

# SENATE BILL No. 915

November 20, 2007, Introduced by Senators GEORGE, PRUSI, PAPPAGEORGE, KAHN, JANSEN, CASSIS and VAN WOERKOM and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XI (MCL 711.1), as amended by 2000 PA 111.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER XI

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2       Sec. 1. (1) The family division of the circuit court for a  
3 county may enter an order to change the name of an individual who  
4 **IS A CITIZEN OF THE UNITED STATES, WHO** has been a resident of the  
5 county for not less than 1 year, and who in accordance with  
6 subsection (2) petitions in writing to the court for that purpose  
7 showing a sufficient reason for the proposed change and that the  
8 change is not sought with a fraudulent intent. If the individual  
9 who petitions for a name change has a criminal record, the

1 individual is presumed to be seeking a name change with a  
2 fraudulent intent. The burden of proof is on a petitioner who has a  
3 criminal record to rebut the presumption. The court shall set a  
4 time and place for hearing and, except as provided in section 3, ~~of~~  
5 ~~this chapter,~~ order publication as provided by supreme court rule.

6 (2) An individual who is 22 years of age or older and who  
7 petitions to have his or her name changed shall have 2 complete  
8 sets of his or her fingerprints taken at a local police agency. The  
9 fingerprints, ~~along with~~ a copy of the petition, and the required  
10 processing fees, ~~shall~~ be forwarded to the department of state  
11 police. The department of state police shall compare those  
12 fingerprints with its records and shall forward a complete set of  
13 fingerprints to the federal bureau of investigation for a  
14 comparison with the records available to that agency. The  
15 department of state police shall report to the court in which the  
16 petition is filed the information contained in the department's  
17 records with respect to any pending charges against the petitioner  
18 or a record of conviction of the petitioner and shall report to the  
19 court similar information obtained from the federal bureau of  
20 investigation. If there are no pending charges or record of  
21 conviction against the petitioner, the department of state police  
22 shall destroy its copy of the petitioner's fingerprints. The court  
23 shall not act upon the petition for a name change until the  
24 department of state police reports the information required by this  
25 subsection to the court.

26 (3) **AT THE HEARING ON A PETITION FILED UNDER THIS SECTION, THE**  
27 **PETITIONER HAS THE BURDEN OF PROVING THAT THE PETITIONER IS A**

1 CITIZEN OF THE UNITED STATES AND HAS BEEN A RESIDENT OF THE COUNTY  
2 FOR AT LEAST 1 YEAR AS REQUIRED BY SUBSECTION (1).

3 (4) ~~(3)~~—If the court enters an order to change the name of an  
4 individual who has a criminal record, the court shall forward the  
5 order to the central records division of the Michigan state police  
6 and to 1 or more of the following:

7 (a) The department of corrections if the individual named in  
8 the order is in prison or on parole or has been imprisoned or  
9 released from parole in the immediately preceding 2 years.

10 (b) The sheriff of the county in which the individual named in  
11 the order was last convicted if the individual was incarcerated in  
12 a county jail or released from a county jail within the immediately  
13 preceding 2 years.

14 (c) The court that has jurisdiction over the individual named  
15 in the order if the individual named in the order is under the  
16 jurisdiction of the family division of the circuit court or has  
17 been discharged from the jurisdiction of that court within the  
18 immediately preceding 2 years.

19 (5) ~~(4)~~—The court may permit an individual ~~having~~ **WHOSE NAME**  
20 **IS** the same name, **AS** or a similar name to that which **THE NAME** the  
21 petitioner proposes to assume, to intervene in the proceeding for  
22 the purpose of showing fraudulent intent.

23 (6) ~~(5)~~—Except as provided in subsection ~~(7)~~ **(8)**, if the  
24 petitioner is a minor, the petition shall be signed by the mother  
25 and father jointly; by the surviving parent if 1 is deceased; if  
26 both parents are deceased, by the guardian of the minor; or by 1 of  
27 the minor's parents if there is only 1 legal parent available to

1 give consent. If either parent has been declared mentally  
2 incompetent, the petition may be signed by the guardian for that  
3 parent. The written consent to the change of name of a minor 14  
4 years of age or older, signed by the minor in the presence of the  
5 court, shall be filed with the court before an order changing the  
6 name of the minor is entered. If the court considers the child to  
7 be of sufficient age to express a preference, the court shall  
8 consult a minor under 14 years of age as to a change in his or her  
9 name, and the court shall consider the minor's wishes.

10 (7) ~~(6)~~—If the petitioner is married, the court, in its order  
11 changing the name of the petitioner, may include the name of the  
12 spouse, if the spouse consents, and may include the names of minor  
13 children of the petitioner of whom the petitioner has legal  
14 custody. The written consent to the change of name of a child 14  
15 years of age or older, signed by the child in the presence of the  
16 court, shall be filed with the court before the court includes that  
17 child in its order. Except as provided in subsection ~~(7)~~—(8), the  
18 name of a minor under 14 years of age may not be changed unless he  
19 or she is the natural or adopted child of the petitioner and unless  
20 consent is obtained from the mother and father jointly, from the  
21 surviving parent if 1 is deceased, or from 1 of the minor's parents  
22 if there is only 1 legal parent available to give consent. If the  
23 court considers the child to be of sufficient age to express a  
24 preference, the court shall consult a minor under 14 years of age  
25 as to a change in his or her name, and the court shall consider the  
26 minor's wishes.

27 (8) ~~(7)~~—The name of a minor may be changed pursuant to

1 subsection ~~(5) or~~ (6) **OR** (7) with the consent or signature of the  
2 custodial parent upon notice to the noncustodial parent as provided  
3 in supreme court rule and after a hearing in either of the  
4 following circumstances:

5 (a) If both of the following occur:

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

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

15 (b) The other parent has been convicted of a violation of  
16 section 136b, 520b, 520c, 520d, 520e, or 520g of the Michigan penal  
17 code, 1931 PA 328, MCL 750.136b, 750.520b to 750.520e, and  
18 750.520g, and the child or a sibling of the child is a victim of  
19 the crime.

20 (9) ~~(8) A~~ **AN INDIVIDUAL WHO INTENTIONALLY INCLUDES A** false  
21 statement ~~that is intentionally included within~~ **IN** a petition for a  
22 name change ~~constitutes~~ **UNDER THIS SECTION COMMITS** perjury under  
23 section 422 of the Michigan penal code, 1931 PA 328, MCL 750.422.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. 916

26 of the 94th Legislature is enacted into law.