



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB39 - 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 HB39. This bill is identical to a bill that was passed unanimously through the Judiciary committee and the House of Delegates in the 2020 session.

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. HB39 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 up to \$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 in 2019 when I introduced a similar version of this bill by our legislative library, of name-change policies and the publication requirements. Seventeen 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. Attached you will find a letter of support, which numerous advocates and organizations have signed in support of HB39.

I urge the committee to report favorably HB39.

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	No	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

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	No	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	No	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	No	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 violence)	Wyo. Stat. Ann. §§ 1-25-101 to 1-25-104

Letter of Support for HB39 - Action for Change of Name - Waiver of Publication Requirement

Chair Clippinger, Vice-Chair Atterbeary and Members of the Judiciary Committee,

The undersigned individuals and organizations respectfully submit this letter of support for HB39 - Action for Change of Name - Waiver of Publication Requirement, sponsored by Delegate Shetty. This bill would help to simplify and update the name-change procedures for those who are currently required to go through the courts by removing the publication requirements for those who file a motion to do so. HB39 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 their abuser. Similarly, individuals who are transgender and are seeking to be identified by their preferred name face unnecessary barriers from the requirement to publish their name in a newspaper. Newspaper publication is particularly damaging because it is often simultaneously put online, attaching a person's former name to their current name forever. Transgender people are also disproportionately likely to be victims of domestic violence, as well. In either of these scenarios this requirement is unnecessarily costly at approximately \$90 per publication.

Seventeen states, plus Washington D.C. and Puerto Rico have already eliminated the publication requirement. States including Alabama, Louisiana, Mississippi, Texas, Virginia, and Connecticut have all removed their publication requirement.

The publication requirement is a rule that was established when creditors required a name-change notice to ensure that debtors did not evade their debts. However, because credit follows an individual's social security number and not their name, this requirement is no longer necessary.

Changing an individual's name is a personal decision that should not be subject to unnecessary barriers, particularly ones that can put the individual at a greater risk for harm.

We respectfully request a favorable report of HB39.

- The Women's Law Center of Maryland
- Metro DC PFLAG
- Montgomery County LGBT Dems
- Annapolis Pride
- Whitman Walker Health
- Trans Recognition Maryland
- Free State Justice
- Trans Maryland
- Lila Meadows, Director, Justice for Victims of Crime Clinic, University of Maryland School of Law
- Sarah L. Cuneo
- Brian M. Cuneo
- Jason Hopkins
- Lisa D. Stevenson
- Julie Elliott
- Mark Eckstein
- Karen L. McLaren
- Suzanne Wenzel
- Stephanie Safran
- Terence William McBride
- Gretchen Zietowski
- Reverend Kate Mackereth Fulton
- Reverend Christopher Broadwell
- Reverend Angela M. Wells
- Reverend Shannon E. Sullivan
- Reverend Dr. Patricia Johnson, Senior Pastor, Mt. Zion United Methodist Church
- Reverend Matthew Tate
- Reverend Jennifer Karsner, Lead Pastor, Asbury United Methodist Church
- JoAnn Kulesza
- Elizabeth du Toit
- Cornelis du Toit
- Patricia Danielle Tate
- Paula Sparks
- Catherine Hyde

- Loretta Duff
- Lori Kronser
- Scott Karsner, Youth Director at Asbury
United Methodist Church
- William Schneider
- Candice Haaga
- Ashley Cox
- Tonya Foley
- Carolyn Setash
- Elizabeth Raboin-Gettleman
- Sara Collina
- Katherine F. Willie
- Michelle Mejia, Pastor, University
United Methodist Church
- Michael F. Massabni, Vice President,
Massabni Insurance & Financial Inc.
- Michael Link
- Amanda DeStefano
- Takiaya Hall
- Dawn M. Berry
- Anna Seward
- Heather Adams
- Jillian Mills
- Lindsey Kasecamp
- K. Bechtold
- JoAnne Wells
- David Wells
- Corrine Wilson
- Greg Wilson
- Juliane Cavison

- Eugen Burhler
- Emily Murphy
- Adam Glickman
- Jennifer Jimenez
- Christina Kovac
- Joelle-Elizabeth Retener
- Norfred Retener
- Kathleen Ribaldo Bachiochi
- Matthew Bachiochi
- Kristin Mink
- Ryan Mink
- Noel Tanis and Chris Burton
- Jennifer Spapfford Danish
- Kyle Danish
- Sam Danish
- Sophie Danish
- Jennifer Braveman Silber
- Kate Keplinger
- Rob Hanson
- Julie Salz Greenstein
- Stacey Palosky
- Melanie Barton
- Patrick Barton
- Christina Attinello
- Mara Hanson
- Cori Lathan
- David Kubalak
- Sarah Lueck
- Peter Bachman
- Tracey Broderick