SPONSOR: Rep. K. Johnson & Rep. Longhurst & Sen. Poore

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 188

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PETITIONS FOR CHANGE OF NAME.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5901, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5901 Petition for change of name.

(a) Except as provided in subsection (b) of this section, ~~Any~~ any person who desires to change his or her name, shall present a petition, duly verified, to the Court of Common Pleas sitting in the county in which the person resides. The petition shall set forth such person's name and the name he or she desires to assume.

(b) Family Court shall have jurisdiction over a change of ~~name~~ name:

(1) As ~~as~~ part of divorce ~~proceedings or~~ proceedings;

(2) As ~~as~~ part of the establishment of paternity under the Uniform Parentage Act [Chapter 8 of Title 13]; or

(3) If the subject of the petition is a minor.

Section 2. Amend § 5903, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5903 Publication of petition prior to filing.

Except for petitions under § 5901(b) of this title, no ~~No~~ petition for change of name under this chapter shall be granted unless it affirmatively appears that the petition or a notice thereof has been published in a newspaper published in the county in which the proceeding is had, at least once a week for 3 weeks before the petition is filed.

Section 3. Amend § 921, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 921 Exclusive original civil jurisdiction. The Court shall have exclusive original civil jurisdiction in all proceedings in this State concerning:

(18) Child Protection Registry proceedings pursuant to Chapter 9 of Title ~~16.~~ 16;

(19) Proceedings for a change of name pursuant to § 5901(b) of this title.

HD : NSW : MAW
2141500124
Released: 06/07/2019 09:11 AM

Section 4. This Act takes effect 90 days following its enactment into law.

Section 5. This Act does not affect any petition filed in the Court of Common Pleas regarding a minor prior to this Act's effective date.

SYNOPSIS

Currently, Family Court has jurisdiction over name changes for minors when considered in conjunction with establishing parentage, as well as adult name resumption related to divorce proceedings. Outside of that context, a name change must be filed in the Court of Common Pleas. This bill provides for Family Court to assume jurisdiction over all minor name change petitions, as recommended by the Jurisdiction Improvement Committee established by the Delaware Supreme Court Order of November 7, 2017. The bill exempts the name change matters in Family Court from newspaper publication requirements. Under the bill, the Court of Common Pleas retains its jurisdiction over other adult name change petitions.

HD : NSW : MAW
2141500124
Released: 06/07/2019 09:11 AM