



SENATE BILL No. 346

February 28, 1995, Introduced by Senators STEIL, VAN REGENMORTER, CISKY, STILLE and SHUGARS 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,"

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:

CHAPTER XI

5
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 makes a petition in
9 writing to the court for that purpose showing a sufficient reason
10 for the proposed change and that the change is not sought with
11 any fraudulent intent. When the petition is filed, the court
12 shall ~~set~~ DO ALL OF THE FOLLOWING:

13 (A) CHECK THE PETITIONER'S CRIMINAL HISTORY THROUGH THE LAW
14 ENFORCEMENT INFORMATION NETWORK.

15 (B) IF THE PETITIONER HAS BEEN CONVICTED OF A CRIME THAT
16 INVOLVED A VICTIM, NOTIFY THE VICTIM OF THE CRIME OF THE
17 PETITIONER'S PROPOSED NAME CHANGE.

18 (C) SET a time and place for hearing and order publication
19 as provided by supreme court rule. ~~Upon the filing of a peti-~~
20 ~~tion, the~~

21 (2) THE court may permit a person having the same name, or a
22 similar name to that which the petitioner proposes to assume, to
23 intervene in the proceeding for the purpose of showing fraudulent
24 intent.

25 (3) Except as provided in subsection ~~(3)~~ (5), if the
26 petitioner is a minor, the petition shall be signed by the mother

1 and father jointly, or by the surviving parent if 1 is deceased,
2 or if both parents are deceased, by the guardian of ~~the person~~
3 ~~of~~ the minor, or by 1 OF the minor's ~~parent,~~ PARENTS if there
4 is ~~not another~~ ONLY 1 legal parent AVAILABLE to give consent.
5 If either parent has been declared mentally incompetent, the
6 petition may be signed by the guardian for that parent. The
7 written consent to the change of name of a minor 14 years of age
8 or older, signed by the minor in the presence of the court, shall
9 be filed with the court before any order changing the name of the
10 minor is entered. If the court considers the child to be of suf-
11 ficient age to express a preference, a minor under 14 years of
12 age shall be consulted by the court as to a change in his or her
13 name and his or her wishes shall be considered by the court.

14 (4) ~~(2)~~ If the petitioner is married, the court, in its
15 order changing the name of the petitioner, may include the name
16 of the spouse, if the spouse consents, and may include the names
17 of minor children of the petitioner of whom the petitioner has
18 legal custody. The written consent to the change of name of a
19 child 14 years of age or older, signed by the child in the pres-
20 ence of the court, shall be filed with the court before the court
21 includes that child in its order. Except as provided in subsec-
22 tion ~~(3)~~ (5), the name of a minor under 14 years of age may not
23 be changed unless he or she is the natural or adopted child of
24 the petitioner and unless consent is obtained from the mother and
25 father jointly, or from the surviving parent if 1 is deceased, or
26 from 1 OF the minor's ~~parent~~ PARENTS if there is ~~not another~~
27 ONLY 1 legal parent AVAILABLE to give consent. If the court

1 considers the child to be of sufficient age to express a
2 preference, a minor under 14 years of age shall be consulted by
3 the court as to a change in his or her name and his or her wishes
4 shall be considered by the court.

5 (5) ~~(1)~~ The name of a minor may be changed pursuant to
6 subsection ~~(1) or (2)~~ (3) OR (4) with the consent or signature
7 of the custodial parent upon notice to the noncustodial parent
8 pursuant to supreme court rule and after A hearing if both of the
9 following occur:

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

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