

HOUSE BILL REPORT

HB 1034

As Passed House:
March 2, 2015

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].

Floor Activity:

Passed House: 3/2/15, 76-21.

Brief Summary of 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: Do pass. Signed by 9 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman, Kirby, Muri, Orwall, Stokesbary and Walkinshaw.

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

Staff: Brent Campbell (786-7152).

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. Generally a petition for name change

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and a proposed order for name change must be completed. After the petition is completed, a case is presented to a judge for approval and signature. Following approval, the court issues an order which is then recorded with the county auditor.

County and agency websites indicate that there is no single process or agency that will change or update a name for all agencies.

Fees associated with the court name change process vary by county. For example, the fees in King County are \$170; Thurston County \$151; and Okanogan County \$175.

There are some restrictions on name changes requested by offenders under the jurisdiction 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. Offenders under the jurisdiction of the DOC must submit a copy of their application for name change to the DOC not fewer than five days before the entry of an order granting the name change. Such an offender who receives an order of name change must then submit a copy of the order to the DOC within five days of entry of the order. Sex offenders subject to registration requirements are required to give notice of their name change pursuant to RCW 9A.44.130 (6). Under this section, such sex offenders must submit a copy of the application to change his or her surname to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. Such sex offenders who receive an order changing his or her name must then submit that order to the county sheriff of the county of the person's residence and to the Washington State Patrol within three business days of the entry of the order.

Marriage Certificates.

The person solemnizing a marriage must give to each of the parties to a marriage a marriage certificate specifying the names and residence of the parties, the names of at least two witnesses present, the time and place of the marriage, the date of the marriage license, and by whom the license was issued. Following solemnization of a marriage, it is the responsibility of the officiant to provide the county auditor with the marriage certificate for the files of the county and a certificate for the files of the state registrar.

Summary of 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 Washington State Department of Health marriage certificate form. State and local government offices must accept such marriage certificates when certified by the state 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 law enforcement established in current law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on January 1, 2016.

Staff Summary of Public Testimony:

(In support) Currently in Washington, it is legal for a bride to change her surname using a marriage certificate, but it is not legal for groom to change his surname without going through a court process. The court process to change a name requires a person to petition a court and to pay fees that vary by county. If this change is made, the costs associated with a name change would be included in the cost for the marriage license.

(Opposed) None.

Persons Testifying: Representative Moeller, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.