

Legislative Analysis



PARENTAL CONSENT FOR MINOR'S NAME CHANGE

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<http://www.house.mi.gov/hfa>

House Bill 4128 as reported from committee

Sponsor: Rep. Aaron Miller

1st Committee: Families, Children and Seniors

2nd Committee: Ways and Means

Complete to 9-10-19

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 40 of 2020)

SUMMARY:

House Bill 4128 would amend the Probate Code to allow the name of a minor to be changed with the consent or signature of the custodial parent, after notice to the noncustodial parent and a hearing, if the other parent has been convicted of first or second degree murder.

Generally, changing the name of a minor requires the signature and consent of both parents if they are alive and available to give consent. However, a minor's name may be changed with the consent or signature of the custodial parent, after notice to the other parent and a hearing, if either of the following applies to the other parent:

- For two years or more before the petition is filed, he or she has done both of the following:
 - Failed or neglected to provide regular and substantial support for the child or failed to substantially comply with a support order, despite having the ability to support or assist the child.
 - Regularly and substantially failed or neglected to visit, contact, or communicate with the child, despite having the ability to do so.
- He or she has been convicted of child abuse or neglect or criminal sexual conduct.

House Bill 4128 would additionally allow a minor's name to be changed with the consent or signature of the custodial parent, after notice to the noncustodial parent and a hearing, if the other parent has been convicted of first or second degree murder.

(Under current law and the bill, a minor who is 14 or older must also give his or her written consent to a name change. The court must ask for and consider the wishes of a minor who is younger than 14 if the court considers him or her old enough to express a preference.)

The bill would take effect 90 days after being enacted into law.

MCL 711.1

FISCAL IMPACT:

The bill would have no fiscal impact on the state or on local units of government.

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