

ASSEMBLY BILL NO. 232—ASSEMBLYMEN BILBRAY-AXELROD,
SPIEGEL; DALY, FUMO, JOINER AND MONROE-MORENO

FEBRUARY 22, 2017

JOINT SPONSORS: SENATORS PARKS; MANENDO AND SEGERBLOM

Referred to Committee on Judiciary

SUMMARY—Establishes provisions governing changing the name
of a minor. (BDR 3-811)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil actions; establishing the procedure for
changing the name of a minor; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to change his or her name by filing a petition in the district court of the district in which the person resides. (NRS 41.270) **Sections 2-7.5** of this bill establish the procedure for changing the name of a minor. **Section 5** of this bill authorizes the parent of an unemancipated minor to file a petition to change the name of the minor. The petition must include: (1) the minor's present name; (2) the name the minor will bear in the future; (3) the reason for the name change; (4) the consent of the minor if the minor is over 14 years of age; (5) the verified consent of the other parent, if any; (6) the name and address of the other parent of the minor, if known; and (7) whether the minor has been convicted of a felony.

Section 6 of this bill requires the petitioning parent to personally serve notice upon the other parent unless the other parent consents to the change of name. If the petitioning parent can establish to the court that notice cannot be personally served on the other parent, the court may order the petitioning parent to: (1) publish the notice in a newspaper of general circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to the other parent's last known address.

Section 7 of this bill requires the court to make an order changing the name of the minor as requested in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, if: (1) verified consent of the other parent is stated in the petition; or (2) no written objection is filed within 10 days after the other parent is personally served or the last publication of notice as ordered by the court, upon proof of filing and evidence of service. **Section 7** also



* A B 2 3 2 R 1 *

requires the court to hold a hearing if an objection is filed. The order must be recorded as a judgment of the court and the clerk is required to transmit a certified copy of the order to the State Registrar of Vital Statistics.

Section 7.5 of this bill authorizes a petition to change the name of an unemancipated minor to be filed in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of a minor. If such a petition is filed, the notice and service requirements of the applicable action apply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Other parent” means a person who, in common with a petitioning parent, is the parent of an unemancipated minor under the laws of this State.*

Sec. 4. *“Petitioning parent” means a person who is the parent of an unemancipated minor under the laws of this State, desiring to change the name of his or her child.*

Sec. 5. 1. *Any parent of an unemancipated minor desiring to have the name of the minor changed may file a verified petition with the clerk of the district court of the district in which the minor resides.*

2. *The petition shall be addressed to the court and shall state:*

(a) The minor’s present name;

(b) The name which the minor will bear in the future;

(c) The reason for desiring the name change;

(d) The consent of the minor, if over the age of 14 years;

(e) The verified consent, if any, of the other parent;

(f) The name and address of the other parent, if known; and

(g) Whether the minor has been convicted of a felony.

Sec. 6. 1. *Unless the verified consent of the other parent is stated in the petition, and except as otherwise provided in subsection 2, upon the filing of the petition, the petitioning parent shall make out and procure a notice that must:*

(a) State the fact of the filing of the petition, its object, the minor’s present name and the name which the minor will bear in the future; and

(b) Be personally served with a copy of the petition upon the other parent.



2. If the petitioning parent submits proof satisfactory to the court that notice cannot be personally served on the other parent, the court may order the petitioning parent to:

(a) Publish notice in a newspaper of general circulation in the county once a week for 3 successive weeks; and

(b) Serve notice and a copy of the petition by registered or certified mail to the other parent at his or her last known address.

Sec. 7. 1. Except as otherwise provided in subsection 2, the court shall make an order changing the name of the minor as prayed for in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, if:

(a) The verified consent of the other parent is stated in the petition; or

(b) No written objection is filed with the clerk within 10 days after the other parent is personally served or the last day of publication of notice as ordered in section 6 of this act, upon proof of the filing of the petition and evidence of service.

2. If, within the period described in paragraph (b) of subsection 1, an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the petitioning parent and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioning parent, according to whether the proofs show satisfactory reasons for making the change.

3. Upon the making of an order either granting or denying the prayer of the petitioning parent, the order must be recorded as a judgment of the court. If the petition is granted, the name of the minor must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

Sec. 7.5. In addition to a petition to change the name of an unemancipated minor filed pursuant to this chapter, such a petition may be filed in any action brought under the provisions of chapter 122A, 125, 125C, 126, 128 or 129 of NRS. For any petition filed, the notice and service requirements of the chapter under which the applicable action was brought must be met.

Sec. 8. NRS 41.270 is hereby amended to read as follows:

41.270 Any natural person, *except an unemancipated minor*, desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition shall be addressed to the court and shall state the applicant's present name, the name which the applicant desires



* A B 2 3 2 R 1 *

- 1 to bear in the future, the reason for desiring the change and whether
- 2 the applicant has been convicted of a felony.

③D

