

INSTRUCTIONS RELATING TO MINOR NAME CHANGE PETITIONS

Alabama probate courts possess the jurisdiction to change a minor's name outside of legitimation and adoption cases pursuant to *Ala. Code* § 12-13-1(b)(10) (1975) in the following instances:

- A. The petition is filed by the "next friend" or custodial parent of the minor.
- B. No circuit court (or court with comparable jurisdiction in some state besides Alabama) has previously exercised jurisdiction over the minor in question (such as in a domestic relations matter between the minor's parents or in a juvenile court child custody matter).

If a circuit court (or court with comparable jurisdiction in a state other than Alabama) has previously exercised jurisdiction over the minor in question, then the probate court does not have jurisdiction to consider the name change petition and said petition should be dismissed for want of jurisdiction.

The Petitioner is responsible for serving notice of the name change petition and the hearing date on said petition to all real parties in interest pursuant to Rule 4 of the *Alabama Rules of Civil Procedure*. The Petitioner must furnish proof of service of the petition and notice of hearing to the Court before the Court will rule upon the name change petition.

The Court will schedule the name change petition for hearing. At the hearing the Petitioner will be required to be present and available to offer testimony to the Court. The Petitioner is responsible for providing clear and convincing evidence that the proposed name change is in the best interest of the minor.

If a party in interest objects to the proposed name change, the Court will conduct a pre-trial conference with all legal counsel and pro-se parties (if any). In the event an objection is filed, the Court will appoint a guardian ad litem to represent the minor's interests. If a guardian ad litem is appointed, the Petitioner and contesting party in interest will be required to post a court cost deposit, as determined by the Court, before the matter proceeds to an evidentiary hearing.