

## Child's Name Change

Sometimes a divorced mother remarries and wishes to change the last name of her children to that of her new husband. Other times the desired name change is merely another effort in an ongoing war to minimize the other parent's presence in, and connection with, the child. Unwed parents, too, often wish to change the last name of their children for a variety of reasons. Illinois law<sup>1</sup> permits such name changes as a right of the custodial parent<sup>2</sup> whether the parent has been married or not<sup>3</sup> **but only if** the parent can meet the required burden and standard of proof.<sup>4</sup>

The proof demanded by the court can be quite rigorous. In one case, a child was being teased at school due to the fact that his last name was different from his mother's. Despite the evidence of the child's situation, the court denied the mother's request to change the child's name.<sup>5</sup> The court said:

*...A child whose parents had been divorced was bound to suffer some confusion and embarrassment because his name was different from his mother's, but... this fact alone [is] not sufficient to warrant changing his name... . The non-custodial parent necessarily is at a disadvantage in maintaining a strong relationship with the child and maintenance of the parent's name goes far toward demonstrating his continuing interest in and identity with the child.<sup>6</sup>*

If you are hoping to change your child's name, you should probably work with one of our knowledgeable and experienced attorneys, because even the Illinois Supreme Court has noted that the Illinois courts do not liberally allow name changes for children.<sup>7</sup>

Adding a new surname with a hyphen is held to the same rigorous requirements as a name change.<sup>8</sup>

Name change requests can be brought in one of two court systems<sup>9</sup> be sure to work with the right court and, if you're not sure which one to use, work with one of our attorneys.

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This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or [info@illinoisdivorce.com](mailto:info@illinoisdivorce.com).