



# HOUSE BILL No. 4693

April 4, 1995, Introduced by Reps. Perricone, Bush, Jersevic, Weeks, Byl, Goschka, Cropsey, Lowe, Voorhees, Hill, London, Bullard, McManus, Dalman, Jaye, Geiger, Galloway and Ryan and referred to the Committee on Judiciary and Civil Rights.

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,"

as amended by Act No. 370 of the Public Acts of 1988, 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, as amended by Act No. 370 of the Public Acts  
3 of 1988, being section 711.1 of the Michigan Compiled Laws, is  
4 amended to read as follows:

## 5 CHAPTER XI

6 Sec. 1. (1) The probate court for a county may enter an  
7 order to change the name of a person who has been a resident of  
8 the county for not less than 1 year and who IN ACCORDANCE WITH  
9 SUBSECTION (2) makes a petition in writing to the court for that  
10 purpose showing a sufficient reason for the proposed change and  
11 that the change is not sought with any fraudulent intent. When  
12 the petition is filed, the court shall set a time and place for  
13 hearing and order publication as provided by supreme court rule.  
14 ~~Upon the filing of a petition, the~~

15 (2) A PERSON WHO MAKES A PETITION TO HAVE HIS OR HER NAME  
16 CHANGED SHALL FORWARD TO HIS OR HER LOCAL LAW ENFORCEMENT AGENCY  
17 2 COMPLETE SETS OF HIS OR HER FINGERPRINTS ALONG WITH THE  
18 REQUIRED PROCESSING FEES. THE LOCAL LAW ENFORCEMENT AGENCY SHALL  
19 FORWARD THE FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE. THE  
20 DEPARTMENT OF STATE POLICE SHALL COMPARE THOSE FINGERPRINTS WITH  
21 THE RECORDS OF THE DEPARTMENT AND SHALL FORWARD A COMPLETE SET OF  
22 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR A COMPAR-  
23 ISON WITH THE RECORDS AVAILABLE TO THAT AGENCY. THE DEPARTMENT  
24 OF STATE POLICE SHALL REPORT TO THE COURT IN WHICH THE PETITION  
25 IS FILED THE INFORMATION CONTAINED IN THE DEPARTMENT'S RECORDS  
26 WITH RESPECT TO ANY PENDING CHARGES AGAINST THE APPLICANT OR ANY

1 RECORD OF CONVICTION OF THE APPLICANT AND SHALL REPORT TO THE  
2 COURT ANY SIMILAR INFORMATION OBTAINED FROM THE FEDERAL BUREAU OF  
3 INVESTIGATION. THE COURT SHALL NOT ACT UPON THE PETITION FOR A  
4 NAME CHANGE UNTIL THE DEPARTMENT OF STATE POLICE REPORTS THE  
5 INFORMATION REQUIRED BY THIS SUBSECTION TO THE COURT.

6 (3) THE PROBATE COURT SHALL NOT ENTER AN ORDER TO CHANGE THE  
7 NAME OF A PERSON WHO IS OR HAS EVER BEEN A CONVICTED FELON.

8 (4) THE court may permit a person having the same name, or a  
9 similar name to that which the petitioner proposes to assume, to  
10 intervene in the proceeding for the purpose of showing fraudulent  
11 intent.

12 (5) Except as provided in subsection ~~(3)~~ (7), if the peti-  
13 tioner is a minor, the petition shall be signed by the mother and  
14 father jointly, or by the surviving parent if 1 is deceased, or  
15 if both parents are deceased, by the guardian of ~~the person of~~  
16 the minor, or by 1 OF the minor's ~~parent~~ PARENTS, if there is  
17 ~~not another~~ ONLY 1 legal parent AVAILABLE to give consent. If  
18 either parent has been declared mentally incompetent, the peti-  
19 tion may be signed by the guardian for that parent. The written  
20 consent to the change of name of a minor 14 years of age or  
21 older, signed by the minor in the presence of the court, shall be  
22 filed with the court before any order changing the name of the  
23 minor is entered. If the court considers the child to be of suf-  
24 ficient age to express a preference, a minor under 14 years of  
25 age shall be consulted by the court as to a change in his or her  
26 name and his or her wishes shall be considered by the court.

1           (6) ~~(2)~~ If the petitioner is married, the court, in its  
2 order changing the name of the petitioner, may include the name  
3 of the spouse, if the spouse consents, and may include the names  
4 of minor children of the petitioner of whom the petitioner has  
5 legal custody. The written consent to the change of name of a  
6 child 14 years of age or older, signed by the child in the pres-  
7 ence of the court, shall be filed with the court before the court  
8 includes that child in its order. Except as provided in subsec-  
9 tion ~~(3)~~ (7), the name of a minor under 14 years of age may not  
10 be changed unless he or she is the natural or adopted child of  
11 the petitioner and unless consent is obtained from the mother and  
12 father jointly, or from the surviving parent if 1 is deceased, or  
13 from 1 OF the minor's ~~parent~~ PARENTS if there is ~~not another~~  
14 ONLY 1 legal parent AVAILABLE to give consent. If the court con-  
15 siders the child to be of sufficient age to express a preference,  
16 a minor under 14 years of age shall be consulted by the court as  
17 to a change in his or her name and his or her wishes shall be  
18 considered by the court.

19           (7) ~~(3)~~ The name of a minor may be changed pursuant to  
20 subsection ~~(1)~~ (5) or ~~(2)~~ (6) with the consent or signature  
21 of the custodial parent upon notice to the noncustodial parent  
22 pursuant to supreme court rule and after hearing if both of the  
23 following occur:

24           (a) The other parent, having the ability to support ~~—~~ or  
25 assist in supporting ~~—~~ the child, has failed or neglected to  
26 provide regular and substantial support for the child or if a  
27 support order has been entered, has failed to substantially

1 comply with the order, for a period of 2 years or more before the  
2 filing of the petition.

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