

# Changing Your Child's Name and Gender

**Note:** Use these instructions and forms to change your child's legal name and gender.

These instructions and forms may not be right for your case. They can't take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Do not change these forms. If you change the forms, you might lose language you need.

If you are seeking a name change only, please contact Montana Legal Services Association at [www.mtlsa.org](http://www.mtlsa.org) or 1-800-666-6899.

## What Forms Will I Need to Change My Child's Name and Gender?

One of the child's parents will need to fill out and file these forms. If both of the child's parents are dead, the child's guardian may fill out these forms.

- Petition for Change of Name and Gender (Minor)
- Affidavit of Parent/Guardian in Support of Petition for Name and Gender Change of Minor Child
- Order Setting Hearing (only if one parent doesn't agree to the change)
- Order Granting Petition for Change of Name and Gender
- Statement of Inability to Pay (only if you cannot afford filing fees)

The **Petition** asks the court to change the child's name and gender. It also asks that the court waives the requirement to publish information about the child's name and gender change so they are not "outed" and their safety put at risk.

The **Affidavit of Parent/Guardian in Support of Petition for Change of Name and Gender** tells the court that the parents agree that the child's name and gender should be changed. Both "Changing Your Name and Gender (for Minors)," ©2020 Montana Legal Services Association. Use of this form is restricted to not-for-profit purposes. Last updated 12/4/20.

of the child's parents should fill out one of these forms. If the child has any legal guardians, the legal guardians will need to fill out this form too.

The **Order Setting Hearing** will be filled out by the judge and will tell you when and where your hearing will be held. The judge will schedule a hearing if the other parent doesn't agree to the name and gender change of their minor child.

The **Order Granting Petition for Name and Gender Change** will be filled out by the judge. The Order will legally change the child's name and gender and may order changes to the child's birth records.

The **Statement of Inability to Pay** asks the court to waive the filing fees in your case. If you can't afford to pay the filing fees, ask your clerk of district court for an affidavit of inability to pay. This form may be called something else in your district.

A **sealed record** means that all court papers relating to your legal name and gender change will be kept from the public. The court will keep your papers in a file and will not let anyone else see them.



## What Words Do I Need to Know?

**Minor Child** - A minor child is a person who is under 18 years old.

**Petitioner** - A Petitioner is someone who files an action in court. If you are asking the Court to change your child's name and gender, you are the Petitioner.

## Who Can Use the Form?

You can use these forms if:

- You want to change your child's legal name and gender;
- The child is under 18 years old;
- You are one of the child's parents. Or, if both of the child's parents are dead, you are the child's guardian;
- Both of the parents and any legal guardians of the child agree to the name change.

- You are not changing your name in order to avoid debt, hide a criminal record, or for any other improper reason.

**Note:** You can only use these forms if both parents and any legal guardians agree to the child's name and gender change. If the parents or legal guardians disagree about the name change, you will need to talk to a lawyer.

## What Do I Do with the Forms?

### 1 Fill out the Forms

- Fill out all the blanks on the Petition for Change of Name and Gender (Minor)
- Sign and date your Petition for Change of Name and Gender (Minor).
- Have both of the child's parents fill out and sign an Affidavit in Support of Petition for Change of Name and Gender. The forms must be signed in front of a Notary Public. If the child has any legal guardians, the legal guardians must also sign a Consent form.



**If the other parent does not consent or agree to changing your child's name, then you may have to file additional documents to serve the other parent. Contact your local clerk of court for more information.**

- Fill out the judicial district, county, and caption on all of the other forms (Order Setting Hearing, Notice of Hearing on Change of Name and Gender of a Minor Child, and the Order Granting Petition for Change of Name and Gender). The caption looks like this:

Montana \_\_\_\_\_ Judicial District Court

Number of the judicial district where you are filing

\_\_\_\_\_ County

Name of the county where you are filing

In re the Change of Name of:

\_\_\_\_\_  
(Child's old name: First, Middle, Last), a minor  
child.

\_\_\_\_\_  
Petitioner (your name)

Cause No.: \_\_\_\_\_

Dept. No.: \_\_\_\_\_

Filled out by Clerk of District Court

**Petition for Change of Name and  
Gender (Minor)**

**2 Make Copies**

- Make one copy of each form after you have filled them out.

**3 File Forms at the Courthouse**

- Go to the Clerk of District Court's office in your county courthouse. File the original Petition for Change of Name and Gender (Minor), Consent to Change of Name and Gender of Minor Child, and Order Setting Hearing.
- If you can't afford the filing fees, ask the Clerk of District Court for the Statement of Inability to Pay. This form may be called something different in your county.
- Give your copies to the Clerk of District Court and ask them to stamp the copies as "Filed". Keep the copies in a safe place.





**4 Fill out Your Order Granting Change of Name and Gender**

- We've included three (3) different orders in this packet.** The order that you fill out depends on where you were born. If you were born in Montana, please fill out the first order. If you were born in Texas, please fill out the second order. And, if you were born in another state that isn't Texas or Montana, fill out the last order provided.

- Fill in all of the blanks that you can on the Order Granting Petition for Change of Name and Gender. If the judge changes the child's name, they will sign the Order after your hearing.
- Make one copy of your filled Order Granting Petition for Change of Name and Gender, and keep it with the rest of your court forms.

## 5 Go to Your Hearing

- Bring your stamped copies of the documents you filed with the court. Also bring your original and copy of the Order Granting Petition for Change of Name and Gender. 
- Bring the minor child with you to the hearing, the judge may ask the child some questions.
- Arrive at the courthouse at least 15 minutes before your scheduled hearing. Dress like you were going to an important job interview.
- Check with the Clerk of Court's office to find the right courtroom for your hearing. Go to that courtroom and wait for the judge to call your name and case number. Remember to address the judge as "Your Honor".
- Be prepared to tell the judge why you want to change your child's name and gender.
- Important:** Immediately after your hearing, take your signed Order Granting Petition for Change of Name and Gender to the Clerk of District Court. You may want to ask the Clerk for several **certified copies** of the order. You will need the certified copies to get a new driver's license, birth certificate, and social security card for your child. 

## Where Can I Get More Information?

- You can find the TransForm Name and Gender Change packet at:  
[montanalawhelp.org/resource/transform-name-and-gender-change-faq-court-forms](https://montanalawhelp.org/resource/transform-name-and-gender-change-faq-court-forms).
- The Montana Code Annotated (M.C.A.) contains the law on changing your name. The laws related to changing your name can be found in Title 27, Chapter 31. The M.C.A. can be found at your local library or on the Montana Judicial Branch's website at:  
[courts.mt.gov/](https://courts.mt.gov/).
- The Administrative Rules of Montana (A.R.M.) contains the law on changing your gender at Title 37, Chapter 8, Rule 311. An easier way to write this is ARM 37-8-311. You can find the Administrative Rules of Montana on the Secretary of State's website at:  
[sosmt.gov/](https://sosmt.gov/).



## Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to eligible clients. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899 or apply online at: [mtlsa.org](https://mtlsa.org).
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. The referral is free.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at [courts.mt.gov/Library](https://courts.mt.gov/Library). Or you can contact a Reference Librarian at 1-406-444-3636 or by email at [lawlibcirc@mt.gov](mailto:lawlibcirc@mt.gov).

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

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

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

Petitioner/Plaintiff  Respondent/Defendant

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY

IN THE JUSTICE COURT OF \_\_\_\_\_ COUNTY, STATE OF MONTANA

IN THE MUNICIPAL OR CITY COURT OF \_\_\_\_\_, MONTANA

\_\_\_\_\_,  
Petitioner / Plaintiff,

and

\_\_\_\_\_,  
Respondent / Defendant.

Case No: \_\_\_\_\_  
(leave blank, the clerk will write in)

Statement of Inability to Pay Court Costs and  
Fees

I have a good cause of action or defense but am unable to pay filing or other court fees. I request the court waive the costs and fees. I provide the following information.

My full legal name is: \_\_\_\_\_. I was born in this month \_\_\_\_\_ and this year \_\_\_\_\_.

I am represented by an entity that provides free legal services to low-income persons.

**Or**

I am represented by a volunteer/pro bono attorney, and am financially eligible for free legal services. (Attach a certificate of eligibility from legal aid organization to this form.)

**Or**

I receive one or more of these benefits: (Check the box for each benefit you receive.)

SNAP  TANF  SSI  Medicaid  WIC  LIEAP

**If you checked any one of the three boxes above, skip to the end of this form, and sign the declaration on page 3. You don't need to fill out the remainder of the form.**

If you did not check a box above, you may still qualify for a fee waiver. Please continue to fill out pages 2 and 3 of this form so the court has the information it needs to decide if you qualify for the fee waiver.

**I. INCOME** *(Complete this Section to the best of your ability.)*

What do you do for work? \_\_\_\_\_

Who is your employer? \_\_\_\_\_

What is your household's annual income, before taxes? \_\_\_\_\_

How many people are in your household? \_\_\_\_ *(The tables below will help you answer these questions, if you are not sure what to put in the blanks.)*

If you are unemployed, when were you last employed (Month, Year)? \_\_\_\_\_

Your job? \_\_\_\_\_

**Are you married?**  Yes  No  Separated  Getting Divorced **NOTE:** If you are not married, if you and your spouse are separated, or if one of you is filing for dissolution of marriage, you do not need to provide your spouse's income below.

*Fill in the chart below with the income received by you, and by your spouse, if applicable. Put a "0" in each blank if you or your spouse don't receive the income listed.*

<b>Income Sources</b>	<b>Amount YOU receive per month before taxes</b>	<b>Amount YOUR SPOUSE receives per month before taxes</b>
Employment	\$	\$
Retirement/Pension	\$	\$
Workers' Compensation	\$	\$
Social Security	\$	\$
Unemployment	\$	\$
Government Benefits	\$	\$
Child Support Received	\$	\$
A person or agency pays my rent or other monthly expenses and the amount is: _____	\$	\$
Other Income—e.g., rental income, stocks, investments, etc.—describe: _____	\$	\$
<b>Total here:</b>	\$	\$



**What is your household size?** How many persons, if any, depend on you financially? If none, then write "N/A" below. Attach another page if needed and check here to tell the court you attached another page:

Dependents (Initials Only)	Age	Relationship to You
1.		
2.		
3.		
4.		
5.		

**II. ASSETS** (Complete this Section to the best of your ability.)

**What property do you and your spouse own?** Include your spouse's property if you are married and not separated and not filing for dissolution. Fill in the chart below, only listing items that you could sell for \$600 or more. If you don't own an item listed, write "N/A" in the "Value" column for that item. "Value" means the total amount the item(s) identified in a column would sell for, minus the amount you still owe on the item(s), if anything.

Asset	Value
Cash (This includes the money in your savings and checking accounts)	\$
Vehicle 1: provide year, make and model _____	\$
Vehicle 2: provide year, make and model _____	\$
Home where you live now	\$
Real estate or other homes/mobile homes (Not including the home you are living in now)	\$
Recreational vehicle(s) such as snowmobile, ATV, camper/RV, boat, motorcycle, etc.	\$
Guns or other collections	\$
Other Item(s) worth more than \$600—describe: _____	\$

**III. DEBTS AND EXTRAORDINARY EXPENSES** (Complete this Section to the best of your ability.)

**What bills do you and your spouse pay each month?** Fill in the chart below.

Monthly Expenses	Value
Housing Expense: Mortgage or Rent	\$

General Household Expenses: Utilities, Phone/Internet/Cable, etc.	\$
Insurance Expenses, Healthcare Costs and/or Medical Debt(s)	\$
Childcare Expenses	\$
Other Extraordinary Expenses: e.g., Collection actions, Student Loans—describe:	\$

**IV. ADDITIONAL INFORMATION** *(This Section is optional.)*

If you have additional information that you want the court to consider about your inability to pay court costs, write that information under your signature below or attach an extra page. Check here if you attached another page:

**V. DECLARATION** *(This Section is Required.)*

**I declare under penalty of perjury and under the laws of the State of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.**

Date: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

YOUR Signature: \_\_\_\_\_

Court Use Only

- MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY  
 IN THE JUSTICE COURT OF \_\_\_\_\_ COUNTY, STATE OF MONTANA  
 IN THE MUNICIPAL OR CITY COURT OF \_\_\_\_\_, MONTANA

<p>_____, Petitioner / Plaintiff,  and  _____, Respondent / Defendant.</p>	<p><b>Case No:</b> _____ (leave blank, the clerk will write in)</p> <p>Order Regarding Statement of Inability to Pay Court Costs</p>
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***Warning! Read carefully the section checked below.  
It is a court order.***

Waiver of court costs is **Granted**. Declarant shall proceed without payment of court fees or costs.

Temporary Waiver of court costs is **Granted**. Declarant may file without payment of court fees or costs, but the Court may determine at a later time that the declarant has the ability to pay all fees or costs and will require declarant to do so.

Temporary Waiver of fees is **Granted**. Declarant may file without payment of court fees or costs, but must appear before the Court at \_\_\_\_\_ a.m/p.m. on the \_\_\_\_\_ day of \_\_\_\_\_ and show cause why the declarant lacks the ability to pay all fees or costs.

***Warning! If this third box is checked, you must come to court on the date ordered above. If you don't come, the judge will deny your request to waive court costs, and you will have to pay the court costs.***

Waiver of Fees and costs is **Denied**. Waiver is denied based on the following:

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Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Presiding Judge

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*Name*

\_\_\_\_\_  
*Mailing Address*

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

\_\_\_\_\_  
*Phone Number*

\_\_\_\_\_  
*E-mail Address (optional)*

Petitioner  Respondent  Co Petitioners

**Appearing without a lawyer**

**MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY**

<p>In re the Change of Name of:  _____, <i>(Child's old name: First, Middle, Last),</i> a minor child.   _____, <i>(Petitioner's name: First, Middle, Last)</i> Petitioner</p>	<p><b>Case No:</b> _____ <i>(leave blank, the clerk will write in)</i></p> <p><b>Petition for Change of Name and Gender (Minor)</b></p>
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**COMES NOW** \_\_\_\_\_ *(your name)* and respectfully Petitions this Court for an Order to change the legal name and gender of \_\_\_\_\_ *(old name)*, a minor child. *Mont. Code Ann. §27-31-101 & Admin. R. Mont. §37-8-311.* Petitioner further requests that this record be sealed and publication and notice provisions be waived. *Mont. Code Ann. §27-31-201(2) & (3).*

**1. Jurisdiction of the Minor Child. Choose the most accurate description.**

The minor child lived in Montana for at least 6 consecutive months immediately before this case was filed. This makes Montana our child's home state.

**OR**

Montana was the home state of the child within six months of this case being filed, and one parent continues to reside in Montana.

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**OR**

The child and one parent have significant connections with Montana and substantial evidence about them is in Montana.

**OR**

No other state has jurisdiction over the child or the other state has declined jurisdiction over the children.

**2. You are the Petitioner. Your information:**

I am the Minor Child's mother father guardian.

Name First: \_\_\_\_\_ Middle: \_\_\_\_\_

Last: \_\_\_\_\_

Your e-mail address (optional): \_\_\_\_\_

Your Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

Your Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

Your Year of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Your occupation: \_\_\_\_\_

How long have you lived in this county? \_\_\_\_\_

How long have you lived in Montana? \_\_\_\_\_

**3. The Minor Child's Other Parent's Guardian's information:**

Name First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

e-mail address (optional): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

Physical Address: \_\_\_\_\_

1 City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

2 Year of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Spouse's occupation: \_\_\_\_\_

3 How long has the other parent or guardian lived in this county?

4 \_\_\_\_\_

5 How long has the other parent or guardian lived in Montana?

6 \_\_\_\_\_

7  
8 **4. The Minor Child's information:**

9 Old Name First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

10 Child's e-mail address (optional): \_\_\_\_\_

11 Child's Mailing Address: \_\_\_\_\_

12 City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

13 Child's Physical Address: \_\_\_\_\_

14 City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

15 Child's Year of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Child's occupation: \_\_\_\_\_

16 How long has your child lived in this county? \_\_\_\_\_

17 How long has your child lived in Montana? \_\_\_\_\_

18 **5. Change of Name**

19 a. The minor child's given name does not reflect the child's gender identity.

20 I am petitioning the Court to change the minor child's name from

21 \_\_\_\_\_ (old name) to

22 \_\_\_\_\_ (new name).

23 b. The minor child has undergone gender transition or has an intersex  
24 condition and that the name on their birth certificate should be changed  
25 accordingly.

26 c. I am not petitioning the Court to change the minor child's name to avoid  
27 a debt, hide a criminal record, or for any improper purpose.

1       **6. Change of Gender**

- 2           a. The minor child’s gender assigned at birth does not reflect the child’s  
3           gender identity. I am petitioning the Court to order the minor child’s  
4           gender of their birth certificate be changed from male female to  
5           male female.
- 6           b. The minor child has undergone gender transition or has an intersex  
7           condition and that the name on their birth certificate should be changed  
8           accordingly.
- 9           c. I am not petitioning the Court to change the minor child’s gender to avoid  
10          a debt, hide a criminal record, or for any improper purpose.

11       **7. Publication and Notice (Mont. Code Ann. §27-31-201)**

- 12          a. I respectfully request publication be waived because publication is not  
13          required for a change of name of a minor child if both parents agree.  
14          (Mont. Code Ann. §27-31-201(2)).
- 15          b. Additionally, I believe the safety of the minor child would be at risk if  
16          publication were required, and should be therefore be waived (Mont.  
17          Code Ann. §27-31-201(3). Publication would force the minor child to  
18          “out” themselves, publicly, to the entire community, depriving them of  
19          any control over who they wish to inform about their status. It deprives  
20          the minor child of choosing the manner and time of “coming out”.  
21          Additionally, this would create a permanent public record of the minor’s  
22          child’s private health information (that they are transgender or have an  
23          intersex condition, both formal, recognized medical diagnoses). Lastly,  
24          this would subject the minor child to bullying, ridicule, harassment, and  
25          possible discrimination now, as the minor child enters into adulthood,  
26          and possibly for the remainder of their life.
- 27          c. This petition is not to hide a criminal record, avoid any debt, or for any  
            improper purpose.



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**8. Prayer for Relief**

- a. The Petitioner respectfully requests this Court issue an Order that:
  - i. changes the legal name of the minor child as requested above;
  - ii. changes the legal gender of the minor child as requested above;
  - iii. directs the Office of Vital Statistics to issue a new birth certificate, that will not show amendments, will not indication its face that it was amended, and the old certificate be placed in a sealed file; and,
  - iv. any other relief this Court deems just and proper.

**I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.**

Date: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Your Signature: \_\_\_\_\_

1 \_\_\_\_\_  
Name

2 \_\_\_\_\_  
Mailing Address

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

4 \_\_\_\_\_  
Phone Number

5 \_\_\_\_\_  
E-mail Address (optional)

6  Petitioner  Respondent  Co Petitioners

7 **Appearing without a lawyer**

8  
9 **MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY**

10 In re the Change of Name of:

11 \_\_\_\_\_,  
12 (Child's old name: First, Middle, Last), a minor child.

13 \_\_\_\_\_,  
14 (Petitioner's old name First, Middle, Last)  
15 Petitioner

**Case No:** \_\_\_\_\_  
(leave blank, the clerk will write in)

**Affidavit of  Parent  Guardian in  
Support of Petition for Chang of Name  
and Gender**

16 County of \_\_\_\_\_ )  
:ss.  
17 STATE OF \_\_\_\_\_ )

18 1) My name is \_\_\_\_\_.

19 2) I am a  parent  guardian of the minor child,  
20 \_\_\_\_\_ (old name).

21 3) The name of the child's mother, exactly as it appears on the child's birth  
22 certificate, is: \_\_\_\_\_.

23 4) The name of the child's father, exactly as it appears on the child's birth  
24 certificate, is: \_\_\_\_\_.

25 5) The name of the minor child, exactly as it appears on the child's birth certificate,  
26 is: \_\_\_\_\_.

- 1 6) The child was born on \_\_\_\_\_(date).  
2 7) The child was born in the State of \_\_\_\_\_.  
3 8) The child was born in the County of \_\_\_\_\_.  
4 9) The child was born in the City of \_\_\_\_\_.  
5  
6 10) I have have not attached a copy of the minor child's birth certificate to this  
7 affidavit.

8 **Gender designation**

- 9 11) The minor child was assigned male female at birth.  
10 12) Since that designation, the minor child has undergone gender transition or has  
11 an intersex condition and the gender designation on the birth certificate should be  
12 changed accordingly.  
13 13) The purpose for this request is for the purpose of ensuring the birth certificate  
14 accurately reflects my child's gender.  
15 14) This change is not requested for any fraudulent or other unlawful purpose.

17 **Name change**

- 18 15) As a result of this assigned gender assigned at birth, the minor child was given  
19 the name \_\_\_\_\_ (old name).  
20 16) I am requesting the child's name be changed to  
21 \_\_\_\_\_ (new name). This name is more in  
22 keeping with the minor child's gender.  
23 17) Both parents guardians agree to the name and gender change; I am  
24 requesting publication and notice requirements be waived pursuant to Mont.  
25 Code Ann. §31-27-201(2) & (3).  
26  
27

1 18) The minor child's safety would be at risk if publication were required.

2 Transgender or intersex people are not generally accepted in our community,  
3 and forcing a minor child to "out" themselves by publishing or posting of notice  
4 would subject the minor child to bullying, ridicule, harassment, physical and  
5 emotional abuse, or potential discrimination. These harms could extend well into  
6 the minor child's adult life.  
7

8 19) This change is not being requested to avoid a debt, to hide a criminal record, or  
9 for any improper purpose.

10  
11 **I declare under penalty of perjury and under the laws of the state of Montana that**  
12 **the information in this document is true and correct. I understand that it is a crime**  
13 **to give false information in this document.**

14 Date: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

15 Your Signature: \_\_\_\_\_

16  
17 \_\_\_\_\_  
18 Notary Signature

19 \_\_\_\_\_  
20 Printed Name

21 \_\_\_\_\_  
22 Notary Public for the State of \_\_\_\_\_

23 Residing at \_\_\_\_\_

24 My Commission Expires \_\_\_\_\_, 20\_\_\_\_

1 MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY

2  
3 In re the Change of Name of:

4 \_\_\_\_\_,  
5 (Child's old name: First, Middle, Last),  
6 a minor child.

7 \_\_\_\_\_,  
8 (Petitioner's name First, Middle, Last)  
9 Petitioner

Cause No.: \_\_\_\_\_

Dept. No.: \_\_\_\_\_

Filled out by Clerk of District Court

**Notice of Hearing on Change of  
Name and Gender of a Minor Child**

9 This is notice that Petitioner, \_\_\_\_\_, has petitioned  
10 (your name)

11 the District Court for a change of name for \_\_\_\_\_ to  
12 (minor child's name now)

13 \_\_\_\_\_ and to change the gender on their birth  
14 (minor child's new name)

15 certificate from male female to male female.

16 The District Court Judge will hear the Petition for Change of Name and Gender on

17 \_\_\_\_\_ at \_\_\_\_\_ located in  
18 (date) (time)

19 \_\_\_\_\_. Objections may be filed any time before the  
20 (courthouse and room number)

21 hearing by any person who can show good reason not to change the name and gender.

22 DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

23  
24 \_\_\_\_\_  
25 Clerk of Court

26 BY: \_\_\_\_\_  
27 Deputy Clerk of Court

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5 **MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY**

6 In re the Change of Name of:

7 \_\_\_\_\_,  
8 *(Child's old name: First, Middle, Last), a minor*  
9 *child.*

10 \_\_\_\_\_,  
11 *(Petitioner's name First, Middle, Last)*  
12 **Petitioner**

**Case No:** \_\_\_\_\_  
*(leave blank, the clerk will write in)*

**Order Granting Petition for  
Change of Name and Gender (Under  
Sealed Record)**

13 This matter came before the Court on Petitioner's Petition. Having reviewed  
14 the Petition, accompanying affidavits, the record as a whole and considering the harm  
15 likely to accrue to the minor child absent appropriate order of the Court and the best  
16 interest of the minor child the Court makes the following

17  
18  
19 **FINDINGS OF FACT**

- 20 1. \_\_\_\_\_ *(parent or guardian)* is the minor child's  
21 parent guardian.  
22  
23 2. \_\_\_\_\_ *(other parent or guardian)* is the minor child's  
24 other parent guardian.  
25  
26  
27

1 3. \_\_\_\_\_ (child's old name), the minor child  
2 and subject of this action, was born on the \_\_\_\_\_ (day) of \_\_\_\_\_(month),  
3 \_\_\_\_\_(year).

4  
5 4. As listed on the child's birth certificate:

6 a. The minor child's mother is \_\_\_\_\_  
7 (biological mother's full, legal name exactly as it appears on the child's birth certificate).

8 b. The minor child's father is \_\_\_\_\_  
9 (biological father's full, legal name, exactly as it appears on the child's birth certificate).

10 5. The minor child was born in the State of \_\_\_\_\_.

11 6. The minor child was born in the County of \_\_\_\_\_.

12 7. The minor child was born in the city of \_\_\_\_\_.

13 8. The minor child is transgender or intersex.

14 9. Both parents guardians agree that the minor child's name and gender  
15 should be changed as requested in the petition and have filed appropriate  
16 affidavits attesting to the same.

17  
18 10. There is probable cause to believe the minor child's safety would be in  
19 jeopardy if publication and notice were required.

20  
21 11. This matter is before the court as the changes requested are in the best  
22 interest of the child; these matters are not before the Court in an attempt to  
23 hide a criminal record, to avoid a debt, or for any improper purpose.

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25  
26 Based on the foregoing, the Court makes the following:  
27

1 **CONCLUSIONS OF LAW**

- 2
- 3 1. This Court has jurisdiction over the minor child.
- 4 2. The minor child has a valid medical reason for the requested name and gender
- 5 change, it is not for the purpose of hiding a criminal record, avoiding a debt, or
- 6 for any improper purpose.
- 7 3. Publication should be waived because probable cause exists to believe that
- 8 publication or notice would expose the minor child to unnecessary risk of
- 9 abuse.
- 10 4. Publication and notice are not required.
- 11 5. This Court has authority to change the minor child’s name (Mont. Code Ann.
- 12 Title 27, Chapter 31).
- 13 6. This Court has authority to recognize and order a change to gender listed on
- 14 the minor child’s Montana birth certificate. Admin R. Mont. 37.8.311(5)(c).
- 15 7. The facts of this case are uncontested and stipulated. Hearing is not required.
- 16
- 17 The matter is deemed submitted on the pleadings.
- 18

19

20 Based on the forgoing finding of fact and conclusions of law:

21 **IT IS HEREBY ORDERED** the file for this cause of action shall be **SEALED**.

22

23 **IT IS FURTHER ORDERED** notice and publication requirements are **WAIVED**.

24 **IT IS FURTHER ORDERED** the name of the minor child is changed from

25 \_\_\_\_\_ (old name) to

26 \_\_\_\_\_ (new name).

27



1 **IT IS FURTHER ORDERED** the gender designation of the minor child is changed  
2 from male female (*assigned at birth*) to male female (*gender identity*).  
3

4 **IT IS FURTHER ORDERED** the Montana Department of Public Health and Human  
5 Services, Office of Vital Statistics shall issue a new certificate pursuant to the  
6 provisions of Admin. R. Mont. 37.8.311(6). The new certificate shall not show any  
7 amendments, will not show on its face that it was amended, and the old certificate  
8 will be placed in a sealed file.  
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11 DONE AND DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
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14 \_\_\_\_\_  
**DISTRICT COURT JUDGE**  
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4 MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY

5 In re the Change of Name of:

6 \_\_\_\_\_,  
7 (Child's old name: First, Middle, Last),  
8 a minor child.

9 \_\_\_\_\_,  
10 (Petitioner's name First, Middle, Last) Petitioner

Case No: \_\_\_\_\_  
(leave blank, the clerk will write in)

**Order Granting Petition for  
Change of Name and Gender (under  
Sealed Record)**

11 This matter came before the Court on Petitioner's Petition. Having reviewed the  
12 Petition, accompanying affidavits, the record as a whole and considering the harm likely  
13 to accrue to the minor child absent appropriate order of the Court and the best interest of  
14 the minor child the Court makes the following

15 **FINDINGS OF FACT**

16  
17 12. \_\_\_\_\_ (parent or guardian) is the minor child's parent  
18 guardian.

19 13. \_\_\_\_\_ (other parent or guardian) is the minor child's other  
20 parent guardian.

21  
22 14. \_\_\_\_\_ (child's old name), the minor child  
23 and subject of this action, was born on the \_\_\_\_ (day) of \_\_\_\_\_(month),  
24 \_\_\_\_\_(year),

25 15. As listed on the child's birth certificate:

26 a. The minor child's mother is \_\_\_\_\_

27 (biological mother's full, legal name exactly as it appears on the child's birth certificate.)

1 b. The minor child's father is \_\_\_\_\_  
2 *(biological father's full, legal name, exactly as it appears on the child's birth certificate).*

3 16. The minor child was born in the State of \_\_\_\_\_,  
4

5 17. The minor child was born in the County of \_\_\_\_\_.

6 18. The minor child was born in the City of \_\_\_\_\_.

7 19. The minor child is transgender or intersex.

8 20. Both parents guardians agree that the minor child's name, sex and gender  
9 should be changed as requested in the petition and have filed appropriate  
10 affidavits attesting to the same.

11 21. There is probable cause to believe the minor child's safety would be in jeopardy if  
12 publication and notice were required.

13 22. This matter is before the court as the changes requested are in the best interest of  
14 the child; these matters are not before the Court in an attempt to hide a criminal  
15 record, to avoid a debt, or for any improper purpose.  
16

17 Based on the foregoing, the Court makes the following:  
18

19 **CONCLUSIONS OF LAW**

20 8. This Court has jurisdiction over the minor child.

21 9. The minor child has a valid medical reason for the requested name, sex and  
22 gender change, it is not for the purpose of hiding a criminal record, avoiding a  
23 debt, or for any improper purpose.  
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25 10. Publication should be waived because probable cause exists to believe that  
26 publication or notice would expose the minor child to unnecessary risk of abuse.

27 11. Publication and notice are not required.

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12. This Court has authority to change the minor child’s name.

13. This Court has authority to recognize and change the legal sex of the minor child.

14. The facts of this case are uncontested and stipulated. Hearing is not required.

The matter is deemed submitted on the pleadings.

Based on the forgoing finding of fact and conclusions of law:

**IT IS HEREBY ORDERED** the file for this cause of action shall be **SEALED**.

**IT IS FURTHER ORDERED** notice and publication requirements are **WAIVED**.

**IT IS FURTHER ORDERED** the name of the minor child is changed from

\_\_\_\_\_ (old name) to

\_\_\_\_\_ (new name).

**IT IS FURTHER ORDERED** the sex designation of the minor child are changed from

male female (assigned at birth) to male female (gender identity).

**IT IS FURTHER ORDERED** the State of Texas should issue a new birth certificate for the minor child, incorporating the child’s correct legal name and sex. The new certificate should not show any amendments, should not show on its face that it was amended, and the old certificate should be placed in a sealed file.

DONE AND DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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**DISTRICT COURT JUDGE**

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**MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY**

<p>In re the Change of Name of:</p> <p>_____,  <i>(Child's old name: First, Middle, Last),</i>  a minor child.</p> <p>_____,  <i>(Petitioner's name First, Middle, Last)</i> Petitioner</p>	<p><b>Case No:</b> _____  <i>(leave blank, the clerk will write in)</i></p> <p><b>Order Granting Petition for  Change of Name and Gender (under  Sealed Record)</b></p>
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This matter came before the Court on Petitioner's Petition. Having reviewed the Petition, accompanying affidavits, the record as a whole and considering the harm likely to accrue to the minor child absent appropriate order of the Court and the best interest of the minor child the Court makes the following

**FINDINGS OF FACT**

1. \_\_\_\_\_ *(parent or guardian)* is the minor child's parent guardian.
2. \_\_\_\_\_ *(other parent or guardian)* is the minor child's other parent guardian.

1 3. \_\_\_\_\_ (child's old name), the minor child  
2 and subject of this action, was born on the \_\_\_\_ (day) of \_\_\_\_\_ (month),  
3 \_\_\_\_\_ (year),  
4

5 4. As listed on the child's birth certificate:

6 a. The minor child's mother is \_\_\_\_\_  
7 (biological mother's full, legal name exactly as it appears on the child's birth certificate.)

8 b. The minor child's father is \_\_\_\_\_  
9 (biological father's full, legal name, exactly as it appears on the child's birth certificate).

10 5. The minor child was born in the State of \_\_\_\_\_,

11 6. The minor child was born in the County of \_\_\_\_\_.

12 7. The minor child was born in the city of \_\_\_\_\_.

13 8. The minor child is transgender or intersex.

14 9. Both  parents  guardians agree that the minor child's name and gender  
15 should be changed as requested in the petition and have filed appropriate  
16 affidavits attesting to the same.

17 10. There is probable cause to believe the minor child's safety would be in  
18 jeopardy if publication and notice were required.

19 11. This matter is before the court as the changes requested are in the best  
20 interest of the child; these matters are not before the Court in an attempt to  
21 hide a criminal record, to avoid a debt, or for any improper purpose.  
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25 Based on the foregoing, the Court makes the following:  
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27 **CONCLUSIONS OF LAW**

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1. This Court has jurisdiction over the minor child.
2. The minor child has a valid medical reason for the requested name and gender change, it is not for the purpose of hiding a criminal record, avoiding a debt, or for any improper purpose.
3. Publication should be waived because probable cause exists to believe that publication or notice would expose the minor child to unnecessary risk of abuse.
4. Publication and notice are not required.
5. This Court has authority to change the minor child's name
6. This Court has authority to recognize and order a change the minor child's legal gender.
7. The facts of this case are uncontested and stipulated. Hearing is not required. The matter is deemed submitted on the pleadings.

Based on the forgoing finding of fact and conclusions of law:

**IT IS HEREBY ORDERED** the file for this cause of action shall be **SEALED**.

**IT IS FURTHER ORDERED** notice and publication requirements are **WAIVED**.

**IT IS FURTHER ORDERED** the name of the minor child is changed from

\_\_\_\_\_ (old name) to

\_\_\_\_\_ (new name).

**IT IS FURTHER ORDERED** the gender designation of the minor child is changed

from male female (assigned at birth) to male female (gender identity).

1 **IT IS FURTHER ORDERED** the State of \_\_\_\_\_ should issue a new  
2 birth certificate for the minor child. The new certificate should not show any  
3 amendments, should not show on its face that it was amended, and the old certificate  
4 should be placed in a sealed file.  
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7 DONE AND DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
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11 **DISTRICT COURT JUDGE**  
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