

HOUSE BILL REPORT

ESHB 1838

As Passed House:
February 11, 2014

Title: An act relating to surname changes.

Brief Description: Concerning surname changes after the solemnization of a marriage.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Moeller, Ryu and Jinkins).

Brief History:

Committee Activity:

Judiciary: 2/20/13, 2/21/13 [DPS].

Floor Activity:

Passed House: 2/11/14, 76-22.

Brief Summary of Engrossed Substitute Bill

- Authorizes a process for surname changes following marriage utilizing a certified copy of the marriage certificate.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Jinkins, Chair; Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Kirby, Orwall and Roberts.

Minority Report: Do not pass. Signed by 4 members: Representatives Nealey, Assistant Ranking Minority Member; Hope, Klippert and Shea.

Staff: Cece Clynch (786-7195).

Background:

Court Process for Name Changes.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person desiring to change his or her name may utilize the name change process in place in the District Court in the county of his or her residence. A petition for name change and a proposed order for name change must be completed.

After the petition is completed, it is presented to the court for approval. Following approval, the court issues an order, which is then recorded with the county auditor. A certified copy of the name change order is sent to the Center for Health Statistics, located within the Washington State Department of Health and also known as the State Registrar (Registrar). The Registrar is responsible for the registration, preservation, amendment, and release of official state records of all births, deaths, fetal deaths, marriages, and divorces that occur in Washington.

Depending upon the desires of the individual who obtained the name change, certified copies of the court's order may be presented to various agencies such as the Department of Licensing (DOL) to change that agency's record of the name.

There are fees associated with the court name change process, which vary by county. For example, the fees in King County are \$130; Thurston County \$131; and Okanogan County \$165. (Three certified copies are provided in Okanogan, whereas the former two counties provide just one.)

There are some restrictions on name changes requested by offenders under the supervision of the Department of Corrections (DOC) and sex offenders subject to registration requirements, however, name changes requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage may not be denied. Notice requirements relative to these persons apply, requiring them to notify the DOC in the case of offenders and the county sheriff and the Washington State Patrol in the case of sex offenders.

Name Changes Following Marriage.

Before any persons can be married in the state, they must procure a marriage license from a county auditor. Following solemnization of marriage, it is the responsibility of the officiant to provide the county auditor with a marriage certificate for the files of the county and a certificate for the files of the Registrar. The county auditor files, records, and makes the transmission to the Registrar.

General guidance found on some county and agency websites indicates that there is no one process or agency that will change or update a name for all agencies. Although a person may be able to utilize a certified copy of the marriage certificate to effectuate a name change, if this is not possible, it is advised that a person utilize the district court name change process.

Summary of Engrossed Substitute Bill:

Any person desiring to change his or her surname at the time of marriage may indicate this in the space provided on the Department of Health (DOH) marriage certificate form. A copy of the marriage certificate, certified by the Registrar or the county auditor, shall be accepted at state and local government offices for purposes of effectuating the surname change.

The same notice requirements applicable to offenders under the supervision of the DOC and sex offenders subject to registration requirements who change their names via the district court process are applicable to such offenders using this new process to change their names.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2015.

Staff Summary of Public Testimony:

(In support) The DOH collects statewide information on births, deaths, and marriages. The DOH supports the intent behind this bill to allow persons to make nontraditional name changes using a marriage certificate rather than having to go through the court process for a name change. The amendment recommendation by the DOH achieves the same purpose as the underlying bill while putting in place a more efficient and cost-effective process. With this amendment, it is anticipated that there will be no fiscal impact. The DOH has not heard from the auditors regarding this bill or the amendment, although auditors did express some concerns during the DOH rulemaking process, following passage of Referendum 74, with respect to putting a new last name on the marriage certificate.

(Opposed) None.

Persons Testifying: Christie Spice, Department of Health.

Persons Signed In To Testify But Not Testifying: None.