

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 83
Judiciary

(Delegate Lafferty)

Judicial Proceedings

Action for Change of Name - Minors - Prohibition of Publication Requirement

This bill prohibits a court from requiring publication of notice in an action for a change of name brought under Maryland Rule 15-901 if (1) the person whose name is sought to be changed is a minor; (2) each parent or guardian of the minor consents to the proposed change of name or the court finds that it is in the best interest of the minor to consider the action for a change of name without publication; (3) the minor has not been convicted of a crime as an adult; and (4) the minor has never registered as a sex offender. A “parent” is a natural, adoptive, or *de facto* parent whose parental rights have not been terminated or any other person recognized by law as a parent whose parental rights have not been terminated.

Fiscal Summary

State Effect: The change is procedural in nature and does not materially affect the workload of the Judiciary.

Local Effect: The change is procedural in nature and does not materially affect the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: Maryland Rule 15-901 sets forth procedures for a change of name other than in connection with an adoption or divorce. An action for a change of name must be brought in the county where the person who wants the name change resides. Upon the filing of a petition for a change of name, the court clerk must issue a notice that includes the caption of the action, the substance of the petition and the relief sought, and the latest date

by which an objection to the petition may be filed. Unless the court on motion of the petitioner orders otherwise, the notice must be published one time in a newspaper of general circulation, as specified. After the time for filing objections and responses has expired, the court may either hold a hearing or rule on the petition without a hearing and must enter an appropriate order. A petition may not be denied without a hearing if one was requested by the petitioner.

A *de facto* parent, or “parent in fact” is used generally to describe a party who claims custody or visitation rights based on the party’s relationship with a nonbiological, nonadopted child. Although not addressed by statute, the Court of Appeals, in *Conover v. Conover*, 450 Md. 51 (2016) has recognized *de facto* parent status.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2019
an/kdm Third Reader - March 25, 2019
Revised - Amendment(s) - March 25, 2019

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