

# HOUSE BILL No. 4030

February 3, 1987, Introduced by Reps. Hickner, Brown, Berman, DeBeaussaert and DeMars and referred to the Committee on Judiciary.

A bill 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:

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

4 CHAPTER XI

5 Sec. 1. (1) The probate court ~~of~~ FOR any county ~~of this~~  
6 ~~state~~ may enter an order to change the name of a person who has  
7 been ~~1 year~~ a resident of the county FOR NOT LESS THAN 1 YEAR  
8 and who makes a petition in writing to the court for that purpose  
9 showing a sufficient reason for the proposed change and that the  
10 change is not sought with any fraudulent ~~or evil~~ intent. When  
11 the petition is filed, the court shall set a time and place for  
12 hearing and order publication as provided ~~in sections 32 to 35~~  
13 ~~of chapter 1, as amended~~ BY SUPREME COURT RULE. Upon the filing  
14 of a petition, the court may permit any person having the same  
15 name, or a similar name to that which the petitioner proposes to  
16 assume, to intervene in the proceeding for the purpose of showing  
17 fraudulent ~~or evil~~ intent. ~~When~~ EXCEPT AS PROVIDED IN  
18 SUBSECTION (3), IF the petitioner is a minor, the petition shall  
19 be signed by the mother and father jointly, or by the legally  
20 constituted sole guardian, or by the surviving parent if 1 is  
21 deceased, or if both parents are deceased, by the guardian of the  
22 person of the minor, OR BY THE MINOR'S PARENT, IF THERE IS NOT  
23 ANOTHER LEGAL PARENT TO GIVE CONSENT. If either parent has been  
24 declared mentally incompetent, the petition may be signed by the  
25 guardian for that parent. The written consent to the change of  
26 name of a minor ~~over the age of 16~~ 12 years OF AGE OR OLDER,  
27 signed by the minor in the presence of the court, shall be filed

1 with the court before any order changing the name of the minor is  
2 entered. A MINOR UNDER 12 YEARS OF AGE SHALL BE CONSULTED AS TO  
3 A CHANGE IN HIS OR HER NAME AND HIS OR HER WISHES SHALL BE CON-  
4 sidered BY THE COURT.

5 (2) If the petitioner is married, the court, in its order  
6 changing the name of the petitioner, may include the name of the  
7 spouse, if the spouse consents, and may include the names of  
8 minor children of the petitioner of whom the petitioner has legal  
9 custody. The written consent to the change of name of a child  
10 ~~over the age of 16~~ 12 years OF AGE OR OLDER, signed by the  
11 child in the presence of the court, shall be filed with the court  
12 before the court includes that child in its order. ~~The~~ EXCEPT  
13 AS PROVIDED IN SUBSECTION (3), THE name of a minor under ~~the age~~  
14 ~~of 16~~ 12 years OF AGE may not be changed unless he or she is the  
15 natural or adopted child of the petitioner and unless consent is  
16 obtained from the mother and father jointly, or from the surviv-  
17 ing parent if 1 is deceased, OR FROM THE MINOR'S PARENT IF THERE  
18 IS NOT ANOTHER LEGAL PARENT TO GIVE CONSENT.

19 (3) THE NAME OF A MINOR MAY BE CHANGED PURSUANT TO  
20 SUBSECTION (1) OR (2) WITH THE CONSENT OR SIGNATURE OF THE CUSTO-  
21 DIAL PARENT IF THE NONCUSTODIAL PARENT CANNOT BE LOCATED AND BOTH  
22 OF THE FOLLOWING OCCUR:

23 (A) THE NONCUSTODIAL PARENT HAS FAILED OR NEGLECTED TO PRO-  
24 VIDE REGULAR AND SUBSTANTIAL SUPPORT FOR THE MINOR OR IF A SUP-  
25 PORT ORDER HAS BEEN ENTERED, HAS FAILED TO SUBSTANTIALLY COMPLY  
26 WITH THE ORDER, FOR A PERIOD OF 2 YEARS OR MORE BEFORE THE FILING  
27 OF THE PETITION UNLESS THE NONCUSTODIAL PARENT DEMONSTRATES AN

1 INABILITY TO SUPPORT OR ASSIST IN SUPPORTING THE MINOR OR TO  
2 COMPLY WITH THE SUPPORT ORDER.

3 (B) THE NONCUSTODIAL PARENT, HAVING THE ABILITY TO VISIT,  
4 CONTACT, OR COMMUNICATE WITH THE MINOR, HAS REGULARLY AND SUB-  
5 STANTIALY FAILED TO DO SO FOR A PERIOD OF 2 YEARS OR MORE BEFORE  
6 THE FILING OF THE PETITION.