



**House
Legislative
Analysis
Section**

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**CHILD'S NAME CHANGE: EXPAND
ALLOWABLE CIRCUMSTANCES**

**House Bill 6082 with committee
amendment
First Analysis (11-21-96)**

**Sponsor: Rep. Penny Crissman
Committee: Judiciary and Civil Rights**

THE APPARENT PROBLEM:

Under current law, a minor child may not legally change his or her name without the permission of both parents unless one of the parents has failed to provide support or have contact with the child for a period of two or more years. While under normal circumstances this may be an appropriate restriction, there are other circumstances where a child might wish to change his or her name and be unable or unwilling to obtain the permission of one of his or her parents. This is particularly true of children who have been sexually or physically abused by one of his or her parents. Under current law a child that was abused by a parent may not change his or her name without the permission of that same parent. Many feel that it is unfair to allow an abusive parent the right to deny an abused child the opportunity to change his or her name.

THE CONTENT OF THE BILL:

The bill would amend the chapter of the probate code relating to the changing of person's names. Generally, a minor may only change his or her name with the consent of his or her parents. However, under certain circumstances a child may change his or her name with the consent of only one parent. Currently, a minor only needs the consent of one parent to change his or her name if the other parent failed to provide regular support or failed to comply with court ordered support for a period of two or more years and also failed to visit, contact or communicate with the child for a like period of time. The bill would add an additional circumstance under which a child could change his or her name with the consent of only one parent. If one parent had been convicted of child abuse, first, second, third or fourth degree criminal sexual conduct, or assault with intent to commit criminal sexual conduct and the child or one of the child's brothers or sisters had been the victim of the other parent's crime, the consent of the other parent would be sufficient to allow the child's name to be changed.

The bill would take effect January 1, 1997.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact on either the state or local government. (11-18-96)

ARGUMENTS:

For:

Allowing abused children or their siblings to change their names without requiring the abusive parent's permission will help those children deal with the emotional damage caused by the abuse. A child that has endured the abuse of one of his or her parents has good reason to wish to limit or avoid contact with that parent. As a result, it is inappropriate and unfair to require a child of an abusive parent to obtain permission from that parent in order for the child to change his or her name.

It is not unusual for a child to want to change his or her name as a result of a parent's abuse, particularly where the child's name reminds him or her of the abusive parent. The entire process of overcoming abuse is difficult, and if changing his or her name will assist the child in dealing with the damage caused by the abusive parent, then the opportunity to make such a change should be available to the child without the threat of interference from the abusive parent.

POSITIONS:

The Michigan Probate Judges Association supports the concept of the bill. (11-20-96)

The Oakland County Probate Court supports the bill. (11-20-96)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

House Bill 6082 (11-21-96)