

HOUSE BILL 1005

D3

9lr0765

By: **Delegates Shetty, Anderson, Atterbeary, Bartlett, Cardin, W. Fisher, J. Lewis, Lopez, McIntosh, and Moon**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Action for Change of Name – Procedures and Requirements**

3 FOR the purpose of requiring an individual to provide certain information to a court in a
4 certain action for a change of name; requiring certain documents to be served on
5 certain persons if the individual whose name is sought to be changed is a minor;
6 prohibiting a court from requiring publication of certain notice in an action for
7 change of name; authorizing an individual to object to a petition for change of name;
8 providing for a hearing on an objection to a petition under certain circumstances;
9 requiring a court to grant a request to shield certain court records under certain
10 circumstances; providing for the application of this Act; and generally relating to
11 changing rules concerning an action for a change of name.

12 BY adding to

13 Article – Courts and Judicial Proceedings

14 Section 3–2201 and 3–2202 to be under the new subtitle “Subtitle 22. Actions for
15 Change of Name”

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2018 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

21 **SUBTITLE 22. ACTIONS FOR CHANGE OF NAME.**

22 **3–2201.**

23 **(A) THIS SECTION APPLIES TO AN ACTION FOR CHANGE OF NAME OTHER**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THAN IN CONNECTION WITH AN ADOPTION OR A DIVORCE.

2 (B) AN ACTION FOR CHANGE OF NAME SHALL BE BROUGHT IN THE COUNTY
3 WHERE THE INDIVIDUAL WHOSE NAME IS SOUGHT TO BE CHANGED RESIDES.

4 (C) (1) AN ACTION FOR CHANGE OF NAME SHALL BEGIN BY FILING A
5 PETITION, UNDER OATH, CONTAINING THE FOLLOWING INFORMATION:

6 (I) THE NAME, ADDRESS, AND DATE AND PLACE OF BIRTH OF
7 THE INDIVIDUAL WHOSE NAME IS SOUGHT TO BE CHANGED;

8 (II) WHETHER THE INDIVIDUAL WHOSE NAME IS SOUGHT TO BE
9 CHANGED HAS EVER BEEN KNOWN BY ANY OTHER NAME AND, IF SO, THE NAME OR
10 NAMES AND THE CIRCUMSTANCES UNDER WHICH THEY WERE USED;

11 (III) THE CHANGE OF NAME DESIRED;

12 (IV) ALL REASONS FOR THE REQUESTED CHANGE;

13 (V) A CERTIFICATION THAT THE PETITIONER IS NOT
14 REQUESTING THE NAME CHANGE FOR ANY ILLEGAL OR FRAUDULENT PURPOSE;

15 (VI) IF THE INDIVIDUAL WHOSE NAME IS SOUGHT TO BE
16 CHANGED IS A MINOR, THE NAMES AND ADDRESSES OF THAT INDIVIDUAL'S PARENTS
17 AND ANY GUARDIAN OR CUSTODIAN OF THE INDIVIDUAL; AND

18 (VII) WHETHER THE INDIVIDUAL WHOSE NAME IS SOUGHT TO BE
19 CHANGED HAS EVER REGISTERED AS A SEX OFFENDER AND, IF SO, THE FULL NAMES
20 UNDER WHICH THE INDIVIDUAL WAS REGISTERED.

21 (2) THE PETITIONER SHALL ATTACH TO THE PETITION A COPY OF A
22 BIRTH CERTIFICATE OR OTHER DOCUMENTARY EVIDENCE FROM WHICH THE COURT
23 CAN FIND THAT THE CURRENT NAME OF THE INDIVIDUAL WHOSE NAME IS SOUGHT
24 TO BE CHANGED IS AS ALLEGED.

25 (D) IF THE INDIVIDUAL WHOSE NAME IS SOUGHT TO BE CHANGED IS A
26 MINOR, A COPY OF THE PETITION, ANY ATTACHMENTS, AND THE NOTICE ISSUED
27 UNDER SUBSECTION (E) OF THIS SECTION SHALL BE SERVED ON THAT INDIVIDUAL'S
28 PARENTS AND ANY GUARDIAN AND CUSTODIAN OF THE INDIVIDUAL.

29 (E) (1) ON THE FILING OF A PETITION, THE CLERK SHALL SIGN AND ISSUE
30 A NOTICE THAT:

1 **(I) INCLUDES THE CAPTION OF THE ACTION;**

2 **(II) DESCRIBES THE SUBSTANCE OF THE PETITION AND THE**
3 **RELIEF SOUGHT; AND**

4 **(III) STATES THE LATEST DATE BY WHICH AN OBJECTION TO THE**
5 **PETITION MAY BE FILED.**

6 **(2) A COURT MAY NOT REQUIRE PUBLICATION OF THE NOTICE ISSUED**
7 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

8 **(F) (1) ANY INDIVIDUAL MAY FILE AN OBJECTION TO THE PETITION.**

9 **(2) AN OBJECTION SHALL BE FILED WITHIN THE TIME SPECIFIED IN**
10 **THE NOTICE AND SHALL BE SUPPORTED BY AN AFFIDAVIT THAT SETS FORTH THE**
11 **REASONS FOR THE OBJECTION.**

12 **(3) THE AFFIDAVIT SHALL:**

13 **(I) BE MADE ON PERSONAL KNOWLEDGE;**

14 **(II) SET FORTH FACTS THAT WOULD BE ADMISSIBLE IN**
15 **EVIDENCE; AND**

16 **(III) SHOW AFFIRMATIVELY THAT THE AFFIANT IS COMPETENT**
17 **TO TESTIFY TO THE MATTERS STATED IN THE AFFIDAVIT.**

18 **(4) THE OBJECTION AND AFFIDAVIT SHALL BE SERVED ON THE**
19 **PETITIONER BY CERTIFIED MAIL.**

20 **(5) THE PETITIONER MAY FILE A RESPONSE WITHIN 15 DAYS AFTER**
21 **BEING SERVED WITH THE OBJECTION AND AFFIDAVIT.**

22 **(6) AN INDIVIDUAL DESIRING A HEARING SHALL REQUEST A HEARING**
23 **IN THE OBJECTION OR RESPONSE UNDER THE HEADING “REQUEST FOR HEARING”.**

24 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
25 **AFTER THE TIME FOR FILING OBJECTIONS AND RESPONSES HAS EXPIRED, A COURT**
26 **MAY:**

27 **(I) HOLD A HEARING ON THE PETITION AND ENTER THE**
28 **APPROPRIATE ORDER; OR**

1 **(II) RULE ON THE PETITION WITHOUT A HEARING AND ENTER**
2 **THE APPROPRIATE ORDER.**

3 **(2) THE COURT MAY NOT DENY THE PETITION WITHOUT A HEARING IF**
4 **ONE WAS REQUESTED BY THE PETITIONER.**

5 **3-2202.**

6 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
7 **INDICATED.**

8 **(2) (I) “COURT RECORD” MEANS AN OFFICIAL RECORD OF A**
9 **COURT ABOUT A PROCEEDING THAT THE CLERK OF A COURT OR OTHER COURT**
10 **PERSONNEL KEEPS.**

11 **(II) “COURT RECORD” INCLUDES:**

12 **1. AN INDEX, A DOCKET ENTRY, A PETITION, A**
13 **MEMORANDUM, A TRANSCRIPTION OF PROCEEDINGS, AN ELECTRONIC RECORDING,**
14 **AN ORDER, AND A JUDGMENT; AND**

15 **2. ANY ELECTRONIC INFORMATION ABOUT A**
16 **PROCEEDING ON THE WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY.**

17 **(3) “SHIELD” MEANS TO REMOVE INFORMATION FROM PUBLIC**
18 **INSPECTION IN ACCORDANCE WITH THIS SECTION.**

19 **(B) A COURT SHALL GRANT A REQUEST TO SHIELD EACH COURT RECORD**
20 **FILED BY A PETITIONER IN A PROCEEDING BROUGHT IN ACCORDANCE WITH §**
21 **3-2201 OF THIS SUBTITLE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
23 apply only prospectively and may not be applied or interpreted to have any effect on or
24 application to any petition for a change of name filed before the effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2019.