

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 793
Judiciary

(Delegates Angel and Malone)

Judicial Proceedings

Family Law - Divorce - Restoration of Former Name

This bill allows a party who wishes to restore the use of a former name after an absolute divorce to file a motion within 18 months after a final decree of absolute divorce is entered. A court must change the name of the party as long as specified conditions are met. The bill specifies that Maryland Rule 15-901, which specifies the procedures for a person to formally change his or her name, does not apply to a change of name requested pursuant to the bill's provisions.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Judiciary.

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: In granting a decree of absolute divorce, the court must change the name of a party to either the name given to the party at birth or any other former name the party wishes to use if (1) the party took a new name on marriage and no longer wishes to use it; (2) the party asks for the change of name; and (3) the purpose is not illegal, fraudulent, or immoral.

Maryland Rule 15-901 sets forth procedures, including requirements relating to notice and publication, that apply to actions for changes of names other than in connection with an adoption or divorce.

Additional Information

Prior Introductions: HB 1183 of 2016 passed the House with amendments and received a favorable report from the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: SB 83 (Senator Kagan) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2017
md/kdm Third Reader - March 16, 2017

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510