

Act No. 370
Public Acts of 1988
Approved by the Governor
December 20, 1988
Filed with the Secretary of State
December 21, 1988

**STATE OF MICHIGAN
84TH LEGISLATURE
REGULAR SESSION OF 1988**

Introduced by Reps. Hickner, Brown, Berman, DeBeaussaert and DeMars

ENROLLED HOUSE BILL No. 4030

AN ACT to amend section 1 of chapter XI of Act No. 288 of the Public Acts of 1939, entitled as amended "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," being section 711.1 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1 of chapter XI of Act No. 288 of the Public Acts of 1939, being section 711.1 of the Michigan Compiled Laws, is amended to read as follows:

CHAPTER XI

Sec. 1. (1) The probate court for a county may enter an order to change the name of a person who has been a resident of the county for not less than 1 year and who makes a petition in writing to the court for that purpose showing a sufficient reason for the proposed change and that the change is not sought with any fraudulent intent. When the petition is filed, the court shall set a time and place for hearing and order publication as provided by supreme court rule. Upon the filing of a petition, the court may permit a person having the same name, or a similar name to that which the petitioner proposes to assume, to intervene in the proceeding for the purpose of showing fraudulent intent. Except as provided in subsection (3), if the petitioner is a minor, the petition shall be signed by the mother and father jointly, or by the surviving parent if 1 is deceased, or if both parents are deceased, by the guardian of the person of the minor, or by the minor's parent, if there is not another legal parent to give consent. If either parent has been declared mentally incompetent, the petition may be signed by the guardian for that parent. The written consent to the change of name of a minor 14 years of age or older, signed by the minor in the presence of the court, shall be filed with the court before any order changing the name of the minor is entered. If the court considers the child to be of sufficient age to express a preference, a minor under 14 years of age shall be consulted by the court as to a change in his or her name and his or her wishes shall be considered by the court.

(2) If the petitioner is married, the court, in its order changing the name of the petitioner, may include the name of the spouse, if the spouse consents, and may include the names of minor children of the petitioner of whom the petitioner has legal custody. The written consent to the change of name of a child 14 years of age or older, signed by the child in the presence of the court, shall be filed with the court before the court includes that child in its order. Except as provided in subsection (3), the name of a minor under 14 years of age may not be changed unless he or she is the natural or adopted child of the petitioner and unless consent is obtained from the mother and father jointly, or from the surviving parent if 1 is deceased, or from the minor's parent if there is not another legal parent to give consent. If the court considers the child to be of sufficient age to express a preference, a minor under 14 years of age shall be consulted by the court as to a change in his or her name and his or her wishes shall be considered by the court.

(3) The name of a minor may be changed pursuant to subsection (1) or (2) with the consent or signature of the custodial parent upon notice to the noncustodial parent pursuant to supreme court rule and after hearing if both of the following occur:

(a) The other parent, having the ability to support, or assist in supporting, the child, has failed or neglected to provide regular and substantial support for the child or if a support order has been entered, has failed to substantially comply with the order, for a period of 2 years or more before the filing of the petition.

(b) The other parent, having the ability to visit, contact, or communicate with the child, has regularly and substantially failed or neglected to do so for a period of 2 years or more before the filing of the petition.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved.....

Governor.