
Civil Rights & Judiciary Committee

SSB 5028

Brief Description: Revising the process for individuals to request name changes.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Wagoner, Dhingra, Frame, Hunt, Keiser, Kuderer, Lias, Nobles, Randall, Saldaña, Shewmake, Stanford, Wellman and Wilson, C.).

Brief Summary of Substitute Bill

- Allows a person to file a name change petition in any district court, instead of only in the district court of the judicial district in which the person resides.
- Eliminates the requirement that a name change petition state the reasons for the requested name change and instead requires the petition to set forth the person's desire for the name change.
- Expands the circumstances under which a name change petition may be filed in the superior court.
- Allows juvenile courts to adjudicate or grant concurrent jurisdiction to another court to hear a name change petition for a child subject to certain juvenile court or public assistance proceedings.
- Requires the superior court to seal a granted name change file and prohibits opening the file to inspection except for good cause shown or upon request of the person whose name change was granted.

Hearing Date: 3/15/23

Staff: Yelena Baker (786-7301).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Actions for Change of Name—District Courts.

A person seeking a change of the person's name or that of the person's child or ward may file a petition for change of name in the district court of the judicial district in which the person resides. The petition must state the reasons for the requested name change, and the court may order the name change in its discretion.

Upon granting a name change petition, the district court must collect authorized auditor's fees for filing and recording a name change order and transmit the fee and the name change order to the county auditor. If the person requesting a name change submits an affidavit stating that the person is unable to pay the fees due to financial hardship, the court must waive all fees for filing and recording a name change order and direct the county auditor or recording officer to process the name change order at no expense to the person. The court may not waive the fees if the person requesting a name change has received victim compensation for name change fees.

Offenders under the jurisdiction of the Department of Corrections and sex offenders who are subject to registration requirements may petition the district court for name change but must follow specified procedures.

Actions for Change of Name—Superior Courts.

Name change petitions may be filed in the superior court when:

- the person desiring a change of the person's name or that of the person's child or ward is a victim of domestic violence; and
- the person seeks to have the name change file sealed due to reasonable fear for the person's safety or that of the person's child or ward.

Upon granting the name change, the superior court must seal the file if the court finds that the safety of the person seeking the name change or the person's child or ward warrants sealing the file. Whether or not the name change petition is granted, there is no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.

Under General Rule 34 of the Washington State Court Rules, an indigent individual may seek a waiver of court and clerk's fees if the payment of such fees is required in order for the individual to secure access to judicial relief. An application for a waiver of fees must be accompanied by the individual's attestation as to the individual's financial status or, in the case of an individual represented by a qualified legal services provider, by a declaration of counsel stating that the individual was screened and found eligible by the provider. A "qualified legal services provider" means a not-for-profit legal services organization in Washington whose primary purpose is to provide legal services to low-income clients.

Summary of Bill:

Actions for Change of Name—District Courts.

A person seeking to change the person's name or that of the person's child or an individual for

whom the person has been appointed as guardian may file a name change petition in any district court, rather than only in the district court of the judicial district in which the person resides.

The requirement that the petition state the reasons for the requested name change is eliminated. Instead, the petition must set forth the person's desire for the name change.

An affidavit stating that the person seeking the name change is unable to pay the fees due to financial hardship may be submitted by a "qualified legal service provider," which has the same meaning as in General Rule 34.

Actions for Change of Name—Superior Courts.

Name change petitions may be filed in any superior court when a person desiring a change of name:

- is an emancipated minor; or
- has received asylum, refugee, or special immigrant juvenile status.

Additionally, name change petitions may be filed in any superior court if the reason a person seeking a change of the person's name or that of the person's child or of an individual for whom the person has been appointed as guardian is:

- related to gender expression or identity, as defined in the Washington Law Against Discrimination; or
- due to an experience or reasonable fear of domestic violence, stalking, unlawful harassment, or coercive control, as those terms are defined in state law related to civil protection orders.

Juvenile courts may adjudicate or grant concurrent jurisdiction to another court to hear a name change petition for a child subject to any juvenile court or public assistance proceedings in which the court has exercised original, exclusive jurisdiction.

Upon granting the name change, the superior court must seal the file to protect the person's privacy or that of the person's child or of an individual for whom the person has been appointed as guardian. A sealed name change file may not be open to inspection except upon order of the court for good cause shown, or upon request of the person whose name was changed or the person's guardian or representative.

Provisions that allow a name change petition to be filed in the superior court do not apply to offenders under the jurisdiction of the Department of Corrections and sex offenders who are subject to registration requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is

passed.