

# OFFICE OF THE ATTORNEY GENERAL

83-00013



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Honorable Jim Corley  
Judge of Probate  
Autauga County  
P.O. Drawer 488  
Prattville, Alabama 36067

Probate Judges - Juveniles -  
Names

Minor child may not sign  
petition seeking to have his  
name changed without parental  
consent.

Parent or parents of minor  
child may petition probate  
court to change the name of  
the child.

Dear Judge Corley:

The office of the Attorney General has received your  
opinion request concerning whether and how a minor's name  
may be changed.

In your request you state that there is a good deal  
of confusion as to whether or not anyone can change a  
minor's name except by adoption or legitimation. You  
also ask the following questions:

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Judge of Probate, Autauga County  
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Realizing that 12-13-1 (10) deals with name change by anyone filing a declaration, signed by him. . . . Can a minor sign a legal document, and also, Can another person sign it for him?

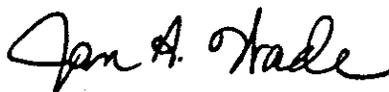
To begin with, we have found nothing to prohibit the change of a minor's name in circumstances other than adoption or legitimation. Thus, it is our opinion that pursuant to Code of Alabama 1975, §12-13-1 (10), the probate court has proper jurisdiction over a petition to change the name of a minor. See, Opinion of the Attorney General to Mrs. Barbara A. Pippin, under date of November 18, 1980.

Nevertheless, a minor child is under the custody and control of his parents and cannot sign a petition seeking to have his name changed without parental consent. Chandler v. Whatley, 238 Ala. 206, 139 So. 751 (1939). The parent or parents can, however, petition the probate court to change the name of the child. See, Opinion of the Attorney General to the Honorable Thomas A. Snowden, under date of July 31, 1981.

I do hope this response sufficiently answers your inquiry. If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK  
Attorney General  
By-



JAN A. WADE  
Assistant Attorney General

CAG/JAW/ks