



**House
Legislative
Analysis
Section**

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POST-DIVORCE NAME CHANGE

House Bill 4523 as introduced
First Analysis (4-19-89)

RECEIVED

MAY 23 1989

Sponsor: Rep. Thomas L. Hicker

Committee: Judiciary Mich. State Law Library

THE APPARENT PROBLEM:

For some time, there has been a general effort to eliminate gender-based language from Michigan statute. One place where such phrasing continues to exist is in the law that provides for a person to change names upon divorce; the law refers only to women. To remove the taint of gender bias from the statute, amendments are necessary.

THE CONTENT OF THE BILL:

Public Act 299 of 1905, entitled "an act to provide for changing and determining the names of divorced women," allows the circuit court granting a divorce to authorize the newly-divorced woman to adopt her birth name or another surname. The bill would replace language specific to women with gender-neutral language. On or after the date of divorce, and if requested by a party to the divorce, the circuit court could authorize the party's birth name or another surname to be restored or adopted.

MCL 552.391

FISCAL IMPLICATIONS:

There is no fiscal information at present. (4-19-89)

ARGUMENTS:

For:

Consistent with established policy to remove gender bias from Michigan statute, the bill would make the law on post-divorce name changes gender-neutral. The law on changing one's name upon divorce would no longer refer just to women, but rather to people.

Against:

The bill's scope may be broader than intended, because it authorizes a change of name "on or after" the date of divorce. Thus, under the bill as written, a person could come to the circuit court some time after a divorce occurred, even though name changes in general are within the purview of the probate court. To ensure that the circuit court's jurisdiction is not inadvertently expanded, the bill should limit itself to changes of name occurring on the date the judgment of divorce is entered.

POSITIONS:

There are no positions at present.

H.B. 4523 (4-19-89)