



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 5, 2020

Testimony in Support of HB427 - Action for Change of Name - Waiver of Publication Requirement

Chairman Clippinger, Vice-Chair Atterbeary and Members of the Judiciary Committee, thank you for the opportunity to testify today in support of HB427.

This bill will help simplify and update the name-change procedures for those who are currently required to go through our courts by removing the publication requirements for those who file a motion to do so. HB427 would remove the requirement to publish their name change in a local, widely circulated newspaper.

There are several groups that would be positively impacted by the removal of the publication requirement. There could be devastating and dangerous results for victims of domestic violence who are seeking to change their name as part of the process of separating from an abuser. Similarly, individuals who are transgender and are seeking to be identified by their preferred name face unnecessary barriers, and possible violence, from the requirement to out themselves via newspaper publication. In either of these scenarios, not only is this requirement unnecessarily costly at on average \$250 per publication, but this information will also remain forever available to anyone who wishes to find this information on the internet.

Attached you will find a state-by-state analysis, compiled last year when I introduced a similar version of this bill by our legislative library, of name-change policies and the publication requirements. Thirteen states have removed the requirement to publish a name change via newspaper. States including Alabama, Louisiana, Mississippi, Texas, DC, Virginia, and Connecticut have all removed the publication requirement.

The publication requirement is a holdover rule that was created when creditors required such notice to ensure that debtors did not abscond from their debts. Because credit follows an individual's social security number and not your name, this requirement is no longer necessary.

Changing an individual's name is a personal decision that should not be subject to unnecessary added barriers, particularly ones that could result in harm to the individual.

I urge the committee to report favorably HB427.

State Name Change Policies

2018

State	Name change requires newspaper publication?	Statute/Rule
Alabama	No	Ala. Code §12-13-1
Alaska	Yes	Alaska R. Civ. P. 84
Arizona	Subject to the discretion of the court	Ariz. Rev. Stat. Ann. §§ 12-601 & 12-602
Arkansas	No? (petition may be listed in public court records)	Ark. Code Ann. §§ 9-2-101 & 9-2-102
California	No, if related to gender	Cal. Civ. Proc. Code §§1275-1279.6
Colorado	Yes (may be waived if the petitioner has been the victim of domestic violence or abuse)	Colo. Rev. Stat. Ann. §§ 13-15-101 & 13-15-102
Connecticut	No	Conn. Gen. Stat. Ann. § 52-11
Delaware	Yes	Del. Code Ann. tit. 10, §§ 5901-5905
District of Columbia	No	DC ST §§16-2501 to 16-2503 (publication requirement removed by D.C. Act 20-153)
Florida	No	Fla. Stat. Ann. § 68.07
Georgia	Yes	Ga. Code Ann. § 19-12-1
Hawaii	Yes	Haw. Rev. Stat. §§ 574-1 to 574-6
Idaho	Yes (notice of the petition hearing)	Idaho Code Ann. §§ 7-801 & 7-805
Illinois	Yes	735 Ill. Comp. Stat. Ann. 5/21-101 to 5/21-105
Indiana	Yes	Ind. Code Ann. §§ 34-28-2-1 to 34-28-2-4
Iowa	Subject to the discretion of the court	Iowa Code Ann. § 618.13 & §§ 674.1-674.14
Kansas	Subject to the discretion of the court	Kan. Stat. Ann. §§ 60-1401 to 60-1403
Kentucky	No	Ky. Rev. Stat. Ann. §§ 401.010-401.040
Louisiana	No	La. Rev. Stat. Ann. §§ 13:4751 to 13:4755
Maine	Yes (may be waived in cases of abuse)	Me. Rev. Stat. tit. 18-A, § 1-701
Maryland	Yes (may petition the court to waive the requirement)	MD R SPEC P Rule 15-901
Massachusetts	Yes (may be waived for good cause)	Mass. Gen. Laws Ann. ch. 210, §§ 12-14
Michigan	Yes (may be waived for good cause)	Mich. Comp. Laws Ann. §§ 711.1-711.3
Minnesota	Yes, but only if the petitioner has an interest in land or is a minor	Minn. Stat. Ann. §§ 259.10-259.13
Mississippi	No	Miss. Code. Ann. §§ 93-17-1 to 93-17-31
Missouri	Yes (may be waived for victims of domestic violence or abuse)	Mo. Ann. Stat. § 527.290

State	Name change requires newspaper publication?	Statute/Rule
Montana	Yes	Mont. Code Ann. §§ 27-31-101 & 27-31-201 to 27-31-205
Nebraska	Yes	Neb. Rev. Stat. §§ 25-21,271 to 25-21,273
Nevada	Yes (can be waived for safety reasons)	Nev. Rev. Stat. Ann. §§ 41.270-41.290
New Hampshire	Subject to the discretion of the court	N.H. Rev. Stat. Ann. §§ 547:3-i & 550:4
New Jersey	Yes	NJ R SUPER TAX SURR CTS CIV R. 4:72-1 to 4:72-4
New Mexico	Yes (can be waived for safety reasons)	N.M. Stat. Ann. §§ 40-8-1 to 40-8-3
New York	Yes (can be waived for safety reasons)	N.Y. Civ. Rights Law § 60-65
North Carolina	Yes (may be waived for victims of domestic abuse, stalking, etc.)	N.C. Gen. Stat. Ann. §§ 101-1 to 101-8
North Dakota	Yes (may be waived for victims of domestic abuse or persons only changing their first name)	N.D. Cent. Code Ann. § 32-28-02
Ohio	Yes (can be waived for safety reasons)	Ohio Rev. Code Ann. § 2717.01
Oklahoma	Yes (may be waived for good cause)	Okla. Stat. Ann. tit. 12, §§ 1631-1637
Oregon	Yes (if the change is part of a case to determine change of sex, the applicant may request the court to seal the record)	Or. Rev. Stat. Ann. § 33.420
Pennsylvania	Yes (can be waived for safety reasons)	54 Pa. Cons. Stat. Ann. §§ 701-705
Rhode Island	Yes (waivers may be requested)	R.I. Gen. Laws Ann. §§ 33-22-11 & 33-22-28
South Carolina	No	S.C. Code Ann. § 15-49-10 to § 15-49-50
South Dakota	Yes	S.D. Codified Laws §§ 21-37-1 to 21-37-10
Tennessee	No	Tenn. Code Ann. § 29-8-101 to § 29-8-105
Texas	No	Tex. Fam. Code Ann. §§45.101 to 45.106
Utah	Subject to the discretion of the court	Utah Code Ann. § 42-1-2
Vermont	No	Vt. Stat. Ann. tit. 15, § 811 to § 817
Virginia	No	Va. Code Ann. § 8.01-217
Washington	No	Wash. Rev. Code Ann. § 4.24.130
West Virginia	Yes	W. Va. Code Ann. §§ 48-25-101 to 48-25-107
Wisconsin	Yes (can be waived for safety reasons)	Wis. Stat. Ann. § 786.37 & Wis. Stat. Ann. § 985.07
Wyoming	Yes (address can be kept confidential if the petitioner is the victim of domestic	Wyo. Stat. Ann. §§ 1-25-101 to 1-25-104

State	Name change requires newspaper publication?	Statute/Rule
	violence)	

Prepared by the Legislative Library. Source: [National Center for Transgender Equality](#), March 2018