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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 179

01/09/2023 Authored by Hanson, J.; Feist; Keeler and Sencer-Mura The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to civil law; creating a name change process following a final marriage
1.3 dissolution; amending Minnesota Statutes 2022, section 259.11; proposing coding
1.4 for new law in Minnesota Statutes, chapter 259.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 259.11, is amended to read:

1.7 259.11 ORDER; FILING COPIES.

1.8 (a) Upon meeting the requirements of section 259.10, the court shall grant the application
1.9 unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits
1.10 granting the name change; or (3) in the case of the change of a minor child's name, the court
1.11 finds that such name change is not in the best interests of the child. The court shall set forth
1.12 in the order the name and age of the applicant's spouse and each child of the applicant, if
1.13 any, and shall state a description of the lands, if any, in which the applicant and the spouse
1.14 and children, if any, claim to have an interest. The court administrator shall file such order,
1.15 and record the same in the judgment book. If lands be described therein, a certified copy of
1.16 the order shall be filed for record, by the applicant, with the county recorder of each county
1.17 wherein any of the same are situated. Before doing so the court administrator shall present
1.18 the same to the county auditor who shall enter the change of name in the auditor's official
1.19 records and note upon the instrument, over an official signature, the words "change of name
1.20 recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until
1.21 the applicant shall have paid to the county recorder and court administrator the fee required
1.22 by law. No application shall be denied on the basis of the marital status of the applicant.

2.1 (b) When a person applies for a name change, the court shall determine whether the
 2.2 person has a criminal history in this or any other state. The court may conduct a search of
 2.3 national records through the Federal Bureau of Investigation by submitting a set of
 2.4 fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is
 2.5 determined that the person has a criminal history in this or any other state, the court shall,
 2.6 within ten days after the name change application is granted, report the name change to the
 2.7 Bureau of Criminal Apprehension. The person whose name is changed shall also report the
 2.8 change to the Bureau of Criminal Apprehension within ten days. The court granting the
 2.9 name change application must explain this reporting duty in its order. Any person required
 2.10 to report the person's name change to the Bureau of Criminal Apprehension who fails to
 2.11 report the name change as required under this paragraph is guilty of a gross misdemeanor.

2.12 (c) Paragraph (b) does not apply to ~~either~~:

2.13 (1) a request for a name change as part of an application for a marriage license under
 2.14 section 517.08; ~~or~~

2.15 (2) a request for a name change in conjunction with a marriage dissolution under section
 2.16 518.27; or

2.17 (3) a request for a name change filed under section 259.14.

2.18 **Sec. 2. [259.14] POSTDISSOLUTION NAME CHANGE.**

2.19 (a) A person who has resided in this state for at least six months and obtained the person's
 2.20 most recent final marriage dissolution from a district court in this state may apply to the
 2.21 district court in the county where the person resides to change the person's name to the legal
 2.22 name on the person's birth certificate. A person applying for a name change must submit a
 2.23 certified copy of the certificate of dissolution issued pursuant to section 518.148 and a
 2.24 certified copy of the person's birth certificate.

2.25 (b) A court shall not require a person applying for a name change to pay filing fees for
 2.26 an application submitted pursuant to this section. Notwithstanding section 259.10, a court
 2.27 shall not require the person applying for a name change to provide proof of the person's
 2.28 identity by two witnesses unless the proof of identity is necessary to determine whether the
 2.29 person has an intent to defraud or mislead the court.

2.30 (c) Upon meeting the requirements of this section, the court shall grant the application
 2.31 for a name change unless the court finds that (1) the person has an intent to defraud or
 2.32 mislead the court; or (2) section 259.13 prohibits granting the name change. The court shall

- 3.1 notify the person applying for a name change that using a different surname without
- 3.2 complying with section 259.13, if applicable, is a gross misdemeanor.