

Reprinted 2/27

Judiciary
Dreeszen, Chairperson
Doyle
Kudart

*Amend per 3081 to be Pass
2/18 (p. 530)*

FILED JAN 22 1981

SENATE FILE 121

BY TAYLOR

Passed Senate, Date 2-24-81 (p. 560) Passed House, Date _____

Vote: Ayes 49 Nays 1 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act allowing a parent to file a petition to change the
2 name of a minor child of the parent.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 121

S-3081

1 Amend Senate File 121 as follows:

2 1. Page 1, line 17, by striking the words "seeking
3 the name change" and inserting in lieu thereof the
4 words "whose name is to be changed".

5 2. Page 1, lines 18 and 19, by striking the words
6 "seeking a name change" and inserting in lieu thereof
7 the words "whose name is to be changed".

8 3. Page 1, line 27, by striking the word
9 "petitioner" and inserting in lieu thereof the word
10 "petition".

S-3081 FILED

FEBRUARY 19, 1981

Adopted 2/24 (p. 559)

BY COMMITTEE ON JUDICIARY

LUCAS J. DeKOSTER, CHAIRPERSON

1 Section 1. Section 674.1, Code 1981, is amended by striking
2 the section and inserting in lieu thereof the following:

3 674.1 AUTHORIZATION. A person who has attained the age
4 of majority and who does not have any civil disabilities may
5 apply to the court to change his or her name by filing a
6 verified petition as provided in this chapter. The verified
7 petition may request a name change for minor children of the
8 petitioner as well as the petitioner or a parent may file
9 a verified petition requesting a name change on behalf of
10 a minor child of the parent.

11 Sec. 2. Section 674.2, unnumbered paragraph 1 and subsec-
12 tion 1, Code 1981, are amended to read as follows:

13 The verified petition shall be addressed to the district
14 court of the county where the applicant resides and shall
15 state for each person seeking a name change:

16 1. The name ~~of-petitioner~~ at the time the petition is
17 filed of the person seeking the name change and the person's
18 county of residence of-the-petitioner. If the person seeking
19 a name change is a minor child, the petition shall state the
20 name of the petitioner and the petitioner's relationship to
21 the minor child.

22 Sec. 3. Section 674.6, Code 1981, is amended to read as
23 follows:

24 674.6 SPOUSE MUST JOIN. If the petitioner is married,
25 the spouse must join in the petition or file written consent
26 with the petition.

27 If the ~~petitioner-has~~ petitioner includes or is filed on
28 behalf of a minor child,-the-petition-shall-state-this-fact
29 and-shall-state-all-the-information-about-the-child-that-is
30 required-of-a-petitioner-in-section-674-2---If-the-minor-child
31 is fourteen years of age or older, the child's written consent
32 to the change of name of that child is required.

33 If the ~~petitioner~~ petition includes or is filed on behalf
34 of a minor child under fourteen in-the-petition-filed-in
35 accordance-with-this-chapter, both parents as stated on the

1 birth certificate of the minor child shall file their written
2 consent ~~for~~ to the name change. If both parents do not file
3 their consent, the court shall decide the appropriateness
4 of the change of the minor child's name.

5 Sec. 4. Section 674.9, Code 1981, is amended to read as
6 follows:

7 674.9 MINOR CHILDREN. Any new birth certificate issued
8 ~~to the petitioner or a minor child of the petitioner~~ a person
9 granted a change of name shall reflect the former name of
10 the person ~~affected by~~ issued the new birth certificate.

11 EXPLANATION

12 This bill allows a parent to file a petition seeking a
13 name change for a minor child. Under current law, a minor
14 can only be included in a petition when a parent is also
15 seeking a name change. The bill is effective July 1 following
16 enactment.

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Judiciary and Law Enforcement: Conlon, Chair; Johnson of Howard and Brandt.

Amend per 3526, D's Pass 4/7/81 (p. 1119)

SENATE FILE

121

By TAYLOR

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 26, 1981)

Passed Senate, Date 4-29-81 (p. 1475) Passed House, Date 4-24-81 (p. 1399)

Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 0

Approved May 14, 1981

A BILL FOR

1 An Act allowing a parent to file a petition to change the
2 name of a minor child by the parent.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE AMENDMENT TO SENATE FILE 121

S-3578

1 Amend Senate File 121, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 2 through 4 and
4 inserting in lieu thereof the following: "consent
5 ~~for to the name change. If both parents do not file~~
6 ~~their consent, the court shall decide the~~
7 ~~appropriateness of the change of the minor child's~~
8 ~~name If one of the parents does not consent to the~~
9 ~~name change, a hearing shall be set on the petition~~
10 ~~on twenty days notice to the non-consenting parent~~
11 ~~pursuant to the rules of civil procedure. At the~~
12 ~~hearing the court may waive the requirement of consent~~
13 ~~as to one of the parents if it finds:~~

14 1. That the parent has abandoned the child;
15 2. That the parent has been ordered to contribute
16 to the support of the child or to financially aid
17 in the child's birth and has failed to do so without
18 good cause; or

19 3. That the parent does not object to the name
20 change after having been given due and proper notice."

S-3578 FILED
APRIL 28, 1981

RECEIVED FROM THE HOUSE

Senate concurred 4/29/81 (p. 1474)

1 Section 1. Section 674.1, Code 1981, is amended by striking
2 the section and inserting in lieu thereof the following:

3 674.1 AUTHORIZATION. A person who has attained the age
4 of majority and who does not have any civil disabilities may
5 apply to the court to change his or her name by filing a
6 verified petition as provided in this chapter. The verified
7 petition may request a name change for minor children of the
8 petitioner as well as the petitioner or a parent may file
9 a verified petition requesting a name change on behalf of
10 a minor child of the parent.

11 Sec. 2. Section 674.2, unnumbered paragraph 1 and subsec-
12 tion 1, Code 1981, are amended to read as follows:

13 The verified petition shall be addressed to the district
14 court of the county where the applicant resides and shall
15 state for each person seeking a name change:

16 1. The name ~~of petitioner~~ at the time the petition is
17 filed of the person whose name is to be changed and the
18 person's county of residence of the petitioner. If the person
19 whose name is to be changed is a minor child, the petition
20 shall state the name of the petitioner and the petitioner's
21 relationship to the minor child.

22 Sec. 3. Section 674.6, Code 1981, is amended to read as
23 follows:

24 674.6 SPOUSE MUST JOIN. If the petitioner is married,
25 the spouse must join in the petition or file written consent
26 with the petition.

27 If the ~~petitioner has~~ petition includes or is filed on
28 behalf of a minor child, ~~the petition shall state this fact~~
29 ~~and shall state all the information about the child that is~~
30 ~~required of a petitioner in section 674.2, if the minor child~~
31 is fourteen years of age or older, the child's written consent
32 to the change of name of that child is required.

33 If the ~~petitioner~~ petition includes or is filed on behalf
34 of a minor child under fourteen in the petition filed in
35 ~~accordance with this chapter,~~ both parents as stated on the

1 birth certificate of the minor child shall file their written
2 consent ~~for~~ to the name change. If both parents do not file
3 their consent, the court shall decide the appropriateness
4 of the change of the minor child's name.

5 Sec. 4. Section 674.9, Code 1931, is amended to read as
6 follows:

7 674.9 MINOR CHILDREN. Any new birth certificate issued
8 ~~to the petitioner or a minor child of the petitioner~~ a person
9 granted a change of name shall reflect the former name of
10 the person ~~affected by~~ issued the new birth certificate.

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H-3526

1 Amend Senate File 121, as amended, passed and
2 reprinted by the Senate, as follows:

- 3 1. Page 2, by striking lines 2 through 4 and
4 inserting in lieu thereof the following: "consent
5 ~~for to the name change. If both parents do not file~~
6 ~~their consent, the court shall decide the~~
7 ~~appropriateness of the change of the minor child's~~
8 name The court may waive the requirement of consent
9 as to one of the parents if it finds:
10 1. That the parent has abandoned the child;
11 2. That the parent has been ordered to contribute
12 to the support of the child or to financially aid
13 in the child's birth and has failed to do so without
14 good cause; or
15 3. That the parent does not object to the name
16 change after having been given at least twenty days
17 notice pursuant to the rules of civil procedure."

H-3526 FILED

APRIL 7, 1981

Adopted as amended by 2608
4/24/81 (p. 1399)

BY COMMITTEE ON JUDICIARY & LAW ENFORCEMENT

SHIMANEK, Chair

SENATE FILE 121

H-3608

1 Amend amendment H-3526 to Senate File 121 as
2 amended, passed and reprinted by the Senate as
3 follows:

- 4 1. Page 1, by striking line 8 and inserting
5 in lieu thereof the following: "name If one of the
6 parents does not consent to the name change, a
7 hearing shall be set on the petition on twenty
8 days notice to the non-consenting parent pursuant
9 to the rules of civil procedure. At the hearing
10 the court may waive the requirement of consent"
11 2. Page 1, by striking lines 16 and 17 and
12 inserting in lieu thereof the following: "change
13 after having been given due and proper notice."

H-3608 FILED

APRIL 10, 1981

Adopted 4/24/81 (p. 1399)

BY RAPP of Black Hawk
CONLON of MuscatineDODERER of Johnson
SHIMANEK of Jones

SENATE FILE 121

AN ACT

ALLOWING A PARENT TO FILE A PETITION TO CHANGE THE NAME OF A
MINOR CHILD OF THE PARENT.

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

Section 1. Section 674.1, Code 1981, is amended by striking
the section and inserting in lieu thereof the following:

674.1 AUTHORIZATION. A person who has attained the age
of majority and who does not have any civil disabilities may
apply to the court to change his or her name by filing a
verified petition as provided in this chapter. The verified
petition may request a name change for minor children of the
petitioner as well as the petitioner or a parent may file
a verified petition requesting a name change on behalf of
a minor child of the parent.

Sec. 2. Section 674.2, unnumbered paragraph 1 and subsec-
tion 1, Code 1981, are amended to read as follows:

The verified petition shall be addressed to the district
court of the county where the applicant resides and shall
state for each person seeking a name change:

1. The name ~~of petitioner~~ at the time the petition is
filed of the person whose name is to be changed and the

person's county of residence of the petitioner. If the person
whose name is to be changed is a minor child, the petition
shall state the name of the petitioner and the petitioner's
relationship to the minor child.

Sec. 3. Section 674.6, Code 1981, is amended to read as
follows:

674.6 SPOUSE MUST JOIN. If the petitioner is married,
the spouse must join in the petition or file written consent
with the petition.

~~If the petitioner has petition includes or is filed on
behalf of a minor child, the petition shall state this fact
and shall state all the information about the child that is
required of a petitioner in section 674.2,--if the minor child
is fourteen years of age or older, the child's written consent
to the change of name of that child is required.~~

If the petitioner petition includes or is filed on behalf
of a minor child under fourteen in the petition filed in
accordance with this chapter, both parents as stated on the
birth certificate of the minor child shall file their written
consent for to the name change. if both parents do not file
their consent, the court shall decide the appropriateness
of the change of the minor child's name. If one of the parents
does not consent to the name change, a hearing shall be set
on the petition on twenty days notice to the non-consenting
parent pursuant to the rules of civil procedure. At the
hearing the court may waive the requirement of consent as
to one of the parents if it finds:

1. That the parent has abandoned the child;
2. That the parent has been ordered to contribute to the
support of the child or to financially aid in the child's
birth and has failed to do so without good cause; or
3. That the parent does not object to the name change
after having been given due and proper notice.

Sec. 4. Section 674.9, Code 1981, is amended to read as
follows:

674.9 MINOR CHILDREN. Any new birth certificate issued to ~~the-petitioner-or-a-minor-child-of-the-petitioner~~ a person granted a change of name shall reflect the former name of the person affected-by issued the new birth certificate.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 121, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved May 14, 1981

ROBERT D. RAY
Governor