

FINAL BILL REPORT

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.).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: Name Change Process. A person may apply for a name change to the district court in the jurisdiction where they reside. The petition must state the reasons for the name change, and the court in its discretion may order the name change. A copy of the name change order is sent to the county auditor for recording.

A person may apply for a name change to a superior court when the person or 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 a reasonable fear for the person's safety or that of the person's child or ward. The superior court must seal the name change file if the court finds that safety concerns for the person for a whom a name change is sought warrants sealing the file.

Name Change Fees. The total cost of changing one's name varies by county and includes both court fees and the county auditor's fees. The auditor's fees include the fee for filing and recording name change orders, which is \$5 for the first page and \$1 for every subsequent page. There are also various statutory surcharges that the auditor is required to collect.

Waiver of Court Fees. Washington court rules provide a process for an indigent individual to apply to waive court fees and clerk's fees when the payment of fees is required for the individual to secure access to judicial relief. A person seeking a waiver must submit a financial statement to the court. If the motion is granted, the court waives the court fees and clerk fees.

Summary: Any person desiring a change of the person's name or the person's child or of an individual subject to guardianship for whom the person has been appointed as guardian,

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may apply for a name change to any district court in the state.

Name change petitions may be filed in any superior court in the state:

- when a person desiring a change of name is an emancipated minor or has received asylum, refugee, or special immigrant juvenile status; or
- when the reason for the person's name change, or the name change of the person's child or of an individual subject to guardianship for whom the person has been appointed as guardian, is related to gender expression or identity, or is due to an experience of or reasonable fear of domestic violence, stalking, unlawful harassment, or coercive control.

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

A superior court that grants a name change shall seal the name change file. Name change files 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 by the person's guardian or representative.

Offenders under the jurisdiction of the Department of Corrections and sex offenders who are subject to registration requirements cannot petition a superior court for a name change, but may still apply to any district court in the state.

A person seeking a name change or a qualified legal service provider may petition the district court to waive all fees for filing, transmitting, and recording a name change, unless the person has received victim compensation for name change fees.

Votes on Final Passage:

Senate	45	3
House	64	32

Effective: Ninety days after adjournment of session in which bill is passed.