

FEB 14 2002

JUDICIARY

HOUSE FILE 2359

BY BELL

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to consent to the name change of a minor child.

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

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HF 2359

1 Section 1. Section 674.6, unnumbered paragraph 3, Code
2 2001, is amended to read as follows:

3 If the petition includes or is filed on behalf of a minor
4 child under fourteen years of age, both-parents written
5 consent to the name change shall be filed by all parents as
6 stated on the birth certificate of the minor child ~~shall file~~
7 ~~their-written-consent-to-the-name-change~~. If ~~one-of-the~~
8 ~~parents~~ any parent as stated on the birth certificate does not
9 consent to the name change, a hearing shall be set on the
10 petition on twenty days' notice to the nonconsenting parent
11 pursuant to the rules of civil procedure. If any parent as
12 stated on the birth certificate does not consent to the name
13 change, a rebuttable presumption exists, which may only be
14 rebutted by a preponderance of the evidence, that retaining
15 the minor child's name is in the best interest of the child.
16 At the hearing the court may waive the requirement of consent
17 as to ~~one-of-the-parents~~ any parent as stated on the birth
18 certificate if it finds:

19 EXPLANATION

20 This bill provides that if a petition is filed on behalf of
21 a minor child under 14 years of age to change the child's
22 name, written consent must be filed by all parents stated on
23 the birth certificate. If any parent as stated on the birth
24 certificate does not consent, there is a rebuttable
25 presumption that retaining the minor child's name is in the
26 best interest of the child, which presumption may only be
27 rebutted by a preponderance of the evidence.

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