

# Procedure for Name Change and/or Sex Designation of Minor

## (For those under 18 years old)

These forms and instructions have been prepared to assist individuals in preparing and filing for permission to change his/her minor's name and/or sex designation. If you have any questions, you should consult an attorney.

1. You must complete the following documents:
  - Request for Judicial Intervention (RJI). Completed by Applicant. Make two copies.
  - Petition for Minor's Name Change and/or Sex Designation Change (Petition). Completed by Applicant and signed before a notary public. Make two copies.
  - Notice of Petition for Name Change or Sex Designation Change (Notice of Petition). Completed by Applicant. The Court will provide a subsequent date if deemed necessary. Make two copies.
  - Consent of Minor. The minor's consent is required if the minor is fourteen years of age or older, but if the minor is less than fourteen this form does not need to be completed.
  - Consent of Parent. Completed by the parent who is not submitting the Petition for Minor's Name Change and must be completed if the other biological parent is living.
  - Order Granting Name Change and/or Sex Designation Change for Individual Minor. Completed by Applicant.
  
2. RJI, Petition and Notice of Petition, along with copies to:
  - Livingston County Clerk's Office  
Attn: Andrea Bailey, Livingston County Clerk  
6 Court Street  
Geneseo, New York 14454
  - Pay filing fee to County Clerk's Office to purchase Index Number.
    - Livingston County Schedule of Fees attached.
    - Affidavit in Support of Application to Proceed as a Poor Person attached.
  
3. Request the following from the Livingston County Clerk's Office:
  - File original Petition
    - i. Two timestamped copies of the Petition. One for your records and one for Supreme and County Court.
  - File original Request for Judicial Intervention (RJI)
    - i. Two timestamped copies of Request for Judicial Intervention (RJI). One for your records and one for Supreme and County Court.
  
4. Provide the following documents to Supreme and County Courts located at 2 Court Street, Geneseo, New York 14454
  - Timestamped copy of the Request for Judicial Intervention (RJI)
  - Timestamped copy of the Petition
  - Timestamped copy of the Notice of Petition
  - Timestamped Affidavit to Proceed as a Poor Person – if required
  - Consent of Minor – if required
  - Consent of Parent
    - i. If consent is not provided, the Judge may direct the petitioner to serve a notice of petition upon the non-petitioning parent.

- Proposed Order Granting Name Change and/or Sex Designation Change for Individual Minor
  - Original Birth Certificate or certified copy (with raised seal)
5. Your Name Change and/or Sex Designation will be assigned to a Judge. The Judge may either grant or deny the Petition on the papers submitted or schedule a court date.
  6. In the event the Petition and Notice of Petition, with a return date, are to be served upon the other parent, it must be served by certified mail or personal service at least eight days prior to the return date on the Notice of Petition.
    - An Affidavit of Mailing must be completed after the Petition and Notice of Petition being served.
    - An Affidavit of Mailing must bear the signature of the person who mailed the petition and Notice of Petition. This document must be notarized.
    - File the original Affidavit of Mailing with the Livingston County Clerk and request the return of two timestamped copies, one for your records and one to mail to the Livingston County Supreme and County Clerk's Office.
  7. Appear in court on the date and time designated, if a court appearance is required by the judge. In the event you cannot locate the other parent you should consult an attorney.
  8. Once the application has been granted, you must make one copy of the original order, signed by the Judge. File the original order with the Livingston County Clerk's Office. Request a certified timestamped copy.
  9. Official Notice to be Published per Order – Sample Name Change Publication
    - Notice is hereby given that an order entered by the Supreme Court of Livingston County on January \_\_\_\_, 2023, Index #\_\_\_\_\_/22, copy of which may be examined at the County Clerk, located in Livingston County, 6 Court Street, Geneseo, New York, grants me the right affected on January \_\_\_\_, 2023, to assume the name of Jane Doe \_\_\_\_\_. My address is \_\_\_\_\_ Anonymous Dr., Geneseo, New York, on March \_\_\_\_\_, 2023.
  10. To receive an amended birth certificate, you must mail your file-stamped, certified copy of the Order and copy of original birth certificate to:
    - New York State Department of Health  
Attn: Vital Records Amendment Unit  
P.O. Box 2602  
Albany, New York 12220-2602
    - A sample letter is included for your reference.
    - A self-addressed stamped envelope will be required for the Department of Health.

Sample Letter  
(Referenced under number nine)

January 1, 2023

New York State Department of Health  
Attn: Vital Records Amendment Unit  
P.O. Box 2602  
Albany, New York 1220-2602

***Re: Birth Certificate Amendment for Name Change – SMITH, JANE  
prior name to current name***

To Whom it May Concern,

Enclosed please find the certified copy of the court Order to change the child's name from

\_\_\_\_\_ to \_\_\_\_\_.

At your earliest convenience, please amend the child's birth certificate to the new court ordered name change and provide me with a copy at the following address:

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

If you have any questions or require additional information, please contact me at the following phone number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_.

Very truly yours,

\_\_\_\_\_

**Parent's Consent:**

*Note: When the minor has two living parents and only one parent is listed as a petitioner, the other parent's consent is required. If both parents are listed above as petitioners, then you do not need to complete this section.*

State of New York, County of Livingston,

I \_\_\_\_\_ being duly sworn, say I am the parent of the minor child. I am over eighteen years of age and reside at \_\_\_\_\_,

I have read the above petition requesting my child's name change from \_\_\_\_\_ to \_\_\_\_\_ and I consent to this change.

\_\_\_\_\_  
Parent Signature (in presence of Notary Public)

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public

**Minor's Consent:**

*Note: The minor's consent is required if the minor is fourteen years of age or older. If the minor is less than fourteen years of age, you do not need to complete this section.*

State of New York, County of Livingston,

I \_\_\_\_\_ being duly sworn, say I am the minor child. I am over fourteen years of age and reside at \_\_\_\_\_,

I have read the above petition requesting my name change from \_\_\_\_\_ to \_\_\_\_\_ and I consent to this change.

\_\_\_\_\_  
Minor Signature (in presence of Notary Public)

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF LIVINGSTON

\_\_\_\_\_  
In the Matter of the Application of

\_\_\_\_\_  
Natural or Appointed Guardian of minor,  
for leave to change minor's name of

\_\_\_\_\_

to

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

NOTICE OF PETITION  
FOR MINOR'S NAME  
and/or SEX DESIGNATION  
CHANGE

INDEX NUMBER:

Please Take Notice, that the annexed petition of \_\_\_\_\_ verified on  
the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, will be presented to a Term Part \_\_\_\_\_,  
of the Supreme Court, Livingston County, to be held at the courthouse thereof, located at 2 Court Street,  
Geneseo, New York 14454, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_  
noon of the day , or as soon thereafter as counsel can be heard, at which time an application will be  
made, to change the name of \_\_\_\_\_, a minor, to the name  
\_\_\_\_\_, and/or to a sex designation change to \_\_\_\_\_, as  
applicable, and for such other and further relief as to the court may seem just and proper.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

COUNTY OF LIVINGSTON

\_\_\_\_\_, the Petitioner herein, being duly sworn, says that he/she is the Petitioner in the above named proceedings and that the forgoing petition is true to his/her own knowledge, except as to matters wherein stated to be alleged on information and belief, and as to those matters, he/she believes it to be true.

\_\_\_\_\_  
Signature

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF LIVINGSTON

AFFIDAVIT OF MAILING

I, \_\_\_\_\_, being duly sworn, depose and say: that  
on \_\_\_\_\_, \_\_\_\_\_.

I mailed, via certified mail, the Notice of Petition ad Petition for the name change and/or sex designation change for a minor, to:

\_\_\_\_\_  
Name of Person

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

by placing the same in the U.S. postal system, with the appropriate amount of postage. See attached Return Receipt.

\_\_\_\_\_  
Signature

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Adhere the Certified Mail Signed Postage :