

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1005
Judiciary

(Delegate Shetty, *et al.*)

Action for Change of Name - Procedures and Requirements

This bill generally codifies existing procedures set forth in the Maryland Rules regarding an action for a change of name other than in connection with an adoption or divorce. The bill also prohibits a court from requiring publication of notice in an action for a change of name and requires a court to grant a request to shield each court record filed by a petitioner in the proceeding. The bill has prospective application only and has no effect on any petition for a change of name filed before the bill's October 1, 2019 effective date.

Fiscal Summary

State Effect: The bill does not materially affect the workload or finances of the Judiciary or the Maryland Department of Health (MDH).

Local Effect: The bill does not materially affect the workload or finances of the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Procedures for Change of Name

Maryland Rule 15-901 sets forth procedures for a change of name other than in connection with an adoption or divorce. An action for a change of name must be brought in the county where the person who wants the name change resides. An action for a change of name must

begin by filing a petition, under oath, that includes specified information, including (1) the name, address, and date and place of birth of the individual whose name is sought to be changed; (2) whether the individual whose name is sought to be changed has ever been known by any other name; (3) all reasons for the requested change; and (4) if the individual whose name is sought to be changed is a minor, the names and addresses of that individual's parents and any guardian or custodian of the individual.

Upon the filing of a petition for a change of name, the court clerk must issue a notice that includes the caption of the action, the substance of the petition and the relief sought, and the latest date by which an objection to the petition may be filed. Any person may file an objection to the petition within the time specified in the notice; the objection must be supported by an affidavit that meets specified requirements. An individual desiring a hearing must request a hearing in the objection or response. After the time for filing objections and responses has expired, the court may hold a hearing or rule on the petition without a hearing and enter an appropriate order. A petition may not be denied without a hearing if one was requested by the petitioner.

The bill codifies the requirements specified above. Pursuant to Maryland Rule 15-901, unless the court on motion of the petitioner orders otherwise, a notice of a petition for a change of name must be published one time in a newspaper of general circulation, as specified. However, the bill prohibits a court from requiring publication of notice.

The bill also requires a court to grant a request to shield each court record filed by a petitioner in a proceeding brought pursuant to the bill. A "court record" means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps, and includes any electronic information about a proceeding on the website maintained by the Maryland Judiciary.

Change of Name – Birth Certificates

On receipt of a court order that changes the name of an individual who was born in this State and on request of the individual or a parent, guardian, or legal representative, the Secretary of Health must amend the certificate of birth to reflect the new name. MDH may change the name on a birth certificate once without a court order if, within 12 months after the birth, it receives from both parents of the child a written request for the change of name and an affidavit meeting specified requirements.

Additional Information

Prior Introductions: None.

Cross File: SB 905 (Senator Waldstreicher) - Rules.

Information Source(s): Charles and Montgomery counties; Maryland Department of Health; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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an/kdm

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