

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 39
Action for Change of Name – Waiver of Publication Requirement
DATE: January 6, 2021
(1/15)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 39. Currently, Maryland Rule 15-901 applies to actions for change of name other than in connection with an adoption or divorce. Under the rule, unless the court on motion of the petitioner orders otherwise, notice of the proposed name change must be published one time in a newspaper of general circulation in the county in which the action was pending at least fifteen days before the date specified in the notice for filing an objection to the petition. Under the proposed bill, on motion by an individual who has filed an action for change of name under Maryland Rule 15-901, the court **shall** waive the publication requirement.

The Judiciary traditionally opposes legislation that includes mandatory provisions and takes away judicial discretion. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case. Provisions that place restrictions on the judge prevent the judge from considering legislative intent or factors unique to the case.

The notification requirement also serves to prevent fraud and mandatory elimination of such notice could lead to an increase in such activities.

cc. Hon. Emily Shetty
Judicial Council
Legislative Committee
Kelley O'Connor