

2015 Regular Session

HOUSE BILL NO. 134

BY REPRESENTATIVE FANNIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/ACTIONS: Provides relative to petitions for the name change of a minor

1 AN ACT

2 To amend and reenact R.S. 13:4751(C)(2), relative to petitions for the name change of a
3 minor; to provide relative to persons entitled to service of the petition and persons
4 entitled to consent to a name change; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:4751(C)(2) is hereby amended and reenacted to read as follows:

7 §4751. Petition for name change; adults; minors

8 * * *

9 C. If the person desiring such change is a minor or if the parents or parent
10 or the tutor of the minor desire to change the name of the minor:

11 * * *

12 (2) If one parent has been granted custody of the minor by a court of
13 competent jurisdiction, the consent of the other parent is not necessary under either
14 of the following circumstances:

15 (a) The parental rights of the other parent have been terminated.

16 (b) if the The other parent has been served with a copy of the petition and
17 any of the following exists:

18 ~~(a)~~(i) The other parent has refused or failed to comply with a court order of
19 support for a period of one year.

(b)(ii) The other parent has failed to support the child for a period of three years after judgment awarding custody to the parent signing the petition.

3 (c)(iii) The other parent is not paying support and has refused or failed to
4 visit, communicate, or attempt to communicate with the child without just cause for
5 a period of two years.

6 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 134 Engrossed

2015 Regular Session

Fannin

Abstract: For a minor petitioning for a name change, eliminates the need for notice to and consent of a parent whose parental rights have been terminated.

Present law authorizes the name change for a minor without the consent of the noncustodial parent if the noncustodial parent has been served with a copy of the petition and has: (1) refused or failed to comply with a court order of support for a period of one year; (2) failed to support the child for a period of three years after judgment awarding custody to the parent signing the petition for name change; or (3) failed to support and has refused or failed to communicate or attempt to communicate with the child without just cause for a period of two years.

Present law does not specifically authorize the name change of a minor without notice to and consent of a parent whose parental rights have been terminated.

Proposed law authorizes the name change for a minor without the need for notice to and consent of a parent whose parental rights have been terminated.

(Amends R.S. 13:4751(C)(2))