

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 201

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1  
2 RELATING TO CHANGE OF NAMES; AMENDING SECTION 7-802, IDAHO CODE, TO REVISE A  
3 PROVISION REGARDING WHO SHALL SIGN A PETITION FOR A NAME CHANGE, TO PRO-  
4 VIDE FOR WHAT MUST BE SPECIFIED IN THE PETITION AND TO DEFINE A TERM; AND  
5 AMENDING SECTION 7-803, IDAHO CODE, TO REVISE A PROVISION REGARDING HOW  
6 NOTICE OF A HEARING OF A PETITION FOR A NAME CHANGE MUST BE PUBLISHED AND  
7 TO PROVIDE THAT NOTICE SHALL BE SERVED ON CERTAIN PERSONS REGARDING A  
8 HEARING.

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 7-802, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 7-802. PETITION FOR CHANGE. (1) All applications for change of names  
13 must be made to the district court of the county where the person whose name  
14 is proposed to be changed resides, by petition, signed by such person, if the  
15 person is an adult or an emancipated minor; and if such person is under the  
16 age of eighteen (18) years and is not an emancipated minor, by one (1) of the  
17 parents, if living; or if both be dead, then by the a guardian; and if there be  
18 no guardian, then by some near relative or friend. The petition must specify  
19 the place of birth and residence of such person, his or her present name, the  
20 name proposed, and reason for such change of name, and must, if the father of  
21 such person be not living, name, as far as known to the petitioner, the near  
22 relatives of such person, and their place of residence.

23 (2) If the person whose name is proposed to be changed is under eighteen  
24 (18) years of age and is not an emancipated minor, the petition must also in-  
25 clude the following:

26 (a) If the petition is signed by only one (1) parent, the petition must  
27 specify the name and the address, if known, of the other parent, if liv-  
28 ing.

29 (b) If the petition is signed by a guardian of the person, the petition  
30 must specify:

31 (i) The name and address, if known, of the parent or parents of the  
32 person, if living; or

33 (ii) If both parents are deceased or their addresses are unknown,  
34 the names and addresses of the grandparents of the person, if liv-  
35 ing.

36 (3) For purposes of this section, "emancipated minor" means any minor  
37 who has been married or is in active military service.

38 SECTION 2. That Section 7-803, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

1 7-803. PUBLICATION OF PETITION AND NOTICE. (1) A notice of hearing of  
2 such petition signed by the clerk and issued under the seal of the court, must  
3 be published for four (4) successive weeks in ~~some a newspaper printed in the~~  
4 ~~county, if a newspaper be printed therein, but if no newspaper be printed in~~  
5 ~~the county a copy of such notice of hearing must be posted at three (3) of the~~  
6 ~~most public places in the county for a like period designated by the court as~~  
7 ~~most likely to give notice in the county where the person whose name is pro-~~  
8 ~~posed to be changed resides, and proofs must be made of such publication or~~  
9 ~~posting before the petition can be considered. The notice of hearing may be~~  
10 substantially in the following form:

11 NOTICE OF HEARING

12 In the District Court of the .... Judicial District of the State of  
13 Idaho in and for .... County.

14 In the matter of the application of .... for change in name.  
15 (Assertions herein contained refer to assertions in the petition)

16 A petition by ....., now residing in the City of ....., State of Idaho,  
17 proposing a change in name to .... has been filed in the above entitled  
18 court, the reason for the change in name being .....

19 .....:  
20 such petition will be heard at such time as the court may appoint, and ob-  
21 jections may be filed by any person who can, in such objections, show to the  
22 court a good reason against such a change of name.

23 WITNESS my hand and seal of said District Court this .... day of ... ..  
24 .....  
25 Attorney for petitioner Clerk  
26 .....  
27 Residence or post office address Deputy  
28 ..... Idaho.

29 (2) If the petition has been filed for a minor by a parent and the other  
30 parent, if living, does not join in consenting to the name change, the peti-  
31 tioner must cause notice of the time and place of the hearing to be served on  
32 the other parent not less than thirty (30) days before the hearing.

33 (3) If the petition has been filed for a minor by a guardian, the person  
34 filing the petition must cause notice of the time and place of the hearing  
35 to be served on the persons whose names and addresses were specified in the  
36 petition pursuant to section 7-802(2) (b), Idaho Code, not less than thirty  
37 (30) days before the hearing.