SPONSOR: Rep. Lynn & Sen. Henry
Reps. Baumbach, J. Johnson, Keeley, Kowalko, Viola;
Sen. Townsend

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 178
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend § 5904, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5904 Determination by Court.

(a) Upon presentation of a petition for change of name under this chapter, and it appearing that the requirements of this chapter have been fully complied with, and there appearing no reason for not granting the petition, the prayer of the petition may be granted.

(b) If a parent of a minor files a petition under this chapter and seeks to add that parent's surname to the minor's surname either as an additional name or hyphenated with the minor's previously-existing surname, there is a presumption in favor of granting the petition. A parent opposing a petition filed under this chapter has the burden to overcome the presumption by establishing by clear and convincing evidence that the totality of the following factors demonstrates that granting the petition would cause the minor more harm than benefit:

(1) The length of time that a surname has been used for or by the minor.

(2) The minor's reasonable preference for a surname.

(3) The effect of the change of the minor's surname on the preservation and development of the minor's relationship with each parent.

(4) The identification of the minor as a part of the family unit or, if applicable, multiple family units.

Section 2. This Act applies to petitions filed or pending on or after January 1, 2017.

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