

HOUSE BILL REPORT

HB 1034

As Reported by House Committee On: Judiciary

Title: An act relating to surname changes.

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

Sponsors: Representatives Moeller, Appleton, Springer, Jinkins, Gregerson, Stanford, S. Hunt, Ormsby and Walkinshaw.

Brief History:

Committee Activity:

Judiciary: 1/13/15, 1/15/15 [DP], 1/14/16 [DPS].

Brief Summary of Substitute Bill

- Authorizes a process for surname changes following marriage by indicating a desire to change surnames on a marriage certificate form.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman, Hansen, Kirby, Kuderer, Muri, Orwall and Stokesbary.

Minority Report: Do not pass. Signed by 3 members: Representatives Shea, Assistant Ranking Minority Member; Haler and Klippert.

Staff: Cece Clynch (786-7195).

Background:

Court Process for Name Changes.

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.

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.

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 (DOH), 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 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 under the DOC's supervision and the county sheriff, and the Washington State Patrol (WSP) 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. 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 Substitute Bill:

Any person desiring to change his or her surname at the time of marriage may do so by indicating that desire in a space provided on the DOH marriage certificate form. State and local government offices must accept such marriage certificates, when certified by the Registrar or the recording officer in the county of record, for the purposes of effectuating such a surname change.

An offender under the jurisdiction of the DOC who changes his or her name using this means must submit a copy of the marriage certificate indicating the desire to change his or her name to the DOC within five days of the solemnization of marriage. Violation of this is a misdemeanor.

A sex offender subject to registration who changes his or her name at the time of marriage by indicating a desire to do so on the marriage certificate must follow the procedures for notifying the county sheriff and the WSP of a name change.

Substitute Bill Compared to Original Bill:

The underlying bill remains the same except that the effective date is changed from January 1, 2016 to January 1, 2017, and section 2 is updated to reflect statutory changes made in the 2015 legislative session.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2017.

Staff Summary of Public Testimony:

See House Bill Report in the 2015 Legislative Session.

Persons Testifying: See House Bill Report in the 2015 Legislative Session.

Persons Signed In To Testify But Not Testifying: None.