

FEB 11 1998  
JUDICIARY

HOUSE FILE 2233  
BY BODDICKER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act setting forth procedures in name change actions when the  
2 petitioner requests that the file be sealed.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2233

1 Section 1. Section 22.7, Code Supplement 1997, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 38. Sealed decrees and orders issued  
4 pursuant to section 674.15. In addition, notwithstanding any  
5 other provision of law to the contrary, all public files in  
6 the possession of any state department or agency, or of any  
7 political subdivision, relating to the person's previous name,  
8 shall be deemed confidential, and no notation of the person's  
9 previous name may appear on public documents containing the  
10 new name of the person, as ordered by the court.

11 Sec. 2. NEW SECTION. 674.15 PROCEDURES IN RELATION TO  
12 SEALED DECREES.

13 1. Notwithstanding any provision of this chapter to the  
14 contrary, if the court decides to seal a decree of change of  
15 name issued in accordance with this chapter, the only  
16 documents sent by the clerk of the court regarding the change  
17 of name shall be orders and notices issued under this  
18 subsection. Such documents and the envelopes conveying them  
19 shall be appropriately marked as confidential.

20 2. In any action under this chapter in which the court has  
21 ordered the decree sealed, the court shall make any order  
22 which justice requires to protect the petitioner from  
23 annoyance, embarrassment, or oppression in relation to  
24 changing the petitioner's name in public records, including  
25 but not limited to the following:

26 a. Notwithstanding any provision of this chapter or  
27 chapter 144 to the contrary, the court shall order the state  
28 registrar of vital statistics to issue a new birth certificate  
29 to the petitioner indicating only the petitioner's new name,  
30 that no notation of the petitioner's former name appear on the  
31 new birth certificate or other public documents, that the new  
32 birth certificate not be stamped "amended", and that the  
33 change in name, the order, and the public file and documents  
34 relating to the petitioner's former name be treated as  
35 confidential pursuant to section 22.7. The clerk of court

1 shall convey the order to the state registrar of vital  
2 statistics. If the petitioner was born in a state other than  
3 Iowa, the state registrar of vital statistics shall also  
4 forward a copy of the order and the new birth certificate to  
5 the appropriate registration authority in the state of birth.

6 b. Notwithstanding any provision of this chapter to the  
7 contrary, the court shall order the county recorder in each  
8 county where the petitioner owns real property to change the  
9 name on any deed for the property to reflect the petitioner's  
10 new name; to index the property listed in the decree only  
11 under the new name; to treat the change of name, the order,  
12 and the public files and documents relating to the  
13 petitioner's former name as confidential pursuant to section  
14 22.7; and to make no notation of the petitioner's former name  
15 on the new deed or other public documents containing the  
16 petitioner's new name. The clerk of court shall convey the  
17 order to the appropriate county recorders.

18 c. The court shall order that the county treasurer in each  
19 county where the petitioner has vehicles registered,  
20 notwithstanding any provision of law to the contrary, be  
21 ordered to change the registration to reflect only the  
22 petitioner's new name, to treat the change of name, the order,  
23 and the public files and documents relating to the  
24 petitioner's former name as confidential pursuant to section  
25 22.7, and to make no notation of the petitioner's former name  
26 on the new registration or other public document containing  
27 the petitioner's new name. The clerk of court shall convey  
28 the order to the appropriate county treasurers.

29 d. The court shall order the state department of  
30 transportation, notwithstanding any provision of law to the  
31 contrary, to change all records pertaining to the petitioner  
32 to reflect only the petitioner's new name; to issue a motor  
33 vehicle license or nonoperator identification card reflecting  
34 the petitioner's new name and new characteristics, if  
35 applicable; to treat the change of name, the order, and the

1 public files and documents relating to the petitioner's former  
2 name as confidential pursuant to section 22.7; and to make no  
3 notation of the petitioner's former name on the license or  
4 identification card or other public document containing the  
5 petitioner's new name. The clerk of court shall convey the  
6 order to the state department of transportation.

7 e. If the petitioner possesses any professional license  
8 regulated by the state or any political subdivision of the  
9 state, the court shall order the appropriate licensing entity  
10 or entities, notwithstanding any provision of law to the  
11 contrary, to change all records to reflect only the  
12 petitioner's new name, to issue a license reflecting only the  
13 petitioner's new name, to treat the order and public files and  
14 documents relating to the petitioner's former name as  
15 confidential pursuant to section 22.7, and to make no notation  
16 of the petitioner's former name on the new license or other  
17 public document containing the petitioner's new name. The  
18 clerk of court shall convey the order to the appropriate  
19 entity.

20 f. The court shall order the state registrar of voters and  
21 the commissioner of registration in the county of the  
22 petitioner's residence to change all records pertaining to the  
23 petitioner to reflect only the petitioner's new name; to issue  
24 a new voter registration card reflecting the petitioner's new  
25 name and new characteristics, if applicable; to treat the  
26 change of name, the order, and the public files and documents  
27 relating to the petitioner's former name as confidential  
28 pursuant to section 22.7; and to make no notation of the  
29 petitioner's former name on the voter registration card or  
30 other public document containing the petitioner's new name.  
31 The clerk of court shall convey the order to the state  
32 registrar of voters, who shall work in cooperation with the  
33 appropriate commissioner of registration to implement the  
34 order.

35 3. The court shall issue a notice to the United States

1 social security administration and other federal agencies, as  
2 appropriate, informing the agency of the petitioner's new name  
3 and requesting that the agency change all records pertaining  
4 to the petitioner to reflect only the petitioner's new name;  
5 that the agency issue a new social security card reflecting  
6 only the petitioner's new name, that the agency treat the  
7 change of name as confidential; and that the agency make the  
8 notice and other public documents relating to the petitioner's  
9 former name inaccessible to the public or to law enforcement  
10 agencies. The clerk of court shall convey the notice to the  
11 United States social security administration or other  
12 appropriate agency.

13 4. The court shall issue a notice that the petitioner may  
14 send to any creditor of the petitioner, informing the creditor  
15 of the petitioner's new name, and requesting that the creditor  
16 change all records pertaining to the petitioner to reflect  
17 only the petitioner's new name; that the creditor treat the  
18 change of name as confidential; and that the creditor make the  
19 notice and other public documents containing the petitioner's  
20 former name inaccessible to the public. The clerk of court  
21 shall provide the petitioner with a copy of the notice. The  
22 petitioner may convey a copy of the notice to any creditor, as  
23 necessary.

24 5. The supreme court shall develop a notification  
25 procedure for orders and notices issued in accordance with  
26 this section that conveys the least information necessary to  
27 accomplish a change in the appropriate records. The supreme  
28 court and state agencies and departments shall develop such  
29 practices and procedures as are necessary to protect the  
30 privacy of a petitioner under this section, and to prevent  
31 information related to the change of name from becoming  
32 public, while ensuring that a confidential record or sealed  
33 change of name decree shall not be used to perpetrate a crime  
34 or fraud, or enable the perpetration of a crime or fraud. In  
35 this regard, in any case under this chapter if the court is

1 requested to seal the file, the court shall request  
2 appropriate proof of identity and conduct an appropriate  
3 criminal background check on the petitioner, in addition to  
4 other actions deemed prudent by the court, prior to sealing  
5 any such file or decree.

6 6. a. Any order issued in accordance with subsection 2  
7 shall be applicable in full to any person reading its  
8 contents, including the director of a department or agency, as  
9 well as any employee, independent contractor, volunteer, or  
10 other agent of the department or agency. The order shall  
11 state the terms of its applicability, as well as the liability  
12 for damages provided for in paragraph "b".

13 b. Any person maliciously violating a court order issued  
14 in accordance with subsection 2 shall be liable to the  
15 petitioner for damages. A person who reveals information  
16 ordered to be treated as "confidential" pursuant to subsection  
17 2 is deemed to have acted with malice.

18 c. The party whose name was changed shall also have the  
19 right to seek injunctive relief or other appropriate remedy  
20 under law to enforce an order under subsection 2, or to  
21 otherwise effectuate the intent of this section.

22 7. In the event that a petition is filed seeking access to  
23 the sealed records of the court regarding a change of name,  
24 the party whose name was changed shall be notified and  
25 presented an appropriate opportunity to object, including the  
26 opportunity to file a confidential written objection with the  
27 court.

28 8. The court shall maintain continuing jurisdiction over a  
29 case involving a sealed decree in order to issue orders and  
30 notices as appropriate under this section.

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#### EXPLANATION

32 This bill adds new Code section 674.15, setting forth  
33 procedures for the court to follow in an action for a name  
34 change in which the petitioner requests that the file or  
35 decree be sealed.

1 A sealed decree is listed as a "confidential" public record  
2 under Code section 22.7. The court is required to issue any  
3 order to protect the petitioner from annoyance, embarrassment,  
4 or oppression in connection with a name change under Code  
5 chapter 674, including but not limited to issuing appropriate  
6 orders for the petitioner's name change to the Iowa department  
7 of public health regarding a new birth certificate, to the  
8 appropriate county recorders regarding real property, to the  
9 appropriate county treasurers regarding vehicle registration,  
10 to the state department of transportation regarding the  
11 petitioner's motor vehicle license and driving records, to any  
12 appropriate entity regarding professional licenses held by the  
13 petitioner, and to the state registrar of voters and  
14 commissioner of registration regarding voter registration.  
15 Notices must be sent to the social security administration and  
16 other appropriate federal agencies, and the court must also  
17 prepare a notice that the petitioner can send to the  
18 petitioner's creditors.

19 The supreme court is required to develop a notification  
20 procedure that reveals the least amount of information  
21 possible to result in a change in the appropriate records.  
22 The supreme court and state agencies are directed to develop  
23 practices and procedures that respect the petitioner's  
24 privacy, while also ensuring that the sealed file is not used  
25 to perpetrate a crime or fraud, including requiring proof of  
26 the petitioner's identification and a criminal background  
27 check.

28 A violation of a court order of confidentiality committed  
29 with actual malice is subject to liability for damages. The  
30 petitioner may also seek injunctive or other relief, as  
31 appropriate. The court is authorized to retain jurisdiction  
32 over cases under this chapter with sealed decrees in order to  
33 issue orders and notices as necessary. The requirements of  
34 this chapter, including the contents of court orders, take  
35 precedence over contrary statutory provisions.

1 If a person seeks to open a sealed file in a name change  
2 action, the party whose name was changed shall be notified and  
3 given the opportunity to make an argument to the court,  
4 including a confidential written argument.

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