

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5028

68th Legislature
2023 Regular Session

Passed by the Senate February 1, 2023
Yeas 45 Nays 3

President of the Senate

Passed by the House March 24, 2023
Yeas 64 Nays 32

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5028** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5028

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Law & Justice (originally sponsored by Senators Pedersen, Wagoner, Dhingra, Frame, Hunt, Keiser, Kuderer, Lias, Nobles, Randall, Saldaña, Shewmake, Stanford, Wellman, and C. Wilson)

READ FIRST TIME 01/20/23.

1 AN ACT Relating to revising the process for individuals to
2 request name changes; and amending RCW 4.24.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.130 and 2022 c 141 s 1 are each amended to read
5 as follows:

6 (1) Any person desiring a change of the person's name or that of
7 the person's child or ~~((ward))~~ of an individual subject to
8 guardianship for whom the person has been appointed as guardian, may
9 apply therefor to the district court of ~~((the))~~ any judicial district
10 in ~~((which the person resides))~~ the state, by petition setting forth
11 the ~~((reasons))~~ desire for such change; thereupon such court in its
12 discretion may order a change of the name and thenceforth the new
13 name shall be in place of the former.

14 (2) An offender under the jurisdiction of the department of
15 corrections who applies to change the offender's name under
16 subsection (1) of this section shall submit a copy of the application
17 to the department of corrections not fewer than five days before the
18 entry of an order granting the name change. No offender under the
19 jurisdiction of the department of corrections at the time of
20 application shall be granted an order changing the offender's name if
21 the court finds that doing so will interfere with legitimate

1 penological interests, except that no order shall be denied when the
2 name change is requested for religious or legitimate cultural reasons
3 or in recognition of marriage or dissolution of marriage. An offender
4 under the jurisdiction of the department of corrections who receives
5 an order changing the offender's name shall submit a copy of the
6 order to the department of corrections within five days of the entry
7 of the order. Violation of this subsection is a misdemeanor.

8 (3) A sex offender subject to registration under RCW 9A.44.130
9 who applies to change the sex offender's name under subsection (1) of
10 this section shall follow the procedures set forth in RCW
11 9A.44.130(7).

12 (4) The district court shall collect the fees authorized by RCW
13 36.18.010 for filing and recording a name change order, and transmit
14 the fee and the order to the county auditor. The court may collect a
15 reasonable fee to cover the cost of transmitting the order to the
16 county auditor. Upon affidavit by the person seeking the name change
17 or a qualified legal service provider that the person is unable to
18 pay the fees due to financial hardship, the court shall waive all
19 fees for filing and recording a name change order and direct the
20 county auditor or recording officer to process the name change order
21 at no expense to the person. The court may not waive the fees if the
22 person has received victim compensation for name change fees. For
23 purposes of this subsection, "qualified legal service provider" means
24 a not-for-profit legal services organization in Washington state
25 whose primary purpose is to provide legal services to low-income
26 clients.

27 (5) (a) Name change petitions may be filed and shall be heard in
28 any superior court ((when the)) in the state:

29 (i) When a person desiring a change of the person's name ((or
30 that of the person's child or ward is a victim of domestic violence
31 as defined in RCW 7.105.010 and the person seeks to have the name
32 change file sealed due to reasonable fear for the person's safety or
33 that of the person's child or ward)):

34 (A) Is an emancipated minor under chapter 13.64 RCW; or

35 (B) Has received asylum, refugee, or special immigrant juvenile
36 status; or

37 (ii) If the reason for the person's name change, or the name
38 change of the person's child or of an individual subject to
39 guardianship for whom the person has been appointed as guardian, is:

1 (A) Related to gender expression or identity as defined in RCW
2 49.60.040; or

3 (B) Due to an experience of or reasonable fear of domestic
4 violence, stalking, unlawful harassment, or coercive control as those
5 terms are defined in RCW 7.105.010.

6 (b) When a person for whom a name change is sought is a child
7 named in a proceeding under Title 13 or 74 RCW in which the court has
8 exercised original, exclusive jurisdiction, the juvenile court has
9 jurisdiction to either adjudicate a name change petition or grant
10 concurrent jurisdiction to another court to hear the petition.

11 (c) Upon granting the name change, the superior court shall seal
12 the file ((if the court finds that the safety of the person seeking
13 the name change or the person's child or ward warrants sealing the
14 file)) to protect the person's privacy or that of the person's child
15 or of an individual subject to guardianship for whom the person has
16 been appointed as guardian. In all cases filed under this subsection
17 (5), whether or not the name change petition is granted, there shall
18 be no public access to any court record of the name change filing,
19 proceeding, or order, unless the name change is granted but the file
20 is not sealed. The name change file shall not thereafter be open to
21 inspection except: (i) Upon order of the court for good cause shown;
22 or (ii) upon the request of the person whose name change was granted
23 or the person's guardian or representative.

24 (d) This subsection (5) does not apply to a person who is subject
25 to the requirements of subsection (2) or (3) of this section.

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