

Amendment No. 17

Assembly Amendment to Assembly Bill No. 126	(BDR 3-402)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BAW



Date: 4/5/2019

A.B. No. 126—Enacts provisions governing the procedures for changing the name of an unemancipated minor who is in the legal custody of a child welfare agency. (BDR 3-402)



ASSEMBLY BILL NO. 126—ASSEMBLYMEN BILBRAY-AXELROD; FUMO, KRASNER AND NEAL

FEBRUARY 12, 2019

Referred to Committee on Judiciary

SUMMARY—Enacts provisions governing the procedures for changing the name of an unemancipated minor who is in the legal custody of a child welfare agency. (BDR 3-402)

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

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

AN ACT relating to civil actions; enacting provisions governing the procedure for changing the name of an unemancipated minor who is in the custody of an agency which provides child welfare services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the procedure for a parent of an unemancipated minor to change the name of the minor. (NRS 41.295, 41.296, 41.297) **Section 3** of this bill authorizes an attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services 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 any parent of the child who consents to the name change; (6) ~~the verified consent of a representative of the agency which provides child welfare services;~~ (7) the name and address of each parent of the minor, if known; and ~~[(8)] (7)~~ whether the minor has been convicted of a felony.

Section 4 of this bill requires the petitioning attorney to personally serve notice upon each parent of the unemancipated minor unless each parent consents to the change of name or the court has determined that it is in the best interest of the minor to not require notice of the petition to be provided to a parent of the minor. If the petitioning attorney can establish to the court that notice cannot be personally served on a parent, the court may order the petitioning attorney 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 that parent's last known address.

Section 5 of this bill requires the court to order the unemancipated minor's name changed as requested in the petition if: (1) the court determines that the name change is in the best interest of the minor; ~~[(2) the verified consent of a representative of the agency which provides child welfare services is stated in the petition;]~~ and ~~[(3)] (2)~~ the verified consent of each parent is stated in the petition. However, under **section 5**, if the court determines that it is in the best interest of the minor to waive the requirement for one or both parents of the minor to consent to the name change, the court is authorized to waive the requirement to obtain the consent of one or both parents of the minor. **Section 5** also requires the court to hold a hearing

to determine whether the name change is in the best interest of the minor if an objection is filed by a parent of the minor within a certain period.

Section 6 of this bill authorizes a petition to change the name of an unemancipated minor who in the legal custody of an agency which provides child welfare services to be filed in a child welfare proceeding or in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of the minor. If such a petition is filed, the notice and service requirements of the applicable proceeding or action apply.

Section 7 of this bill provides that the provisions of existing law governing the procedure to change the name of an unemancipated minor do not apply to an unemancipated minor in the legal custody of an agency which provides child welfare services because **sections 2-6** of this bill would govern a name change for such a minor.

Section 8 of this bill makes a conforming change.

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, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 3. *1. An attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services who desires 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 must be addressed to the court and must 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 unemancipated minor, if over the age of 14 years;*
- (e) The verified consent, if any, of one or both parents of the unemancipated minor;*

(f) ~~The verified consent of a representative of the agency which provides child welfare services;~~

~~(g)~~ The name and address of each parent of the unemancipated minor, if known; and

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

Sec. 4. *1. Unless the verified consent of each parent is stated in the petition, and except as otherwise provided in subsections 2 and 3, upon the filing of the petition filed by the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services, the attorney shall make out and procure a notice that must:*

- (a) State the fact of filing of the petition, its object, the unemancipated 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 each parent whose verified consent is not stated in the verified petition.*

2. If the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services submits proof satisfactory to the court that notice cannot be personally served on a parent, the court may order the attorney to:

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

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

5 3. A court may waive the requirement to provide notice to a parent pursuant
6 to subsection 1 or 2, as applicable, if the petitioner files a motion seeking waiver
7 of such notice and presents evidence satisfactory to the court that waiving the
8 requirement for such notice is in the best interest of the unemancipated minor.

9 **Sec. 5. 1.** Except as otherwise provided in subsection 2, the court shall
10 make an order changing the name of the minor as prayed for in the petition filed
11 by the attorney representing the unemancipated minor in the legal custody of an
12 agency which provides child welfare services, upon being satisfied by the
13 statements in the petition or other evidence that the name change is in the best
14 interest of the unemancipated minor if:

15 (a) The verified consent of:

16 (1) ~~A representative of the agency and each~~ Each parent of the
17 unemancipated minor is stated in the petition; or

18 (2) ~~A representative of the agency and one~~ One parent of the
19 unemancipated minor is stated in the petition, if a court finds that it is in the best
20 interest of the minor not to require the other parent to consent to the name
21 change; or

22 ~~(3) A representative of the agency is stated in the petition, if a court finds~~
23 ~~that it is in the best interest of the unemancipated minor not to require either~~
24 ~~parent to consent to the name change; or]~~

25 (b) If notice is required to be served or published pursuant to section 3 of this
26 act, no written objection is filed with the clerk by a parent of the minor within 10
27 days after the parent is personally served or the last day of publication as ordered
28 in section 4 of this act, upon proof of the filing of the petition and evidence of
29 service.

30 2. If an objection is filed within the prescribed time period pursuant to this
31 section, the court shall appoint a day for hearing the proofs, respectively, of the
32 petitioner and the objection, upon reasonable notice. Upon that day, the court
33 shall hear the proofs, and grant or refuse the prayer of the petitioner, according
34 to whether the proofs show that making the name change is in the best interest of
35 the unemancipated minor.

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

41 **Sec. 6. 1.** In addition to a petition to change the name of an
42 unemancipated minor in the legal custody of an agency which provides child
43 welfare services which is filed pursuant to this chapter, such a petition may be
44 filed in any action brought under the provisions of chapter 122A, 125, 125C, 126,
45 128, 129 or 432B of NRS. For any petition filed, the notice and service
46 requirements of the chapter under which the applicable action was brought must
47 be met.

48 2. As used in this section, "agency which provides child welfare services"
49 has the meaning ascribed to it in NRS 432B.030.

50 **Sec. 7. 1.** The provisions of NRS 41.291 to 41.298, inclusive, and this
51 section do not apply to an unemancipated minor who is in the legal custody of an
52 agency which provides child welfare services.

1 **2. As used in this section, “agency which provides child welfare services”**
2 **has the meaning ascribed to it in NRS 432B.030.**

3 **Sec. 8.** NRS 41.291 is hereby amended to read as follows:

4 41.291 As used in NRS 41.291 to 41.298, inclusive, **and section 7 of this act,**
5 unless the context otherwise requires, the words and terms defined in NRS 41.293
6 and 41.294 have the meanings ascribed to them in those sections.

7 **Sec. 9.** This act becomes effective on July 1, 2019.