorney ad litem." This process is complicated and can be expensive. If you don't know the identity of the child's father, it's a good idea to talk with a lawyer before filing anything with the court.

If I change my child's last name to the biological father's last name, can I add the biological father to my child's birth certificate?

No. If you want to add the biological father's name to your child's birth certificate, you must file a paternity case. A paternity case asks a judge to order that the biological father is the child's legal father. You can then use the paternity order to add the biological father's name to your child's birth certificate. If you want to file a paternity case, use this toolkit: **I need a paternity order.**

(<https://texaslawhelp.org/family-divorce-children/paternity/toolkit/i-need-paternity-order>) [7]

What if there is already a court order about my child?

You must include information about the court order in your Petition to Change

the Name of a Child.

If your child still lives in the county where the court order was made, ask the clerk to file your child name change case using the same cause number.

If the child lives in a different county, file your case in the county where the child lives using a new cause number.



Where can I read the law about changing a child's name?

Read the Texas law about changing a child's name here: **[Texas Family Code, Chapter 45, Subchapter A \(http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.45.htm\)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.45.htm)** [8].

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Links

- [1] <https://texaslawhelp.org/name-change/name-change-child/toolkit/i-want-change-my-childs-name>
- [2] <http://www.dshs.texas.gov/vs/reqproc/amendment.shtm>
- [3] <https://www.texaslawhelp.org/node/1043>
- [4] <https://texaslawhelp.org/checklist/instructions-forms-child-name-change-one-parent-filing-%E2%80%93-other-parent-dead-or-rights-terminated>
- [5] <http://www.texaslawhelp.org/node/5340>
- [6] <https://texaslawhelp.org/article/service-publication-when-you-cant-find-other-parent>
- [7] <https://texaslawhelp.org/family-divorce-children/paternity/toolkit/i-need-paternity-order>
- [8] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.45.htm>