

JAN 31 1977

House File 85
Judiciary and Law
Enforcement
Gentleman, chair
Spencer
Dyrland

HOUSE FILE 85

By DOYLE

HOUSE FILE 85

Judiciary
Doderer, Chairperson
Shaw
Ashcraft

amend Do pass 2/16 (405)

Amend (3562) Do Pass 5/11 (p. 1501)

Date 2-23-77 (466) Passed Senate, Date 5-17-77 (p. 1654)

Vote: Ayes 92 Nays 1 Vote: Ayes 32 Nays 13

Approved 7/17/77

*Passed House per Senate amendment (4279) 5-19-77 (p. 2489) 64-22 7/17/77 64-22 *motion to reconsider (p. 1655) H/D 5/18 (p. 1678)*
*as amended (4310) 5-19-77 (p. 2489) 64-22 7/17/77 64-22 *Passed Senate per 3706 5-20-77 (p. 1775) 26-20***

A BILL FOR

1 An Act relating to the number of times a person may change his
2 or her name.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section six hundred seventy-four point thir-
2 teen (674.13), Code 1977, is amended to read as follows:

3 674.13 FURTHER CHANGE BARRED. No person shall change
4 his or her name more than once under the provisions of this
5 chapter. However, a person may change his or her name back
6 to the name appearing on his or her original birth certifi-
7 cate after each decree dissolving a marriage is entered.

8 Sec. 2. This Act is effective January 1, 1978.

9 EXPLANATION

10 This bill allows a person to change his or her name back
11 to the name appearing on his or her original birth certifi-
12 cate after each dissolution of marriage. Otherwise, a per-
13 son is limited to one change of name under the chapter.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 85

S-3639

1 Amend the Committee on Judiciary amendment, S-3562,
2 to House File 85 as follows:
3 1. Page 1, by striking lines 36 through 39, and
4 inserting in lieu thereof the following:
5 "____. Page 1, by striking lines 3 through 7, and
6 inserting in lieu thereof the following:
7 674.13 FURTHER CHANGE BARRED. No person shall
8 change his or her name more than once under the provisions
9 of this chapter unless just cause is shown. However,
10 a person may change his or her name back to the name
11 appearing on his or her original birth certificate after
12 each decree dissolving a marriage is entered, or a
13 person may request a name change to a legal name pre-
14 viously acquired in a former marriage."

S-3639 FILED & ADOPTED (p. 1653) BY JAMES M. REDMOND
MAY 17, 1977 ROLF V. CRAFT
BOB RUSH
FORREST ASHCRAFT

HOUSE FILE 85

S-3641

1 Amend the Committee on Judiciary amendment, S-3562,
2 to House File 85 as follows:
3 1. Page 1, by inserting after line 3, the
4 following:
5 "Sec. _____. Section one hundred forty-four point
6 thirteen (144.13), Code 1977, is amended by adding the
7 following paragraph:
8 _____ If the parents of the child have the same
9 surname at the time of the birth of the child, the child
10 shall acquire the surname of its parents, and such
11 surname shall be entered on the certificate of birth of
12 such child. If the parents of the child do not have the
13 same surname at the time of the birth of the child
14 the surname of the child shall be that of one of its
15 parents, or a hyphenated combination of the surnames
16 of the parents. If the parents cannot agree on a
17 surname for the child, the child shall acquire the surname
18 of its mother, and such surname shall be entered on the
19 certificate of birth of such child."

S-3641 FILED & W/D (p. 1651) BY EARL M. WILLITS
MAY 17, 1977

HOUSE FILE 85

S-3634

1 Amend the Committee on Judiciary amendment,
2 S-3562, to House File 85 as follows:
3 1. Page 1, by inserting after line 3, the
4 following:
5 "Sec. _____. Section one hundred forty-four point
6 thirteen (144.13), Code 1977, is amended by adding the
7 following paragraph:
8 _____ . If the parents of the child have the same
9 surname at the time of the birth of the child, the child
10 shall acquire the surname of its parents, and such
11 surname shall be entered on the certificate of birth
12 of such child. If the parents of the child do not
13 have the same surname at the time of the birth of the
14 child, the child shall acquire the surname of its mother,
15 and such surname shall be entered on the certificate
16 of birth of such child."

S-3634 FILED & LOST (p. 1652) BY RICHARD R. RAMSEY
MAY 17, 1977

HOUSE FILE 85

S-3635

1 Amend the Committee on Judiciary amendment,
2 S-3562, to House File 85 as follows:
3 1. Page 1, line 28, by inserting after the word
4 "petition" the words ", provided, however, that only
5 individuals of the opposite sex be permitted to enter
6 into marriage".

S-3635 FILED & WITHDRAWN BY RICHARD R. RAMSEY
MAY 17, 1977

HOUSE FILE 85

S-3636

1 Amend the Committee on Judiciary amendment,
2 S-3562, to House File 85 as follows:
3 1. Page 1, by inserting after line 22 the following:
4 "An individual can, however, have only one legal name
5 at any one time."

S-3636 FILED & ADOPTED (p. 1651) BY RICHARD R. RAMSEY
MAY 17, 1977

S-3562

1 Amend House File 85 as follows:

2 1. Page 1, by inserting before line 1 the following
3 sections:

4 "Section 1. Chapter five hundred ninety-five
5 (595), Code 1977, is amended by adding the follow-
6 ing new section:

7 NEW SECTION. Upon marriage either party may request
8 a name change to that of the other party or to some
9 other surname mutually agreed upon by the parties.
10 The names used on the marriage license shall become
11 the legal names of the parties to the marriage. The
12 marriage license shall contain a statement that when
13 a name change is requested and affixed to the marriage
14 license, the new name is the legal name of the
15 requesting party. If the parties request a name
16 change, the parties shall submit to the court the
17 information required by section six hundred seventy-
18 four point two (674.2) of the Code, and upon
19 solemnization of the marriage, the clerk of court
20 shall send a certified copy of the marriage license
21 to the recorder's office in every county in this state
22 where real property is owned by either of the parties.

23 Sec. _____. Section six hundred seventy-four point
24 six (674.6), Code 1977, is amended to read as follows:

25 674.6 SPOUSE MUST JOIN. If the petitioner is
26 married, ~~his-er-her~~ the spouse must join in the
27 petition or file ~~his-er-her~~ written consent with the
28 petition.

29 If the petitioner has a minor child, the petition
30 shall state this fact and shall state all the informa-
31 tion about the child that is required of a petitioner
32 in section 674.2. If the minor child is fourteen
33 years of age or older ~~he-shall-file-his~~, the child's
34 written consent to the change of name of that child
35 is required."

36 2. Page 1, line 7, by inserting after the word
37 "entered" the words ", or a person may request a name
38 change to a legal name previously acquired in a former
39 marriage".

40 3. Page 1, by inserting after line 7 the follow-
41 ing section:

42 "Sec. _____. Section six hundred seventy-four point
43 twelve (674.12), Code 1977, is repealed."

44 4. By renumbering sections of the bill and correct-
45 ing internal references as necessary.

S-3562 FILED

MAY 12, 1977

BY COMMITTEE ON JUDICIARY

GENE W. GLENN, CHAIRPERSON

A - Amended by 36 326 3636 and
Adopted 5/17 (1653)

B - Amended by 36 329 and Adopted 5/17 (p. 1653)

C - Adopted 5/17 (p. 1653)

S-3631

1 Amend House File 85 as follows:

2 1. Page 1, by inserting after line 7 the
3 following:

4 "Sec. ____ Chapter six hundred seventy-four,
5 Code 1977, is amended by adding the following new section:
6 NEW SECTION. FILING OF NAME CHANGE. Any individual
7 who changes his or her name pursuant to any law of
8 this state shall, within thirty days after having affected
9 such name change, file with the division of vital
10 statistics of the department of health an affidavit
11 attesting to the fact that the individual's name has
12 been changed. The division of vital statistics of the
13 department of health shall maintain a record of such
14 name change."

S-3631 FILED & WITHDRAWN
MAY 17, 1977

BY RICHARD R. RAMSEY

HOUSE FILE 85

S-3632

1 Amend the Committee on Judiciary amendment S-3562
2 to House File 85 as follows:

3 1. Page 1, by inserting after line 35 the follow-
4 ing:

5 "If the petitioner includes a minor child under
6 fourteen in the petition filed in accordance with
7 this chapter, both parents as stated on the birth
8 certificate of the minor child shall file their written
9 consent for the name change. If both parents do not
10 file their consent, the court shall decide the appro-
11 riateness of the change of the minor child's name.

12 Sec. ____ Section six hundred seventy-four point
13 seven (674.7), Code 1977, is amended to read as
14 follows:

15 674.7 COPY TO STATE DEPARTMENT. When the court
16 grants a decree of change of name, the clerk of the
17 court shall ~~mail a certified copy to the state regis-~~
18 ~~trar of vital statistics of the state department of~~
19 ~~health and~~ furnish the petitioner with a certified
20 copy of the decree and mail an abstract of a decree
21 requiring a name change to be reflected on a birth
22 certificate to the state registrar of vital statis-
23 tics of the state department of health on a form pro-
24 vided by the state registrar."

25 2. By renumbering sections and correcting internal
26 references as necessary.

S-3632 FILED & ADOPTED (p. 1651) BY DAVID M. READINGER
MAY 17, 1977

H-4279

1 Amend House File 85 as follows:

2 1. Page 1, by inserting before line 1 the following
3 sections:

4 "Section 1. Chapter five hundred ninety-five
5 (595), Code 1977, is amended by adding the follow-
6 ing new section:

7 NEW SECTION. Upon marriage either party may request
8 a name change to that of the other party or to some
9 other surname mutually agreed upon by the parties.
10 The names used on the marriage license shall become
11 the legal names of the parties to the marriage. The
12 marriage license shall contain a statement that when
13 a name change is requested and affixed to the marriage
14 license, the new name is the legal name of the
15 requesting party. If the parties request a name
16 change, the parties shall submit to the court the
17 information required by section six hundred seventy-
18 four point two (674.2) of the Code, and upon
19 solemnization of the marriage, the clerk of court
20 shall send a certified copy of the marriage license
21 to the recorder's office in every county in this state
22 where real property is owned by either of the parties.
23 An individual can, however, have only one legal name
24 at any one time.

25 Sec. _____. Section six hundred seventy-four point
26 six (674.6), Code 1977, is amended to read as follows:

27 674.6. SPOUSE MUST JOIN. If the petitioner is
28 married, ~~his or her~~ the spouse must join in the
29 petition or file ~~his or her~~ written consent with the
30 petition.

31 If the petitioner has a minor child, the petition
32 shall state this fact and shall state all the informa-
33 tion about the child that is required of a petitioner
34 in section 674.2. If the minor child is fourteen
35 years of age or older ~~he shall file his~~, the child's
36 written consent to the change of name of that child
37 is required.

38 If the petitioner includes a minor child under
39 fourteen in the petition filed in accordance with
40 this chapter, both parents as stated on the birth
41 certificate of the minor child shall file their written
42 consent for the name change. If both parents do not
43 file their consent, the court shall decide the appro-
44 priateness of the change of the minor child's name.

45 Sec. _____. Section six hundred seventy-four point
46 seven (674.7), Code 1977, is amended to read as
47 follows:

48 674.7 COPY TO STATE DEPARTMENT. When the court
49 grants a decree of change of name, the clerk of the
50 court shall ~~mail a certified copy to the state regis-~~

1 ~~trax-of-vital-statistics-of-the-state-department-of~~
2 ~~health-and~~ furnish the petitioner with a certified
3 copy of the decree and mail an abstract of a decree
4 requiring a name change to be reflected on a birth
5 certificate to the state registrar of vital statis-
6 tics of the state department of health on a form pro-
7 vided by the state registrar."

8 2. Page 1, by striking lines 3 through 7, and
9 inserting in lieu thereof the following:

10 "674.13 FURTHER CHANGE BARRED. No person shall
11 change his or her name more than once under the
12 provisions of this chapter unless just cause is shown.
13 However, a person may change his or her name back
14 to the name appearing on his or her original birth
15 certificate after each decree dissolving a marriage
16 is entered, or a person may request a name change
17 to a legal name previously acquired in a former
18 marriage."

19 3. Page 1, by inserting after line 7 the following:

20 "Sec. Chapter six hundred seventy-four (674),
21 Code 1977, is amended by adding the following new
22 section:

23 NEW SECTION. FILING OF NAME CHANGE. Except as
24 provided for in section six hundred seventy-four point
25 seven (674.7), Code 1977, any individual who changes
26 his or her name pursuant to any law of this state
27 shall, within thirty days after having effected such
28 name change, file with the division of vital statistics
29 of the department of health an affidavit attesting
30 to the fact that the individual's name has been
31 changed. The division of vital statistics of the
32 department of health shall maintain a record of such
33 name change. A person who fails to file his or her
34 name change pursuant to this section shall be guilty
35 of a simple misdemeanor.

36 All such records maintained by the division of
37 vital statistics of the department of health regarding
38 effected name changes shall be available for inspection
39 by the public."

40 4. Page 1, by inserting after line 7 the follow-
41 ing section:

42 "Sec. Section six hundred seventy-four point
43 twelve (674.12), Code 1977, is repealed."

44 5. By renumbering sections of the bill and correct-
45 ing internal references as necessary.

H-4279 FILED

RECEIVED FROM SENATE

MAY 19, 1977

House amended (4310) and concurred 5/19 (p. 2497)

HOUSE FILE 85

S-3642

1 Amend House File 85 as follows:
2 1. Page 1, by inserting after line 7 the
3 following:
4 "Sec. _____. Chapter six hundred seventy-four
5 (674), Code 1977, is amended by adding the following
6 new section:
7 NEW SECTION. FILING OF NAME CHANGE. Except as
8 provided for in section six hundred seventy-four point
9 two (674.2), Code 1977, any individual who changes his
10 or her name pursuant to any law of this state shall,
11 within thirty days after having effected such name change,
12 file with the division of vital statistics of the department
13 of health an affidavit attesting to the fact that the
14 individual's name has been changed. The division of
15 vital statistics of the department of health shall
16 maintain a record of such name change. A person who
17 fails to file his or her name change pursuant to this
18 section shall be guilty of a simple misdemeanor.
19 All such records maintained by the division of
20 vital statistics of the department of health regarding
21 effected name changes shall be available for inspection
22 by the public."

S-3642 FILED & WITHDRAWN (p. 1654) BY RICHARD R. RAMSEY
MAY 17, 1977

HOUSE FILE 85

S-3645

1 Amend House File as follows:
2 1. Page 1, by inserting after line 7 the
3 following:
4 "Sec. _____. Section five hundred ninety-five
5 point nineteen (595.19), Code 1977; is amended
6 by adding the following new paragraph:
7 "NEW PARAGRAPH. Between persons of the same sex."

S-3645 FILED & WITHDRAWN BY RICHARD R. RAMSEY
MAY 17, 1977 *Out of order 5/17*
(p. 1654)

S-3637

1 Amend the Ramsey amendment, S-3631, to House File
 2 85 as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "seventy-four," the figure "(674)".
 5 2. Page 1, line 8, by striking the word "affected"
 6 and inserting in lieu thereof the word "effected".
 7 3. Page 1, line 14, by inserting after the word
 8 "change." the words "A person who fails to file his or
 9 her name change pursuant to this section shall be
 10 guilty of a simple misdemeanor."

S-3637 FILED & WITHDRAWN
 MAY 17, 1977

BY RICHARD R. RAMSEY

HOUSE FILE 85

S-3638

1 Amend House File 85 as follows:
 2 1. Page 1, by inserting before line 1 the following
 3 sections:
 4 "Section 1. Section six hundred seventy-four point
 5 six (674.6), Code 1977, is amended by adding the
 6 following new paragraph:
 7 NEW PARAGRAPH. If the petitioner includes a minor
 8 child under fourteen in the petition filed in
 9 accordance with this chapter, both parents, as stated
 10 on the birth certificate of the minor child, shall
 11 file their written consent for the name change. If
 12 both parents do not file their consent, the court
 13 shall decide the appropriateness of the change of
 14 the minor child's name.
 15 Sec. 2. Section six hundred seventy-four point
 16 seven (674.7), Code 1977, is amended to read as
 17 follows:
 18 674.7 COPY TO STATE DEPARTMENT. When the court
 19 grants a decree of change of name, the clerk of the
 20 court shall ~~mail a certified copy to the state regis-~~
 21 ~~trar of vital statistics of the state department of~~
 22 ~~health and~~ furnish the petitioner with a certified
 23 copy of the decree and mail an abstract of a decree
 24 requiring a name change to be reflected on a birth
 25 certificate to the state registrar of vital statistics
 26 of the state department of health on a form provided
 27 by the state registrar."
 28 2. By renumbering sections and correcting internal
 29 references as necessary.

S-3638 FILED & WITHDRAWN
 MAY 17, 1977

BY DAVID M. READINGER

S-3647

- 1 Amend House File 85 as follows:
 2 1. Page 1, by inserting after line 7 the
 3 following:
 4 "Sec. _____. Chapter six hundred seventy-four
 5 (674), Code 1977, is amended by adding the following
 6 new section:
 7 NEW SECTION. FILING OF NAME CHANGE. Except as
 8 provided for in section six hundred seventy-four point sev-
 9 en (674.7), Code 1977, any individual who changes his
 10 or her name pursuant to any law of this state shall,
 11 within thirty days after having effected such name change,
 12 file with the division of vital statistics of the department
 13 of health an affidavit attesting to the fact that the
 14 individual's name has been changed. The division of
 15 vital statistics of the department of health shall
 16 maintain a record of such name change. A person who
 17 fails to file his or her name change pursuant to this
 18 section shall be guilty of a simple misdemeanor.
 19 All such records maintained by the division of
 20 vital statistics of the department of health regarding
 21 effected name changes shall be available for inspection
 22 by the public."

S-3647 FILED & ADOPTED (p. 1654) BY RICHARD R. RAMSEY
 MAY 17, 1977

House Amendment to Senate Amendment to

House File 85

S-3706

- 1 Amend Senate amendment H-4279 to House File 85
 2 as follows:
 3 1. Page 2, by striking lines 19 through 39.

S-3706 FILED
 MAY 20, 1977

RECEIVED FROM THE HOUSE

SENATE CONCURRED (p. 1776)

HOUSE FILE 85

H-4310

- 1 Amend Senate Amendment H-4279 to House File 85
 2 as follows:
 3 1. Page 2, by striking lines 19 through 39.

H-4310 FILED *Adopted* BY JESSE of Polk
 MAY 19, 1977 (p. 2497)

HOUSE FILE 85

AN ACT

RELATING TO THE NUMBER OF TIMES A PERSON MAY CHANGE HIS OR HER NAME.

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

Section 1. Chapter five hundred ninety-five (595), Code 1977, is amended by adding the following new section:

NEW SECTION. Upon marriage either party may request a name change to that of the other party or to some other surname mutually agreed upon by the parties. The names used on the marriage license shall become the legal names of the parties to the marriage. The marriage license shall contain a statement that when a name change is requested and affixed to the marriage license, the new name is the legal name of the requesting party. If the parties request a name change, the parties shall submit to the court the information required by section six hundred seventy-four point two (674.2) of the Code, and upon solemnization of the marriage, the clerk of court shall send a certified copy of the marriage license to the recorder's office in every county in this state where real property is owned by either of the parties. An individual can, however, have only one legal name at any one time.

Sec. 2. Section six hundred seventy-four point six (674.6), Code 1977, is amended to read as follows:

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

If the petitioner has 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 ~~he-shall file-his~~, the child's written consent to the change of name of that child is required.

If the petitioner includes 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 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.

Sec. 3. Section six hundred seventy-four point seven (674.7), Code 1977, is amended to read as follows:

674.7 COPY TO STATE DEPARTMENT. When the court grants a decree of change of name, the clerk of the court shall ~~mail a-certified-copy-to-the-state-registrar-of-vital-statistics-of-the-state-department-of-health-and~~ furnish the petitioner with a certified copy of the decree and mail an abstract of a decree requiring a name change to be reflected on a birth certificate to the state registrar of vital statistics of the state department of health on a form provided by the state registrar.

Sec. 4. Section six hundred seventy-four point thirteen (674.13), Code 1977, is amended to read as follows:

674.13 FURTHER CHANGE BARRED. No person shall change his or her name more than once under the provisions of this chapter unless just cause is shown. However, a person may change his or her name back to the name appearing on his or her original birth certificate after each decree dissolving a marriage is entered, or a person may request a name change to a legal name previously acquired in a former marriage.

Sec. 5. Section six hundred seventy-four point twelve (674.12), Code 1977, is repealed.

Sec. 6. This Act is effective January 1, 1978.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 85, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 7-7, 1977

ROBERT D. RAY
Governor