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FIRST REPRINT

A.B. 126

ASSEMBLY BILL NO. 126—ASSEMBLYMEN BILBRAY-AXELROD,  
BACKUS; FUMO, KRASNER AND NEAL

FEBRUARY 12, 2019

Referred to Committee on Judiciary

SUMMARY—Enacts provisions governing the procedures for changing the name of an unemancipated minor who is in the legal custody of a child welfare agency. (BDR 3-402)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil actions; enacting provisions governing the procedure for changing the name of an unemancipated minor who is in the custody of an agency which provides child welfare services; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth provisions governing the procedure for a parent of an unemancipated minor to change the name of the minor. (NRS 41.295, 41.296, 41.297) **Section 3** of this bill authorizes an attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services to file a petition to change the name of the minor. The petition must include: (1) the minor's present name; (2) the name the minor will bear in the future; (3) the reason for the name change; (4) the consent of the minor if the minor is over 14 years of age; (5) the verified consent of any parent of the child who consents to the name change; (6) the name and address of each parent of the minor, if known; and (7) whether the minor has been convicted of a felony.

**Section 4** of this bill requires the petitioning attorney to personally serve notice upon each parent of the unemancipated minor unless each parent consents to the change of name or the court has determined that it is in the best interest of the minor to not require notice of the petition to be provided to a parent of the minor. If the petitioning attorney can establish to the court that notice cannot be personally served on a parent, the court may order the petitioning attorney to: (1) publish the notice in a newspaper of general circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to that parent's last known address.

**Section 5** of this bill requires the court to order the unemancipated minor's name changed as requested in the petition if: (1) the court determines that the name



21 change is in the best interest of the minor; and (2) the verified consent of each  
22 parent is stated in the petition. However, under **section 5**, if the court determines  
23 that it is in the best interest of the minor to waive the requirement for one or both  
24 parents of the minor to consent to the name change, the court is authorized to waive  
25 the requirement to obtain the consent of one or both parents of the minor. **Section 5**  
26 also requires the court to hold a hearing to determine whether the name change is in  
27 the best interest of the minor if an objection is filed by a parent of the minor within  
28 a certain period.

29 **Section 6** of this bill authorizes a petition to change the name of an  
30 unemancipated minor who in the legal custody of an agency which provides child  
31 welfare services to be filed in a child welfare proceeding or in an action concerning  
32 divorce, child custody, the establishment of parentage, the termination of parental  
33 rights or the emancipation of the minor. If such a petition is filed, the notice and  
34 service requirements of the applicable proceeding or action apply.

35 **Section 7** of this bill provides that the provisions of existing law governing the  
36 procedure to change the name of an unemancipated minor do not apply to an  
37 unemancipated minor in the legal custody of an agency which provides child  
38 welfare services because **sections 2-6** of this bill would govern a name change for  
39 such a minor.

40 **Section 8** of this bill makes a conforming change.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 41 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless*  
5 *the context otherwise requires, "agency which provides child*  
6 *welfare services" has the meaning ascribed to it in NRS 432B.030.*

7 **Sec. 3. 1.** *An attorney representing an unemancipated*  
8 *minor in the legal custody of an agency which provides child*  
9 *welfare services who desires to have the name of the minor*  
10 *changed may file a verified petition with the clerk of the district*  
11 *court of the district in which the minor resides.*

12 **2.** *The petition must be addressed to the court and must state:*

13 *(a) The minor's present name;*

14 *(b) The name which the minor will bear in the future;*

15 *(c) The reason for desiring the name change;*

16 *(d) The consent of the unemancipated minor, if over the age of*  
17 *14 years;*

18 *(e) The verified consent, if any, of one or both parents of the*  
19 *unemancipated minor;*

20 *(f) The name and address of each parent of the unemancipated*  
21 *minor, if known; and*

22 *(g) Whether the minor has been convicted of a felony.*

23 **Sec. 4. 1.** *Unless the verified consent of each parent is*  
24 *stated in the petition, and except as otherwise provided in*



1 subsections 2 and 3, upon the filing of the petition filed by the  
2 attorney representing the unemancipated minor in the legal  
3 custody of an agency which provides child welfare services, the  
4 attorney shall make out and procure a notice that must:

5 (a) State the fact of filing of the petition, its object, the  
6 unemancipated minor's present name and the name which the  
7 minor will bear in the future; and

8 (b) Be personally served with a copy of the petition upon each  
9 parent whose verified consent is not stated in the verified petition.

10 2. If the attorney representing the unemancipated minor in  
11 the legal custody of an agency which provides child welfare  
12 services submits proof satisfactory to the court that notice cannot  
13 be personally served on a parent, the court may order the attorney  
14 to:

15 (a) Publish notice in a newspaper of general circulation in the  
16 county once a week for 3 successive weeks; and

17 (b) Serve notice and a copy of the verified petition by  
18 registered or certified mail to that parent at his or her last known  
19 address.

20 3. A court may waive the requirement to provide notice to a  
21 parent pursuant to subsection 1 or 2, as applicable, if the  
22 petitioner files a motion seeking waiver of such notice and  
23 presents evidence satisfactory to the court that waiving the  
24 requirement for such notice is in the best interest of the  
25 unemancipated minor.

26 **Sec. 5.** 1. Except as otherwise provided in subsection 2, the  
27 court shall make an order changing the name of the minor as  
28 prayed for in the petition filed by the attorney representing the  
29 unemancipated minor in the legal custody of an agency which  
30 provides child welfare services, upon being satisfied by the  
31 statements in the petition or other evidence that the name change  
32 is in the best interest of the unemancipated minor if:

33 (a) The verified consent of:

34 (1) Each parent of the unemancipated minor is stated in the  
35 petition; or

36 (2) One parent of the unemancipated minor is stated in the  
37 petition, if a court finds that it is in the best interest of the minor  
38 not to require the other parent to consent to the name change; or

39 (b) If notice is required to be served or published pursuant to  
40 section 3 of this act, no written objection is filed with the clerk by a  
41 parent of the minor within 10 days after the parent is personally  
42 served or the last day of publication as ordered in section 4 of this  
43 act, upon proof of the filing of the petition and evidence of service.

44 2. If an objection is filed within the prescribed time period  
45 pursuant to this section, the court shall appoint a day for hearing



1 *the proofs, respectively, of the petitioner and the objection, upon*  
2 *reasonable notice. Upon that day, the court shall hear the proofs,*  
3 *and grant or refuse the prayer of the petitioner, according to*  
4 *whether the proofs show that making the name change is in the*  
5 *best interest of the unemancipated minor.*

6 3. *Upon the making of an order either granting or denying*  
7 *the prayer of the petitioner, the order must be recorded as a*  
8 *judgment of the court. If the petition is granted, the name of the*  
9 *unemancipated minor must thereupon be stated in the order and*  
10 *the clerk shall transmit a certified copy of the order to the State*  
11 *Registrar of Vital Statistics.*

12 **Sec. 6. 1.** *In addition to a petition to change the name of an*  
13 *unemancipated minor in the legal custody of an agency which*  
14 *provides child welfare services which is filed pursuant to this*  
15 *chapter, such a petition may be filed in any action brought under*  
16 *the provisions of chapter 122A, 125, 125C, 126, 128, 129 or 432B*  
17 *of NRS. For any petition filed, the notice and service requirements*  
18 *of the chapter under which the applicable action was brought*  
19 *must be met.*

20 2. *As used in this section, “agency which provides child*  
21 *welfare services” has the meaning ascribed to it in NRS 432B.030.*

22 **Sec. 7. 1.** *The provisions of NRS 41.291 to 41.298,*  
23 *inclusive, and this section do not apply to an unemancipated*  
24 *minor who is in the legal custody of an agency which provides*  
25 *child welfare services.*

26 2. *As used in this section, “agency which provides child*  
27 *welfare services” has the meaning ascribed to it in NRS 432B.030.*

28 **Sec. 8.** NRS 41.291 is hereby amended to read as follows:

29 41.291 As used in NRS 41.291 to 41.298, inclusive, *and*  
30 *section 7 of this act*, unless the context otherwise requires, the  
31 words and terms defined in NRS 41.293 and 41.294 have the  
32 meanings ascribed to them in those sections.

33 **Sec. 9.** This act becomes effective on July 1, 2019.

