

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-813) (LD 2034 2020)

Date: 8/5/2020

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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1444, L.D. 2034, Bill, “An Act Concerning Name Changes for Minors”

Amend the bill in section 1 by striking out all of the first 2 lines (page 1, lines 2 and 3 in L.D.)

'Sec. 1. 18-C MRSA §1-701, as affected by PL 2019, c. 417, Pt. B, §14 and amended by c. 629, §1, is further amended to read:'

Amend the bill in section 1 in §1-701 in subsection 1 by inserting at the end a new blocked paragraph to read:

'For purposes of this section, "guardian" means a person appointed by a court to make decisions with respect to the personal affairs of an individual. "Guardian" includes a coguardian and a permanency guardian appointed under Title 22, section 4038-C but does not include a guardian ad litem.'

Amend the bill in section 1 in §1-701 by striking out all of subsection 2 and inserting the following:

'2. Notice and name change; adults. Upon receipt of a petition filed under subsection 1, paragraph A, the judge court, after due notice, may change the name of the person who is an adult. To protect the person's safety of the person for whom the name change is sought, the judge court may limit the notice required if the person shows by a preponderance of the evidence that:

B. The person is currently in reasonable fear of the person's safety.'

Amend the bill in section 1 in §1-701 by striking out all of subsections 2-A and 2-B (page 1, lines 36 to 40 and page 2, lines 1 to 24 in L.D.) and inserting the following:

'2-A. Notice and name change; minors. A parent or guardian who has filed a petition under subsection 1, paragraph B or has requested a name change in a District Court proceeding under subsection 1, paragraph C shall provide notice pursuant to the applicable rules of procedure to any other parent, any guardian and any person or agency with legal custody of the minor; to the guardian ad litem if one is currently appointed; and

COMMITTEE AMENDMENT

1 to the minor if the minor is 14 years of age or older, but does not need to publish notice of
2 the minor's name change unless the court orders that notice of the name change of the
3 minor be published due to the specific circumstances of the case. To protect the safety of
4 the minor for whom the name change is sought, the court may limit notice required if the
5 parent who has sole parental rights and responsibilities shows by a preponderance of the
6 evidence that:

7 A. The minor is a victim of abuse; or

8 B. The minor or petitioner is currently in reasonable fear of the minor's or petitioner's
9 safety.

10 **2-B. Evaluation of minor's name change.** Upon proof of service of the notice
11 required under subsection 2-A and after providing an opportunity for those entitled to
12 notice to respond to the petition:

13 A. The court shall change a minor's name by agreement of all parties, which a party
14 may indicate by signing a waiver; or

15 B. In the event that all parties do not agree to the name change, the court shall
16 consider the following factors to assess whether the request or petition is in the best
17 interest of the minor:

18 (1) The minor's expressed preference, if the minor is of sufficient age and
19 maturity to articulate a basis for preferring a particular name;

20 (2) If the minor is 14 years of age or older, whether the minor consents or objects
21 to the name change petition;

22 (3) The extent to which the minor uses a particular name;

23 (4) Whether the minor's name is different from any of the minor's siblings and
24 the degree to which the minor associates and identifies with siblings on any side
25 of the minor's family;

26 (5) The difficulties, harassment or embarrassment that the minor may experience
27 by bearing the current or proposed name; and

28 (6) Any other factor the court considers relevant to the minor's best interests,
29 including the factors outlined in Title 19-A, section 1653, subsection 3.

30 If the court finds that the name change is in the best interest of the minor by a
31 preponderance of the evidence, the court shall change the minor's name.'

32 Amend the bill in section 1 in §1-701 in subsection 3 in the last line (page 2, line 27
33 in L.D.) by striking out the following: "seal the record of the name change" and inserting
34 the following: '~~seal~~ make the record of the name change confidential or not public'

35 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
36 section number to read consecutively.

37 SUMMARY

38 This amendment makes the following changes to the bill.



129th MAINE LEGISLATURE

LD 2034

LR 3132(02)

An Act Concerning Name Changes for Minors

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees may increase General Fund and other dedicated revenue by minor amounts.