

B-Engrossed
House Bill 2226

Ordered by the Senate May 22
Including House Amendments dated April 24 and Senate Amendments
dated May 22

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Advocacy Commissions Office)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies laws governing public notice of change of names proceedings. Provides that upon request of applicant, court [*may not require*] **shall waive** public notice of application or judgment if applicant is certified adult program participant in Address Confidentiality Program, unless court finds good cause for public notice. Requires that record of [*request or of proceeding*] **case** must be sealed **except** under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to change of name proceedings; creating new provisions; amending ORS 33.420; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 33.420 is amended to read:

6 33.420. (1) Before entering a judgment for a change of name, except as provided in ORS 109.360,
7 the court shall require public notice of the application to be given, that all persons may show cause
8 why the same should not be granted. The court shall also require public notice to be given of the
9 change after the entry of the judgment.

10 (2) Before entering a judgment for a change of name in the case of a minor child the court shall
11 require that, in addition to the notice required under subsection (1) of this section, written notice
12 be given to the parents of the child, both custodial and noncustodial, and to any legal guardian of
13 the child.

14 (3) Notwithstanding subsection (2) of this section, notice of an application for the change of
15 name of a minor child need not be given to a parent of the child if the other parent of the child files
16 a verified statement in the change of name proceeding that asserts that the minor child has not
17 resided with the other parent and that the other parent has not contributed or tried to contribute
18 to the support of the child.

19 **(4)(a) Upon the request of an applicant, the court shall waive the requirement of public**
20 **notice of the application for or judgment for a change of name under subsection (1) of this**
21 **section if the applicant is a certified adult program participant in the Address Confidentiality**
22 **Program under ORS 192.826, unless the court issues an order pursuant to a finding of good**
23 **cause under ORS 192.848.**

24 **(b) If the court grants an applicant's request to waive the public notice requirement un-**
25 **der this subsection, the court shall seal the record of the case.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (c) If the court denies an applicant's request to waive the public notice requirement un-
2 der this subsection, the court shall seal the record of the case unless the court finds that
3 the interest of the public in the case outweighs the safety concerns of the applicant.

4 (d) This subsection does not apply to an adult applicant appearing as a guardian ad litem
5 for a minor child.

6 SECTION 2. The amendments to ORS 33.420 by section 1 of this 2013 Act apply to notices
7 published or orders issued under ORS 33.420 on or after the effective date of this 2013 Act.

8 SECTION 3. This 2013 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
10 on its passage.

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