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2015 Edition

Names and Name Changes in Connecticut

A Guide to Resources in the Law Library

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See Also: [Connecticut Law about Name Changes](#) for links to basic procedural information and forms.

Treated Elsewhere: [Assumed or Fictitious Names in Connecticut](#) (Research Guide).

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This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar.

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Introduction

A Guide to Resources in the Law Library

- "A change of name may be sought either in the Superior Court under General Statutes §§ 52-112 or 46b-1(6), or before the Probate Court under General Statutes § 45a-99. The only guidance on filing a change of name request for a minor is provided by Practice Book § 9-24, which by its terms governs an application for a name change brought by a minor child through his or her next friend under General Statutes § 52-11." [Shockley v. Okeke](#), 92 Conn. App. 76, 80-82, 882 A. 2d 1244 (2005), appeal dismissed, 280 Conn. 777, 912 A.2d 991 (2007).
- "The superior court in each judicial district shall have jurisdiction of complaints praying for a change of name, brought by any person residing in the judicial district, and may change the name of the complainant, who shall thereafter be known by the name prescribed by said court in its decree. . . ." Conn. Gen. Stat. [52-11](#) (2015).
- "Section 45a-99 [Conn. Gen. Stats.] provides probate courts with jurisdiction to act upon an application for a change of name. . . ." [In Re Michaela Lee R.](#), 253 Conn. 570, 572, 756 A.2d 214 (2000).
- "The courts of probate shall have concurrent jurisdiction with the Superior Court, as provided in section 52-11, to grant a change of name, except a change of name granted in accordance with subsection (a) of section 46b-63. . . ." Conn. Gen. Stat. [45a-99](#) (2015).
- "Any court of probate, as part of its approval of any agreement of adoption or declaration of an intention to adopt, may change the name of the person adopted, as requested by the adoptive parent or parents." Conn. Gen. Stat. [45a-736](#) (2015).
- "Whether a change of name should be granted is a matter which rests within the sound discretion of the court. *Don v. Don*, 142 Conn. 309, 311." [In Re Bruce A. Brast](#), 32 Conn. Supp. 1, 334 A.2d 483 (1974).
- "In exercising that discretion, the court should bear in mind that, generally speaking, independently of any court order, a person is free to adopt and use any name he sees fit. *Lewis v. Scoville*, 94 Conn. 79, 85, 108 A. 501; *Salomon v. Hopkins*, 61 Conn. 47, 49, 23 A. 716." [Don v. Don](#), 142 Conn. 309, 311-312, 114 A2d 203 (1955).
- "When the question presented is whether the name of a minor child should be changed, the court, in line with its universal duty to protect the interests of minors, must take into consideration whether the change of name will promote the child's best welfare." [Don v. Don](#), 142 Conn. 309, 312, 114 A2d 203 (1955).
- "General Statutes §§ 46b-1(4) and 46b-63 give the court the power to change the name of either spouse incident to the dissolution of a marriage." [Mayor v. Mayor](#), 17 Conn. App. 627, 632, 554 A.2d 1109 (1989).

- **“Restoration of birth name or former name of spouse. (a) At the time of entering a decree dissolving a marriage, the court, upon request of either spouse, shall restore the birth name or former name of such spouse. (b) At any time after entering a decree dissolving a marriage, the court, upon motion of either spouse, shall modify such judgment and restore the birth name or former name of such spouse.”** Conn. Gen. Stat. [§ 46b-63](#) (2015).

Section 1: Names and Name Changes in Connecticut

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the name and name change of an adult which is effected with or without court proceedings in Connecticut. Includes the right of a married woman to use maiden surname.

SEE ALSO: • [Section 3: Married Woman's Name in Connecticut](#)

DEFINITIONS: • **Resident:** "So far as the statute is concerned, the only jurisdictional requirement is that the complainant be a resident of the county. Nothing is said about the complainant's being domiciled either in the county or in the state. A resident of a place is one who is an actual stated dweller in that place, as distinguished from a transient dweller there, and he may have a technical domicile elsewhere." (Citations omitted) [Don v. Don](#), 142 Conn. 309, 311, 114 A.2d 203 (1955).

STATUTES:

You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2015)
 - [§ 19a-42](#). Amendment of vital records. (*As amended by Public Act 15-132, Sec. 1, January 2015 Reg. Sess. Effective October 1, 2015*).
 - [§ 45a-99](#). Jurisdiction to grant change of name. Exceptions. Requirements re offenders required to register with Commissioner of Emergency Services and Public Protection. **Commissioner's standing to challenge change of name.**
 - [§ 45a-736](#). Change of name of adopted person.
 - [§ 45a-737](#). [adopted person] Obliteration of original name on institutional records, new name substituted.
 - [§ 46b-1](#). Family relations matters defined.
 - [§ 46b-63](#). Restoration of birth name or former name of spouse
 - [§ 52-11](#). Complaints for change of name. Exceptions re offenders required to register with Commissioner of **Emergency Services and Public Protection. Commissioner's standing to challenge change of name.**

LEGISLATIVE:

- [Public Act No. 15-132](#), Sec. 1, (*January 2015 Reg. Sess.*) An act concerning birth certificate amendments. (Effective October 1, 2015).
- [Public Act No. 14-231](#), Sec. 2, (February 2014 Reg. Sess.). **An act concerning The Department of Public Health's recommendations regarding various revisions to the public health statutes. (Effective October 1, 2014).**

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted [online](#).

- Connecticut Practice Book (2015)
[Chapter 8](#). Commencement of action.
§ 8-1. Process.
(c)(1) Applications for change of name.
- Probate Court Rules of Procedure (2015)
[Rule 47](#). Change of Name.
§ 47.1. Change of name of adult.
§ 47.3. Single petition for change of name for family.
§ 47.4. Criminal background and sex offender registry check; notification of Department of Emergency Services and Public Protection.

FORMS:

- Connecticut Probate Court
[Form PC-901. Application for Change of Name \(Adult\)](#).
[Form PC-910. Affidavit Re Change of Name \(Adult\)](#).
- 3 Joel M. Kaye and Wayne D. Efron, [Connecticut Practice Series, Civil Practice Forms](#), 4th ed. (2004).
Form 504.3. Application for change of name.
- 18A [Am Jur Pleading & Practice Forms Name](#) (2006).
B. Changing Family's Name, Forms 4-9.
C. Changing Adult's Name, Forms 10-29.

OLR REPORTS:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- John Kasprak, *Birth Certificate Alteration*, Connecticut General Assembly. Office of Legislative Research Report No. [1996-R-0344](#) (February 21, 1996).
"You want to know if a person born in the 1960s can have his birth certificate altered so that it no longer indicates a sex change and name change."

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In Re Michaela Lee R.](#), 253 Conn. 570, 572, 756 A.2d 214 (2000). "This appeal requires us to determine whether a Probate Court of this state or the plaintiff, the commissioner of public health (commissioner), has the authority to delete a biological parent's name from the birth certificate when there is no allegation that the information is inaccurate. We conclude that neither the Probate Court nor the commissioner possesses such authority."

"Section 45a-99 [Conn. Gen. Stats.] provides probate courts with jurisdiction to act upon an application for a change of name, but does not provide any authority for probate courts to amend the applicant's birth certificate to reflect the new name. Rather, the department [of public health], pursuant to the express language of § 19a-42 (d), amends the birth

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to

certificate upon receipt of a change of name order from a Probate Court and upon request of the applicant.” p. 589-90.

- [Mayor v. Mayor](#), 17 Conn. App. 627, 631, 554 A.2d 1109 (1989). “We will not assume that the statutory language granting the court jurisdiction of ‘*complaints* praying for a change of name’ is meaningless or superfluous. (Emphasis added.) See *Gill v. Petrazzuoli Bros., Inc.*, 10 Conn. App. 22, 31, 521 A.2d 212 (1987). It is apparent from the clear words of 52-11 and 46b-1 (6) that the legislature contemplated that a court should effect a change of name only in the context of an action brought for that purpose by the person desiring the change of name.”
- *In Re Bruce A. Brast*, 32 Conn. Supp. 1, 1, 334 A.2d 483 (1974). “Whether a change of name should be granted is a matter which rests within the sound discretion of the court. *Don v. Don*, 142 Conn. 309, 311. Some substantial reason must, however, exist before the court is justified in denying a petition for a change of name. The court is not subject to the whims of every petitioner for a change of name. *57 Am. Jur. 2d, Name, § 12*. Although an individual may change his name at his pleasure, the court will not effect a change of name as a matter of course. *Application of Klimpl*, 11 Conn. Supp. 460. A petitioner for a change in name has the burden of proof. *Petition of Hauptly*, 294 N.E.2d 833, 835 (Ind. App.).”
- [Don v. Don](#), 142 Conn. 309, 311-312, 114 A.2d 203 (1955). “Whether an application for a change of name should be granted is a matter which rests in the sound discretion of the court. *Binford v. Reid*, 83 Ga. App. 280, 63 S.E.2d 345; *Falcucci Name Case*, 355 Pa. 588, 591, 50 A.2d 200; see note, 110 A.L.R. 219; 65 C.J.S. 20, § 11(b). In exercising that discretion, the court should bear in mind that, generally speaking, independently of any court order, a person is free to adopt and use any name he sees fit. *Lewis v. Scoville*, 94 Conn. 79, 85, 108 A. 501; *Salomon v. Hopkins*, 61 Conn. 47, 49, 23 A. 716. Ordinarily, therefore, an application for a change of name should be granted unless it appears that the use of the new name by the applicant will result in injury to some other person with respect to his legal rights, as, for instance, by facilitating unfair competition or fraud. *Reinken v. Reinken*, 351 Ill. 409, 413, 184 N.E. 639; *Buyarsky, Petitioner*, 322 Mass. 335, 338, 77 N.E.2d 216; 65 C.J.S. 19, § 11(a).”

WEST KEY NUMBERS:

- *Names*
 - #1. Requisites and sufficiency
 - #5. _____. Abbreviations
 - #6. _____. Initials
 - #9. Mode of conferring or acquiring. In general

#10. _____. Assumed names
#20. Change

ENCYCLOPEDIAS:

- 57 [Am. Jur. 2d Name](#) (2012)
 - I. In general
 - II. Change of name
 - III. Idem sonans
 - IV. Fictitious or assumed name
- 65 [C.J.S. Names](#) (2010)
 - I. In General
 - II. Kinds of names and their components
 - III. Assumed or fictitious name
 - IV. Change of name
 - V. Evidence and Procedure
- Jane M. Draper, Annotation, *Circumstances Justifying Grant or Denial of Petition to Change Adult's Name*, 79 ALR3d 562 (1977).
- Annotation, *Validity and effect of provision in will or trust instrument, conditioning gift on beneficiary's assumption or retention of family name*, 38 ALR2d 1343 (1954).

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Ralph H. Folsom and Gayle B. Wilhelm, [Probate Jurisdiction and Procedure in Connecticut](#), 2d ed. (2015)
 - § 2: 30. Probate court jurisdiction over name change
 - § 2: 30.50. Probate court rules of procedure on name changes

Table 1: Statutes Dealing with Names and Name Changes

Statutes Dealing with Names and Name Changes	
<p>You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	
Superior Court	
<p>46b-1(4) and (6)</p>	<p>Family relations matters defined. Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving . . . (4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment . . . (6) complaints for change of name . . . ”</p>
<p>46b-63</p>	<p>Restoration of birth name or former name of spouse. (a) At the time of entering a decree dissolving a marriage, the court, upon request of either spouse, shall restore the birth name or former name of such spouse.</p> <p>(b) At any time after entering a decree dissolving a marriage, the court, upon motion of either spouse, shall modify such judgment and restore the birth name or former name of such spouse.</p>
<p>52-11</p>	<p>Complaints for change of name. Exceptions re offenders required to register with Commissioner of Emergency Services and Public Protection. Commissioner’s standing to challenge change of name. (a) The superior court in each judicial district shall have jurisdiction of complaints praying for a change of name, brought by any person residing in the judicial district, and may change the name of the complainant, who shall thereafter be known by the name prescribed by said court in its decree, except that no superior court may issue an order or otherwise allow for the change of name of a person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon unless such person complies with the requirements of subdivision (1) of subsection (b) of this section.</p> <p>(b) (1) Any person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon who files an application with the Superior Court for a change of name shall (A) prior to filing such application, notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, that the person intends to file an application for a change of name, indicating the change of name sought, and (B) include with such</p>

Statutes Dealing with Names and Name Changes

application a sworn statement that such change of name is not being sought for the purpose of avoiding the legal consequences of a criminal conviction, including, but not limited to, a criminal conviction that requires such person to register as a sexual offender or as an offender convicted of committing a crime with a deadly weapon. (2) The Commissioner of Emergency Services and Public Protection shall have standing to challenge such person's application for a change of name in the superior court where such change of name is sought. The commissioner shall challenge the change of name through the Attorney General. The superior court may deny such person's application for a change of name if the court finds, by a preponderance of the evidence, that the person is applying for such change of name for the purpose of avoiding the legal consequences of a criminal conviction.

(c) Whenever the court, pursuant to this section, orders a change of name of a person, the clerk of the court shall notify the Commissioner of Emergency Services and Public Protection of the issuance of such order if the clerk finds that such person is listed in the registry established and maintained pursuant to section 54-257 or in the registry established and maintained pursuant to section 54-280.

[§ 52-259c](#)(a)

Fee to open, set aside, modify, extend or reargue judgment.

(a) There shall be paid to the clerk of the Superior Court upon the filing of any motion to open, set aside, modify or extend any civil judgment rendered in Superior Court a fee of seventy-five dollars for any housing matter, a fee of seventy-five dollars for any small claims matter, a fee of one hundred seventy-five dollars for any post-judgment motion to modify any judgment in a family relations matter, as defined in section 46b-1, and a fee of one hundred twenty-five dollars for any other matter, **except no fee shall be paid** upon the filing of any motion to open, set aside, modify or extend judgments in juvenile matters or orders issued pursuant to section 46b-15 **or upon the filing of any motion pursuant to subsection (b) of section 46b-63. Such fee may be waived by the court.**

Probate Courts

[45a-99](#)

Jurisdiction to grant change of name. Exceptions. Requirements re offenders required to register with Commissioner of Emergency Services and Public Protection. Commissioner's standing to challenge change of name. (a)

The courts of probate shall have concurrent jurisdiction with the Superior Court, as provided in section 52-11, to grant a change of name, except a change of name granted in accordance with subsection (a) of section 46b-63, except that no court of probate

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	<p>may issue an order or otherwise allow for the change of name of a person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon unless such person complies with the requirements of subdivision (1) of subsection (b) of this section.</p> <p>(b) (1) Any person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon who files an application with the Court of Probate for a change of name shall (A) prior to filing such application, notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, that the person intends to file an application for a change of name, indicating the change of name sought, and (B) include with such application a sworn statement that such change of name is not being sought for the purpose of avoiding the legal consequences of a criminal conviction, including, but not limited to, a criminal conviction that requires such person to register as a sexual offender or as an offender convicted of committing a crime with a deadly weapon. (2) The Commissioner of Emergency Services and Public Protection shall have standing to challenge such person's application for a change of name in the court of probate where such change of name is sought. The commissioner shall challenge the change of name through the Attorney General. The court of probate may deny such person's application for a change of name if the court finds, by a preponderance of the evidence, that the person is applying for such change of name for the purpose of avoiding the legal consequences of a criminal conviction.</p> <p>(c) Whenever the court, pursuant to this section, orders a change of name of a person, the court shall notify the Commissioner of Emergency Services and Public Protection of the issuance of such order if the court finds that such person is listed in the registry established and maintained pursuant to section 54-257 or in the registry established and maintained pursuant to section 54-280.</p>
<p>45a-736</p>	<p>Change of name of adopted person. Any court of probate, as part of its approval of any agreement of adoption or declaration of an intention to adopt, may change the name of the person adopted, as requested by the adoptive parent or parents.</p>
<p>45a-737</p>	<p>Obliteration of original name on institutional records, new name substituted. Upon the request of an adopting parent of a child adopted under the provisions of section 45a-727, any public or quasi-public institution, including but not limited to schools and hospitals, shall obliterate the original family name of an adopted child and substitute the new name of the child on its records; except</p>

Statutes Dealing with Names and Name Changes

that the person in charge of the records may apply to the court of probate having jurisdiction over the adoption and show cause why the name shall not be substituted. The court may grant or deny the order for the substitution of names as it deems to be in the best interests of the child.

Department of Motor Vehicles

[14-36h](#)(a) and (f)

Contents and features of operator's license and identity card.

(a) Each motor vehicle operator's license issued by the Commissioner of Motor Vehicles in accordance with section 14-36 and each identity card issued by said commissioner in accordance with section 1-1h shall contain the following: (1) The person's full legal name

(f) **As used in this section: (1) "Full legal name" means the most complete version of the name that appears on a person's certificate of birth, official passport or other document or documents accepted by the Commissioner of Motor Vehicles to verify the person's identity, unless the person presents a marriage license or certificate, a certificate of civil union, a divorce decree or an order of a court of competent jurisdiction pertaining to a permanent change of the person's name**

Department of Public Health

[19a-42](#)(d) and (i)

Amendment of vital records. (d) (1) Upon receipt of (A) an acknowledgment of paternity executed in accordance with the provisions of subsection (a) of section 46b-172 by both parents of a child born out of wedlock, or (B) a certified copy of an order of a court of competent jurisdiction establishing the paternity of a child born out of wedlock, the commissioner shall include on or amend, as appropriate, such **child's birth certificate to show such paternity if paternity is not already shown on such birth certificate and to change the name of the child under eighteen years of age if so indicated on the acknowledgment of paternity form or within the certified court order as part of the paternity action.** If a person who is the subject of a voluntary acknowledgment of paternity, as described in this subdivision, is eighteen years of age or older, the commissioner shall obtain a notarized affidavit from such person **affirming that he or she agrees to the commissioner's amendment of such person's birth certificate as such amendment relates to the acknowledgment of paternity.** The commissioner shall amend the birth certificate for an adult child to change his or her name only pursuant to a court order.

(2) If another father is listed on the birth certificate, the

Statutes Dealing with Names and Name Changes

commissioner shall not remove or replace the father's information unless presented with a certified court order that meets the requirements specified in section 7-50, or upon the proper filing of a rescission, in accordance with the provisions of section 46b-172. The commissioner shall thereafter amend such child's birth certificate to remove or change the father's name and to change the name of the child, as requested at the time of the filing of a rescission, in accordance with the provisions of section 46b-172. Birth certificates amended under this subsection shall not be marked "Amended". . . .

(i) The commissioner shall issue a new birth certificate to reflect a gender change upon receipt of the following documents submitted in the form and manner prescribed by the commissioner: (1) A written request from the applicant, signed under penalty of law, for a replacement birth certificate to reflect that the applicant's gender differs from the sex designated on the original birth certificate; (2) a notarized affidavit by a physician licensed pursuant to chapter 370 or holding a current license in good standing in another state, an advanced practice registered nurse licensed pursuant to chapter 378 or holding a current license in good standing in another state, or a psychologist licensed pursuant to chapter 383 or holding a current license in good standing in another state, stating that the applicant has undergone surgical, hormonal or other treatment clinically appropriate for the applicant for the purpose of gender transition; and (3) if an applicant is also requesting a change of name listed on the original birth certificate, proof of a legal name change. The new birth certificate shall reflect the new gender identity by way of a change in the sex designation on the original birth certificate and, if applicable, the legal name change.

(As amended by Public Act 15-132, Sec. 1. Effective October 1, 2015).

Table 2: Regulations Dealing with Names and Name Changes

Regulations Dealing with Names and Name Changes	
Department of Motor Vehicles	
Sec. 14-137-63	<p>Evidence of full legal name. (a) Except as otherwise provided in subsection (b), the commissioner shall presume that the name of the applicant as shown on the applicant’s official, unexpired passport or birth certificate, submitted as evidence of the applicant’s identity, is the full legal name of the applicant, and the commissioner shall not place any other name on a motor vehicle operator’s license, commercial driver’s license, or identity card, unless the applicant presents an order of the superior court, or other court of competent jurisdiction, pertaining to a change of the applicant’s name.</p> <p>(b) Notwithstanding the provisions of subsection (a), the commissioner may accept an original or certified copy of a marriage license, certificate of dissolution of marriage, or certificate of civil union or dissolution of civil union for the purpose of establishing the applicant’s full legal name to be placed on an operator’s license, commercial driver’s license, or identity card issued to the applicant.</p> <p>(Effective December 3, 1991; amended August 31, 1999, June 6, 2001, April 25, 2008)</p>
Department of Public Health (Excerpts)	
Sec. 19a-41-9	<p>Amending or correcting birth records: Corrections within one month of filing birth certificate, legal name change, correcting obvious errors to registrant’s name, adoptions, paternity, gender change. (a) The local registrar of the town where a birth occurred or the Department shall amend a name on a birth certificate when the request for the amendment is accompanied by a certified copy of a court order granting the legal name change. The registrar or the Department shall place the new name on the birth certificate in accordance with the provisions of these regulations, and shall mark the birth certificate “Amended.” The registrar or the Department shall record on the face of the certificate the original name of the person, the authority by which such legal name change was granted, and the date of the amendment.</p> <p>(b) For up to 30 days following a registrant’s birth, a parent may request that the registrant’s name be changed to correct an obvious typographical or clerical error, by signing and presenting to the local registrar of the town in which the birth occurred, the Parent Notice issued by the birthing hospital. After said thirty-day period, a registrant, if over eighteen years old, or a custodial parent or legal guardian of the registrant, if the registrant is a minor, may request</p>

Regulations Dealing with Names and Name Changes

that the registrant's name be changed to correct or amend obvious typographical or clerical errors, by presenting two items of **documentary evidence that were produced during the registrant's** early childhood, from birth through age 7. The following documents are acceptable in their original form

(d) Only the commissioner shall amend a birth certificate to include or change paternity information on a birth certificate. Upon receipt of a notarized acknowledgement of paternity form signed by both parents or a certified copy of an adjudication of paternity, the commissioner shall create a new birth certificate to show the **father's** name on the birth certificate. The new birth certificate shall not be marked "**Amended.**" **If another father is already listed on the** original birth certificate, a new birth certificate may only be prepared when an adjudication of paternity is made by a court of competent jurisdiction. A new birth certificate shall be created by entering the new paternity information into the electronic birth registry system, and by changing the name of the child if so indicated on the acknowledgement of paternity form or within the certified court order that establishes paternity. . . .

(e) Only the commissioner shall amend a birth certificate to reflect a gender change. In order to request a gender change amendment the following documents shall be submitted to the commissioner:

(3) Court order for legal name change if applicable. Upon receipt of the required documentation, the commissioner shall create a new birth certificate reflecting the newly assigned gender, and the legal name change if applicable

(Adopted effective August 1, 2005)

Table 3: Idem Sonans

Idem Sonans	
Definition	<p>"1 Idem sonans is the rule of law that a variant spelling of a name in a document will not render the document void if the misspelling is pronounced in the same way as the true spelling, and literally, it means 'having the same sound.' 2 Under the doctrine of idem sonans, if the name spelled in a legal document is different from the correct spelling, but when the commonly pronounced sounds are practically identical to the correctly spelled name, then the variant orthography is immaterial. 3 In other words, under the rule of idem sonans, a misspelling is not fatal to the validity of a document where the word, as misspelled, conveys to the hearer the same word correctly spelled."</p> <p>57 Am. Jur. 2d Name (2012) III. Idem sonans § 60 Generally</p>

Section 2: Children's Surnames

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic sources relating to change of name of a minor.

STATUTES:

You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2015)
 - [§ 7-50](#). Restrictions on content of birth certificates. Exceptions. Filing of acknowledgments or adjudications of paternity. Removal or changing of paternity information. Access to copies restricted.
 - [§ 19a-42](#). Amendment of vital records. *(As amended by Public Act 15-132, Sec. 1. January 2015 Reg. Sess. Effective October 1, 2015).*
 - [§ 45a-99](#). Jurisdiction to grant change of name. Exceptions. Requirements re offenders required to register with Commissioner of Emergency Services and **Public Protection. Commissioner's standing to challenge change of name.**
 - [§ 45a-736](#). Change of name of adopted person.
 - [§ 45a-737](#). [adopted person] Obliteration of original name on institutional records, new name substituted.
 - [§ 46b-1](#). Family relations matters defined.
 - [§ 52-11](#). Complaints for change of name. Exceptions re offenders required to register with Commissioner of Emergency Services and Public Protection. **Commissioner's standing to challenge change of name.**

LEGISLATIVE:

- [Public Act No. 15-132](#), Sec. 1, (*January 2015 Reg. Sess.*) An act concerning birth certificate amendments. (Effective October 1, 2015).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the Connecticut Law Journal and posted [online](#).

- Connecticut Practice Book (2015)
 - [§ 9-24](#) **Change of name by minor children.** "In all proceedings for change of name under General Statutes § 52-11, brought by a minor child through his or her next friend, the parents of such child, not named as next friends, shall be necessary parties and shall be cited in, in such manner as shall be ordered by the court or a judge thereof."
- Probate Court Rules of Procedure (2015)
 - [Rule 47](#). Change of Name.
 - § 47.2. Change of name of minor.
 - § 47.3. Single petition for change of name for family.

FORMS:

- Connecticut Probate Court
 - [Form PC-900. Application for Change of Name \(Minor\).](#)
 - [Form PC-910A. Affidavit Re Change of Name \(Minor\).](#)
- 3 Joel M. Kaye and Wayne D. Efron, [Connecticut Practice Series, Civil Practice Forms](#), 4th ed. (2004).

Form 504.3. Application for change of name.

- 18A [Am Jur Pleading & Practice Forms Name](#) (2006).
D. **Changing minor's name.** Forms 31-44.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Okeke v. Commissioner of Public Health](#), 304 Conn. 317, 323, 39 A.3d 1095 (2012). "... the commissioner asserts that the plaintiff ignores the triggering language of § 19a-42 (d)(1), which provides that the commissioner shall amend a birth **certificate to show paternity** 'if paternity is not already shown **on such birth certificate....**' The commissioner further asserts that the Appellate Court properly concluded that the 'unambiguous language of the statute involves determinations of paternity and changing a child's name when it is determined that the biological father of the child is not listed, or is incorrectly **listed, on the birth certificate.**'... The commissioner contends that, because paternity is already listed on the birth certificate in this case, the department's authority under § 19a-42 (d)(1) is not triggered. We agree with the commissioner."
- [Dellavalle v. Silber](#), Superior Court, Judicial District of New Haven, No. FA10-4042507-S (July 19, 2011) (52 Conn. L. Rptr. 261, 262) (2011 WL 3586492). "This court fails to perceive any reason why a minor child who is the subject of a custody action by her unmarried parents and grandmother should be accorded any different procedural protection than a minor child whose parents are parties to a dissolution action. Hence plaintiff's failure to comply with the requirements of C.G.S. § 52-11 and sec. 9-24 of the practice book renders his application for the changing of the minor child's name procedurally flawed. Consequently this court lacks subject matter jurisdiction.
- [Gillette v. Schroeder](#), Superior Court, Judicial District of New London, No. KNO-FA10-4112725 (Feb. 24, 2010) (49 Conn. L. Rptr. 405, 406) (2010 WL 1225084). "In the instant case, the child is not a party to the case and there was no Guardian ad litem, attorney or next friend appointed for the minor child. In fact, the plaintiff is requesting an order of this court, on behalf of himself, that a nonparty (his child) should have his name changed. Since the child was not made a party in the instant case, this court has no authority to change the name of this child. On this basis alone, the plaintiff father's request for relief must be denied. Assuming arguendo, that the father could get beyond that procedural obstacle, he still has the burden of proving, by a preponderance of the evidence, that the name change would be in the child's best interest."
- [Rodriguez v. Perez](#), Superior Court, Judicial District of Windham, No. FA06-4004287-S (March 15, 2007) (43 Conn.

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L. Rptr. 103, 103) (2007 WL 1018795). "A threshold issue for the court is that of jurisdiction. The plaintiff did not bring this action on behalf of the minor child but rather in his own capacity as her father. While that would normally be fatal [see *Shockley v. Okeke*, 92 Conn.App. 76-79-80 (2005)], the plaintiff has requested that the court allow him to substitute the party plaintiff from his individual capacity to that of prochein ami (PPA) for his daughter. Inasmuch as this appears to be a common practice the court will grant this **request** With the substitution of the proper party the plaintiff is now in compliance with Practice Book § 9-24 and § 52-11 Conn. General Statutes."

"The case of *Shockley v. Okeke*, supra, 92 Conn.App. 82, is dispositive. Because it is the minor child, who is the proper party to a change of name pursuant to § 45a-99 C.G.S. the plaintiff's appeal must be sustained and the decree of the Court of Probate, District of Windham, O'Brien, J. Dated March 2, 2006, vacated." **p. 103**

- [Shockley v. Okeke](#), 92 Conn. App. 76, 80-82, 882 A. 2d 1244 (2005), appeal dismissed, 280 Conn. 777, 912 A.2d 991 (2007). "A change of name may be sought either in the Superior Court under General Statutes §§ 52-112 or 46b-16), or before the Probate Court under General Statutes § 45a-99. The only guidance on filing a change of name request for a minor is provided by Practice Book § 9-24, which by its terms governs an application for a name change brought by a minor child through his or her next friend under General Statutes § 52-11. As a general matter, a minor may bring suit only through a guardian or next friend. . . . Parents commonly serve as next friend. . . . To serve as **next friend, "no previous appointment** by the court is required, and the prochein ami named in the writ is permitted to appear and prosecute in the infant's name, though if he is not a proper person or fails to properly discharge his duties, the court may remove him and appoint another person **in his place."** . . . In addition, if the court is concerned that the child's interests are not adequately represented by a parent acting as next friend, it may appoint a guardian ad litem under General Statutes § 45a-132. (Internal Citations Omitted).

"**Because it was the child's right to change** his name that was being exercised before the Probate Court, it was he who was aggrieved by the ruling of that court. Accordingly, he was the proper party to appeal to the Superior Court." **p. 83**

- [St. Amour v. Carvalho](#), Superior Court, Judicial District of Putnam, No. FA04-4000030 (Aug. 11, 2005) (39 Conn. L. Rptr. 677, 677-678) (2005 Conn. Super. LEXIS 2111). "**The focus is on the child's welfare, not the sensibilities of the**

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parent. The current surname of the child is shared by every member of his primary household, including the applicant mother, his primary caregiver. It would not be beneficial to the child to provide him with a surname different from all those with whom he lives. **The respondent's personal sensibilities are not grounds for a change, and the cultural imperative he cites does not find support in either the statutes or our case law."**

- Peterson v. Peterson, Superior Court, Judicial District of Danbury, No. CV99-0337876-S (May 22, 2000) (2000 WL 739636) (2000 Conn. Super. LEXIS 1335). **"In applying the fair preponderance of the evidence test, this court finds that the change of name for the minor child from the last name of Peterson to the last name of Silva, is in the best interest of the minor child. This court further finds that the new name of the minor child will not result in injury to some other person with respect to such person's legal rights. This court therefore orders that the respondent immediately take steps to obtain a new (not corrected) birth certificate"**

"In determining whether the application for change of name should be granted, the court is bound to consider the best interests of the minor child."

- Delaney v. Appeal from Probate, Superior Court, Judicial District of Hartford-New Britain at Hartford, No. CV93-0521209-S (Aug. 18, 1993) (1993 WL 328611) (1993 Conn. Super. LEXIS 2165). **"This court determines that it is in the best interest of the child that the child have the last name Brown The court further determines that for sound reason the name Delaney should also be included in the child's name. In this fashion the bond between father and son can be preserved and enhanced, and the relationship between the changed name and the birth name will appear of record to obviate any confusion when the child, in later life, is required to produce documentation of name at birth."**
- Sharron v. Garofalo, Superior Court, Judicial District of Milford, No. FA91 036846S (Nov. 1, 1991) (5 Conn. L. Rptr. 234, 234) (1991 Conn. Super. LEXIS 2536). **"Defendant's request to change the child's last name to his is not acted upon, the court determined it is without jurisdiction to entertain this request in this proceeding. Such a request must be brought in a separate proceeding to which the child is a party by a person authorized to do so."**
- Mayor v. Mayor, 17 Conn. App. 627, 629, 554 A.2d 1109 (1989). **"The question for our consideration is whether, in the context of an action for dissolution of marriage, the trial court had jurisdiction to change the name of the parties' minor child upon the request of one of the parties."**

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“Having examined all the statutes bearing on changes of name, we conclude that the legislature did not choose to grant the court jurisdiction to effect changes in the names of **nonparty minor children incident to dissolutions of parents’ marriages**. A parent who wishes to effect a change of name for a minor child in the Superior Court must invoke the **court’s jurisdiction by proceeding under § 52-11** and must comply with the procedures established by Practice Book § 105 [§ 9-24].” p. 633

- [Don v. Don](#), 142 Conn. 309, 312, 114 A2d 203 (1955).
“When the question presented is whether the name of a minor child should be changed, the court, in line with its universal duty to protect the interests of minors, must take into consideration whether the change of name will promote the child's best welfare. In the present case, on the facts found, there was no indication that to change the plaintiff's name would cause any legal injury to anyone. The most that could be said against it was that it might hurt the defendant's sensibilities. It did not, of course, make any change in the relationship of parent and child which existed between them.”

DIGESTS:

- Connecticut Family Law Citations: **NAME CHANGE**

ENCYCLOPEDIAS:

- 57 [Am. Jur. 2d Name](#) (2012).
 - I. In general
 - §§ 12-15. **Minor’s name**
 - II. Change of name
 - §§ 43-59. **Minor’s name**
 - §§ 43-46. In general
 - §§ 47-55. Particular factors considered
 - §§ 56-59. Proceedings
- 65 [C.J.S Names](#) (2010)
 - IV. Change of name
 - § 23. Minor child
 - § 24. Minor child—Best interest of child
 - § 25. Minor child—Change sought by minor

- Jay M. Zitter, Annotation, *Rights and Remedies of Parents Inter Se With Respect To The Names Of Their Children*, 40 ALR5th 697 (1996).

TEXTS & TREATISES:

- Gayle B. Wilhelm and Ralph H. Folsom, [Connecticut Estates Practice: Incapacity, Powers of Attorney and Adoption in Connecticut 3d](#) (2015).
 - Chapter 5. Adoption and Parental Rights
 - § 5: 13. Change of name, birth certificate and other adoption-related records

LAW REVIEWS:

Public access to law review databases is available on-site at each of our law libraries.

- Richard J. Lussier, Case Note, *Delaney v. Appeal from Probate: When Is A Dual Surname In The Best Interest Of The Child?*, 9 Connecticut Probate Law Journal 161-170 (Fall 1994).
- Marianne B. Kilby, *Contested Name Changes For Minors*, 1 Connecticut Probate Law Journal 102-110 (Fall 1985).

Table 4: Restrictions on Contents of Birth Certificate

<p>Restrictions on content of birth certificates. Exceptions. Filing of acknowledgments or adjudications of paternity. Removal or changing of paternity information. Access to copies restricted.</p>
<p>Conn. Gen. Stats. § 7-50 (2015)</p>
<p>(a) No certificate of birth shall contain any specific statement that the child was born in or out of wedlock or reference to illegitimacy of the child or to the marital status of the mother, except that information on whether the child was born in or out of wedlock and the marital status of the mother shall be recorded on a confidential portion of the certificate pursuant to section 7-48. Upon the completion of an acknowledgment of paternity at a hospital, concurrent with the hospital's electronic transmission of birth data to the department, or at a town in the case of a home birth, concurrent with the registration of the birth data by the town, the acknowledgment shall be filed in the paternity registry maintained by the department, as required by section 19a-42a, and the name of the father of a child born out of wedlock shall be entered in or upon the birth certificate or birth record of such child. All properly completed post birth acknowledgments or certified adjudications of paternity received by the department shall be filed in the paternity registry maintained by the department, and the name of the father of the child born out of wedlock shall be entered in or upon the birth record or certificate of such child by the department, if there is no paternity already recorded on the birth certificate. If another father's information is recorded on the certificate, the original father's information shall not be removed except upon receipt by the department of a certified order by a court of competent jurisdiction in which there is a finding that the individual recorded on the birth certificate, specifically referenced by name, is not the child's father, or a finding that a different individual than the one recorded, specifically referenced by name, is the child's father. The name of the father on a birth certificate or birth record shall otherwise be removed or changed only upon the filing of a rescission in such registry, as provided in section 19a-42a. The Social Security number of the father of a child born out of wedlock may be entered in or upon the birth certificate or birth record of such child if such disclosure is done in accordance with 5 USC 552a note.</p>
<p>(b) The department shall restrict access to and issuance of certified copies of acknowledgments of paternity as provided in section 19a-42a.</p>

Section 3: Married Woman's Name in Connecticut

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the name of a married woman in Connecticut including restoration of birth name or former name upon termination of marriage.

SEE ALSO:

- [Section 1: Names and Name Changes in Connecticut \(Adult\).](#)

STATUTES:

You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2015)
 - [§ 46b-63](#). Restoration of birth name or former name of spouse.
 - [§ 47-12](#). Change in name or status of owner of real estate.
 - [§ 47-13](#). Conveyance of property acquired prior to change of name.
 - [§ 52-259c\(a\)](#). Fee to open, set aside, modify, extend or reargue judgment.

CONNECTICUT ATTORNEY GENERAL:

- 22 Op. Atty. Gen. 249 (October 17, 1941). "We doubt that there is . . . any mandate in our statutes compelling a married woman to take and adopt the surname of her husband."

FORMS:

- 7 Arnold H. Rutkin et al. [Connecticut Practice Series, Family Law And Practice with Forms](#) 3rd ed. (2010).
Chapter 9. Change of name.
§ 9:4. Motion to restore former name—Form

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Holloway v. Holloway](#), Superior Court, Judicial District of Middlesex, No. FA09-4011144-S (Sept. 28, 2010) (2010 WL **4400514**). "Further, the plaintiff, in her proposed orders, requested that her name be changed to Marie Danelle Oliva. However, while Oliva is the last name of her current landlord, it is not a former or birth name of the plaintiff and the court does not have the authority to grant such name change. See General Statutes § 46b-63."
- [Mayor v. Mayor](#), 17 Conn. App. 627, 632, 554 A.2d 1109 (1989). "General Statutes §§ 46b-1(4) and 46b-63 give the court the power to change the name of either spouse incident to the dissolution of a marriage."
- [Custer v. Bonadies](#), 30 Conn. Supp. 385, 389, 318 A.2d 639 (1974). "The rule that requires a woman to assume her husband's surname upon marriage made some sense in an age where a married woman could not contract, hold property

or sue or be sued except through her husband But such restrictions on the legal rights of married women do not exist today in Connecticut.”

“It is doubtless true that the vast majority of women will continue to follow the social custom of our times and adopt **their husband’s surnames. That fact, however, provides no** basis for a rule of law which would mandate it despite personal, professional or business reasons which would motivate individual women to do otherwise. Some hear a different drummer and step to the music which they hear, however measured or far away. There is nothing in the common law of Connecticut which forbids it. The court therefore concludes that the common-law right of a person to use a name, a right enunciated by our Supreme Court in *Don v. Don*, 142 Conn. 309, applies to the surname of a married woman.” p. 390

WEST KEY NUMBERS:

- *Names*
 - #1. Requisites and sufficiency
 - #5. _____. Abbreviations
 - #6. _____. Initials
 - #9. Mode of conferring or acquiring. In general
 - #10. _____. Assumed names
 - #20. Change

DIGESTS:

- Dowling’s Connecticut Digest: *NAMES*

ENCYCLOPEDIAS

- 57 [Am. Jur. 2d](#) *Name* (2012)
 - I. In general
 - B. **Married woman’s name**
 - § 9. Surname; right to retain maiden name
 - § 10. – Effect of particular factors
 - § 11. First name
 - II. Change of name
 - B. **Married woman’s name**
 - § 40. In general
 - § 41. Change incident to dissolution of marriage
 - § 42. – Effect and applicability of dissolution statutes; judicial discretion
- 65 [C.J.S.](#) *Names* (2010)
 - § 6. Surname—Adoption by woman upon marriage
 - § 26. Married woman.
- Ronald A. Case, Annotation, *Right Of Married Woman To Use Maiden Surname*, 67 ALR3d 1266 (1975).

TEXTS & TREATISES:

- Ralph H. Folsom and Gayle B. Wilhelm, [Probate Jurisdiction and Procedure in Connecticut 2d](#) (2015).
 - § 2: 30. Probate court jurisdiction over name change
 - § 2: 30.50. Probate court rules of procedure on name

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changes

- 7 Arnold H. Rutkin et al. [Connecticut Practice Series. Family Law And Practice with Forms](#) 3rd ed. (2010).
 - Chapter 9. Change of name.
 - § 9.1. In general
 - § 9.2. Wife's retention of former name during marriage
 - § 9.3. Change following divorce
 - § 9.4. Motion to restore former name—Form

LAW REVIEWS:

Public access to law review databases is available on-site at each of our law libraries.

- Shirley Raissi Bysiewicz and Gloria Jeanne Stillson MacDonnell, *Married Women's Surname*, 5 Connecticut Law Review 598 (1973).