



**KANSAS BAR
ASSOCIATION**

TO: **The Honorable Fred Patton, Chair**
 And Members of the House Judiciary Committee

FROM: **Joseph Molina**
 On behalf of the Kansas Bar Association

RE: **KBA Support for HB 2065** – Allowing a court to change a spouse's name to a name that is different than a maiden or former name during a divorce proceeding.

DATE: **January 30, 2023**

Chairman Patton and members of the House Judiciary Committee, my name is Joseph Molina and I provide this written testimony on behalf of the Kansas Bar Association in **SUPPORT** of HB 2065 allowing a court to change a spouse's name to a name that is different than a maiden or former name during a divorce proceeding.

This bill is identical to HB 2474 that was heard by this committee last session. The KBA supports this bill because it creates judicial efficiency within the court system. At present a party can only request a name change to a previous name or maiden name during a divorce proceeding. A name change to any other name requires the filing of a Petition for Change of Name. This would include the completion of a civil cover sheet, a petition for change of name, filing this petition with the clerk of the court, paying the applicable fee, contacting the clerk to set a hearing date, and providing notice as required by the court. Each of these steps could be avoided if HB 2065 is approved because these issues could be decided in court during the divorce proceedings. The court could establish relevant facts pertaining to a change of name through testimony without the extra paperwork.

Note that cases filed under Chapter 23, Family Law Code are not required to provide notice, whereas a Chapter 60, Civil Procedure action for a name change would require notice. The Kansas Judicial Council created forms for this purpose. I have attached the KSA 60-1402 form, along with instructions for your review. By approving HB 2065 you consolidate these matters into one hearing or action.

Also, HB 2065 appears to apply to both spouses. This would allow a husband, for example, to petition the court to change his ex-wife's last name. A KBA member represented an ex-husband in this specific situation. The ex-husband was dating a woman with the same first name as his ex-wife and wanted to force his ex-wife to change her last name so not to be confused with his current partner and future new wife.

For these reasons, the Kansas Bar Association supports passage of HB 2065.

Thank you for your time and attention.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 7,200 members include lawyers, judges, law students, and paralegals. www.ksbar.org

Instructions for Name Change - Adult

Packet contains: Civil Information Sheet – Petition for Change of Name – Notice by Publication
– Notice by Mail – Order Changing Name

Caution: Use of forms without the assistance of an attorney could harm your legal rights. You may want to have an attorney review your completed forms before you file them with the court. These are basic forms and may not cover every situation.

Read Directions Completely – Please Type or Print Neatly

1. Petitioner: Complete a Civil Cover Sheet. You will only need to complete the Plaintiff information section. When selecting the nature of the suit, mark the “Other Civil” box located in the civil section.
2. Complete the Petition for Change of Name except for the case and court numbers. Insert only your **YEAR** of birth where indicated.
3. Sign the Petition for Change of Name. Your signature is your affirmation that you are not requesting the change of name for any improper purpose, it is allowed under current law, and that all of the information in the petition is accurate to the best of your knowledge.
4. File the original and 1 copy of the Petition for Change of Name with the Clerk of the District Court in the county in which you reside and pay the required filing fee. (Check with the Clerk to find out the fee applicable in your county.)
5. Obtain the case number and court division assignment from the Clerk of the District Court when you file.
6. Contact the Clerk, or the Administrative Assistant, for the court to which the case has been assigned and ask for a date and time for a hearing before the court and what the court requires for notice (publication, mail or both).

7. Give notice as required by the court.

Notice by Publication requires you to publish notice of the hearing once a week for three consecutive weeks in a newspaper that is authorized by law to publish legal notices and is published in the county where the action is filed. No judgment can be entered until the proof of service is approved by the court and filed. The newspaper may send a statement of publication directly to the court or to you. If it is sent to you be sure to bring it with you to the hearing for filing with the Clerk of the District Court.

Each Notice by Mail should be sent by registered mail – return receipt requested. Bring the return receipt(s) with you to the hearing for filing with the Clerk of the District Court.

Complete the Order Changing Name for the judge’s signature. Bring it along with proof of notice of the hearing (see # 6).

8. After your hearing, make several copies of the signed Order Changing Name. File the original Order Changing Name with the Clerk of the District Court and ask the Clerk to file-stamp the additional copies at that time. (Social Security, credit card companies, etc. will need a file-stamped copy of the Order.)

IMPORTANT INFORMATION ABOUT BIRTH CERTIFICATES

You are not required to report your name change to the Office of Vital Statistics. Send a file stamped copy of the Order Changing Name to Vital Statistics, along with a request letter and the appropriate fee, ONLY if you want to amend your birth certificate to reflect your new name.

IN THE _____ JUDICIAL DISTRICT
DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF THE PETITION OF

_____ Case No. _____

Present Name

Div. No. _____ To

Change His/Her Name to:

New Name

PURSUANT TO K.S.A. CHAPTER 60

PETITION FOR CHANGE OF NAME

Pursuant to K.S.A. 60-1402

Petitioner states:

1. I reside in the County in which this Petition is being filed.
2. I have been a resident of Kansas for more than sixty (60) days before filing this

petition.

3. My **YEAR** of birth is _____ and my place of birth is

County in the State of _____.

4. My birth certificate shows my name as:

_____.

5. My present name is: _____.

6. Other names I am using or have used are:

_____.

7. I desire to have my name changed

to: _____ because _____

_____.

8. This Petition is not made for the purpose of avoiding any debts, obligations or legal process nor is it made for the purpose of misleading or defrauding any person. The requested name change will not result in prejudice to any person.

9. My best interests are served by the requested change in name.

I ask the Court to set this matter for hearing and order service by publication, registered mail or certified mail, or, if appropriate, waive any requirement for service. I further ask the Court to issue an order changing my name from _____ to _____ and for such other relief as the Court deems appropriate under the circumstances.

I affirm under penalty of perjury that all statements in this Petition for Change of Name are accurate to best of my knowledge.

Petitioner, Pro Se

Name (Print): _____

Address 1: _____

Address 2: _____

City, State, Zip: _____

Telephone Number: _____