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H.120

Introduced by Representatives Devereux of Mount Holly, Townsend of South
Burlington, Brumsted of Shelburne, Gannon of Wilmington,
Gardner of Richmond, Hubert of Milton, Kitzmiller of
Montpelier, LaClair of Barre Town, LaLonde of South
Burlington, Lewis of Berlin, and Weed of Enosburgh

Referred to Committee on

Date:

Subject: Judiciary; domestic relations; name changes; vital records

Statement of purpose of bill as introduced: This bill proposes to clarify the
circumstances under which a change of name requires a court order, codify
legal standards to govern petitions for changes of name, and amend
the law governing when a birth certificate should be amended following a
change-of-name decree.

An act relating to changes of name

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 15 V.S.A. § 558 is amended to read:

3 § 558. ~~WOMAN ALLOWED TO TAKE MAIDEN NAME~~ RESUMING A
4 PRE-MARRIAGE OR PRE-CIVIL UNION SURNAME

5 (a) ~~Upon~~ In any decree granting a divorce or dissolution to a woman parties
6 who were married or joined in a civil union, unless good cause is shown or the
7 parties stipulate to the contrary, the court may allow her shall expressly permit
8 each party to resume her maiden name or the name of a former husband the
9 surname he or she used immediately before the marriage or civil union.

10 (b) At any time, a person may resume using the surname he or she used
11 immediately before his or her marriage or civil union, and does not need the
12 permission of any court to do so, even if:

13 (1) the marriage or civil union has not terminated; or

14 (2) the marriage or civil union has terminated, but the divorce or
15 dissolution decree does not specifically authorize the resumption.

16 Sec. 2. 15 V.S.A. § 559 is amended to read:

17 § 559. ~~CHANGE OF CHILDREN'S NAMES~~

18 ~~The court may change the names of the minor children of divorced parents~~
19 ~~when application for that purpose is made in the complaint for divorce.~~

20 [Repealed.]

1 Sec. 3. 15 V.S.A. § 811 is amended to read:

2 § 811. PROCEDURE; FORM

3 (a) A person of age and sound mind may change his or her name by
4 making, signing, sealing, and acknowledging before the judge of the ~~probate~~
5 ~~division of the superior court~~ Probate Division of the Superior Court of the
6 district in which the person resides, ~~an instrument in the following form:~~

7

8 ~~—STATE OF VERMONT~~

9 _____ District. _____ }

10 Be it remembered, that I, A. B. of _____ in the county of
11 _____, will be hereafter known and called
12 _____.

13 In witness whereof I hereunto set my hand and seal this _____ day
14 of _____, 20 _____.

15

16 _____ A.B. (L. S.)

17 a completed petition for a change of name in a form prescribed by the Chief
18 Administrative Judge.

19 (b) The petition shall be granted unless the court finds that it was filed with
20 fraudulent intent or substantially interferes with the rights of others or that the
21 proposed change is inconsistent with the public interest.

1 (c) A person may change his or her surname without a petition under this
2 section if he or she:

3 (1) adopts a hyphenated surname following marriage;

4 (2) adopts the surname of his or her spouse following marriage; or

5 (3) resumes his or her pre-marriage or pre-civil union surname as
6 authorized under subsection 558(b) of this title.

7 Sec. 4. 15 V.S.A. § 812 is amended to read:

8 § 812. MINOR

9 ~~(a) A minor may change his or her name by some person who, under~~
10 ~~chapter 111 of Title 14, may act for him or her, A parent or guardian with legal~~
11 ~~parental rights and responsibilities for a minor may petition to change the~~
12 ~~minor's name by making, signing, sealing, and acknowledging before the~~
13 ~~judge of the probate division of the superior court~~ Probate Division of the
14 Superior Court of the district in which such minor resides, ~~an instrument in~~
15 ~~substantially the form provided in section 811 of this title. Such instrument~~
16 ~~shall be signed by the person so acting for such minor. However, the name of~~
17 ~~the minor, if over 14 years of age, shall not be changed without his or her~~
18 ~~consent given in court~~ a petition in a form prescribed by the Chief
19 Administrative Judge. A parent or guardian who has not consented to the
20 change of name shall be notified prior to the commencement of the
21 proceedings as provided in the Vermont Rules of Probate Procedure. A parent

1 shall be so notified regardless of whether he or she has legal parental rights and
2 responsibilities.

3 (b) The court shall grant the petition upon determining that doing so would
4 be in the best interests of the minor, except that the name of a minor who is 14
5 years of age or older shall not be changed without his or her consent given in
6 court. In determining the best interests of the minor, the court may consider
7 the following factors:

8 (1) the minor's preference, taking into account the minor's age and
9 maturity;

10 (2) the length of time the minor has used the name;

11 (3) the effect of the name change on the preservation and development
12 of the minor's relationship with each parent;

13 (4) whether the minor might feel embarrassment or discomfort as a
14 result of bearing a name different from the rest of his or her family;

15 (5) whether any negative association or social stigma has attached to
16 either the current or proposed name;

17 (6) the motives of the petitioning parent or guardian; and

18 (7) any other factor relevant to the minor's best interests.

1 Sec. 5. 15 V.S.A. § 816 is amended to read:

2 § 816. ~~CERTIFICATE OF CHANGE; CORRECTION~~ AMENDMENT OF
3 BIRTH AND CIVIL MARRIAGE RECORDS CERTIFICATE

4 ~~Whenever a person changes his or her name, as provided in this chapter, he~~
5 ~~or she, shall~~ A person, or the parent or guardian of a minor, may provide the
6 ~~probate division of the superior court~~ State Registrar of Vital Records with a
7 copy of his or her birth certificate ~~and, if married, a copy of his or her civil~~
8 ~~marriage certificate, and a copy of the birth certificate of each minor child, if~~
9 ~~any. The register of probate with whom the change of name is filed and~~
10 ~~recorded shall transmit the certificate and a certified copy of such instrument~~
11 ~~of change of name to the supervisor of vital records registration. The~~
12 ~~supervisor of vital records registration~~ or the birth certificate of the minor and a
13 certified copy of a decree issued under this chapter authorizing a change of
14 name, and request that the birth certificate be amended in accordance with the
15 decree. The State Registrar of Vital Records shall forward such instrument of
16 change of name to the town clerk in the town where the person was born
17 within the state, or wherein the original certificate is filed, with instructions to
18 amend the cause the original certificate and all copies thereof to be amended in
19 accordance with the decree and with the provisions of ~~chapter 101 of Title 18~~
20 V.S.A. chapter 103. Such amended certificates shall have the words “Court

1 ~~Amended²² stamped, written, or typed at the top and shall show that the change~~
2 ~~of name was made pursuant to this chapter.~~

3 Sec. 6. EFFECTIVE DATE

4 This act shall take effect on July 1, 2017.