

## Can you legally name your baby anything?

You might be surprised to learn the answer

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One of the more joyful parental responsibilities is choosing a name for your new child. Endless naming options are available, including the creative and sometimes kooky choices many celebrities have made. Want to name your child Saint, Apple, Peanut, Kal-el, God'Iss Love, Moxie CrimeFighter, Moon Unit, Dweezil, or Jermajesty? Go for it!

In spite of these famous names, you can't actually name your child anything you want—at least in the United States. Although the right to choose your child's name is protected by the Due Process Clause of the Fourteenth Amendment, most states do have some restrictions in place that might surprise you.

### The last word on last names

When it comes to your child's last name or surname, most states require you to choose one that is somehow connected to the parents. Louisiana has a very restrictive law, stating that a child of a married couple has to have the husband's last name, unless the couple agrees to choose the mother's name or some combination of the two names (there's no provision if both spouses are female). Tennessee also requires the baby to carry the father's last name. Some states (Kentucky, Delaware, Maryland, Montana, Washington, and South Carolina) have no restrictions on the choice of last name.

### First name restrictions

What about first names? Baby name laws recently made the news when a Tennessee judge ruled that a mother could not name her son Messiah, stating there is only one Messiah and, because the family lives in a very religious area, this name would likely cause problems for the child. The ruling is likely to be overturned on appeal; when asked about the decision, UC Berkeley law professor Melissa Murray said, "This is totally absurd...If this stood up in court, I would eat my hat."

While it's seemingly ok to name your child Messiah or Saint, most states do have restrictions for first names:

- **Adding Arabic numerals** (like 3 or 5) to a child's name is not allowed in Texas and New Jersey, but Roman numerals are usually OK (as in John Smith III). Numerals that are spelled out (like "ten") are not prohibited anywhere.
- **Punctuation** is often a problem. New Hampshire doesn't allow names that include punctuation marks, other than apostrophes and dashes. California won't accept a name that includes umlauts, accents, diacritical marks, or pictograms (sorry, Millennials!). For example, the state denied the name "Lucia" and required the child be listed as "Lucia" instead. Kansas, Massachusetts and New Hampshire also have a similar restriction.
- Some states have a specific **character limit for names**. In Massachusetts, your child's name can't have more than 40 characters.
- Don't even think about choosing an **obscenity for a name**. New Jersey and Nebraska have specific laws prohibiting obscenities, and legal experts believe most state courts would strike down an obscene name.

### Names around the world

Even with these limits, the United States is actually quite liberal about names. Other countries, most notably France, have placed tighter restrictions on names. For many years parents in France could only choose a name from a government-approved list of names. Now French parents can choose any name—as long as a court decides it is in the child's best interest. Spain does not allow what it calls extravagant names, and Portugal doesn't allow names that are gender neutral.

### No-name babies

Surprisingly, some states don't require you to name your baby at all (which begs the question of how you call them on the playground). In Connecticut, Michigan, and Nevada there's no requirement to choose a name at all, or at least to submit a name to the state.

All told, your child's name is a very personal choice. If you exercise some common sense and do a little legal research around baby-naming laws in your state, that creative name you come up with for your newborn might just stick.

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