	CHILD AND FAMILY SERVICES MANUAL		Effective Date 1/6/2006	
	Children's Services		Section 3	Subsection 15

2005-16

Policy for Legal Change of Name for Minor Child in DHHS Custody

PHILOSOPHY AND PURPOSE

The legal guardian of a child who was born or resides in Maine may petition the Judge of Probate in the county where the child resides for a legal change of name. The judge, after due consideration and notice, may issue a decree changing the name.

For children in DHHS custody there may be some circumstances that warrant a legal change of name, however, this step should be taken with careful recognition of the reasons given for the change, other underlying reasons, future impact and the specific wishes of the child.

Permanency is best achieved through a legal relationship such as parental custody, guardianship or adoption. Legal name change requests will not be considered for children/youth remaining in foster care arrangements who request to take the name of the foster parent/s. Foster care does not assure permanency for the child.


LEGAL BASE 18-A MRSA §1-701

PROCESS

When a request is made for a legal name change for a child in DHHS custody, the caseworker must engage in a thorough discussion with the child and the caretaker to determine the reasons for this request. The caseworker must explore and document the positive and negative outcomes of a legal name change. The compelling nature of the reason for the request should be clearly documented. An example of a compelling reason would be when the child has the same name as the individual who perpetrated abuse on them and the name recognition has a negative impact on the child.

The caseworker should contact and take into consideration the views of other significant parties who may have a valid interest in the request for the legal name change. Their views should be documented and considered in the decision. These parties may include:

- Foster parents
- Birth parents
- Other birth relatives including grandparents and siblings
- Therapists or other involved service providers who may have been involved in discussion with the child on this issue.
- Guardian ad litem

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The final decision on the legal name change request should be in the best interest of the child and based on the informed choice of the child.

PROCEDURE

Caseworker will prepare a memo to their supervisor that outlines:

- Current name, legal status, placement
- New name requested
- Compelling reasons for the legal name change request – including child's statement.
- Letter from the child's therapist (if child is seeing a therapist) that contains an opinion of the reason for the legal name change and their recommendation on the legal name change.

The Supervisor will forward the memo and any other relevant documentation to the Child Welfare Program Administrator for approval. The summary memo should be documented in the MACWIS case. The CWPA will forward the request to the OCFS Deputy Director for approval.

If the Deputy Director approves, the caseworker will work with the Attorney General's office to prepare a petition. The memo, letters and petition will then be forwarded to the Commissioner for the Commissioner's approval and signature on the petition.

The child should be informed that when a legal name change is granted, certified copies of the amended birth certificate will have a line drawn through the name(s) to be changed and the new names(s) entered above or to the side of the original entry. The publication produced by the office of Vital Records, "A Legal Change of Name" - should be provided to the parties involved in the process to give full explanation of the process.

A fee is required which will be the responsibility of DHHS.

Once the change is completed, the legal name change will need to be completed in MACWIS and DROMBO staff should be alerted to request the amended birth certificate.