

AMENDED IN SENATE JUNE 4, 2008

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2304**

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**Introduced by Assembly Member Plescia**

February 21, 2008

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An act to amend Section 1277 of the Code of Civil Procedure, relating to name changes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as amended, Plescia. Name changes.

Existing law establishes the procedure for a person to change his or her name, as specified. When a proceeding for a change of name is commenced by the filing of a petition, existing law requires the court to make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed, except as specified. Existing law also authorizes an address confidentiality program to which victims of domestic violence, sexual assault, or stalking may apply by completing an application in person at a community-based victims' assistance program to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Existing law provides that if a petition for a change of name alleges a specified reason or circumstance and the petitioner is a participant in the address confidentiality program, that action for a change of name is exempt from the requirement for publication.

This bill would, in addition, require the court to keep confidential the current legal name of the petitioner and prohibit ~~the court from publishing~~ that name *from being published in the court's calendars, indexes, or register of actions* by any means or in any public forum, including a hardcopy or an electronic copy, or any other type of public media or display when the petition for a change of name of a participant in the address confidentiality program alleges a specified reason or circumstance. *The bill would also prohibit the court from allowing public access to the original petition at any time, except pursuant to a court order upon a showing of good cause.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1277 of the Code of Civil Procedure is  
2 amended to read:  
3 1277. (a) If a proceeding for a change of name is commenced  
4 by the filing of a petition, except as provided in subdivisions (b),  
5 (c), and (e), the court shall thereupon make an order reciting the  
6 filing of the petition, the name of the person by whom it is filed,  
7 and the name proposed. The order shall direct all persons interested  
8 in the matter to appear before the court at a time and place  
9 specified, which shall be not less than six nor more than 12 weeks  
10 from the time of making the order, unless the court orders a  
11 different time, to show cause why the application for change of  
12 name should not be granted. The order shall direct all persons  
13 interested in the matter to make known any objection that they  
14 may have to the granting of the petition for change of name by  
15 filing a written objection, which includes the reasons for the  
16 objection, with the court at least two court days before the matter  
17 is scheduled to be heard and by appearing in court at the hearing  
18 to show cause why the petition for change of name should not be  
19 granted. The order shall state that, if no written objection is timely  
20 filed, the court may grant the petition without a hearing.  
21 A copy of the order to show cause shall be published pursuant  
22 to Section 6064 of the Government Code in a newspaper of general  
23 circulation to be designated in the order published in the county.  
24 If no newspaper of general circulation is published in the county,  
25 a copy of the order to show cause shall be posted by the clerk of

1 the court in three of the most public places in the county in which  
2 the court is located, for a like period. Proof shall be made to the  
3 satisfaction of the court of this publication or posting, at the time  
4 of the hearing of the application.

5 Four weekly publications shall be sufficient publication of the  
6 order to show cause. If the order is published in a daily newspaper,  
7 publication once a week for four successive weeks shall be  
8 sufficient.

9 If a petition has been filed for a minor by a parent and the other  
10 parent, if living, does not join in consenting thereto, the petitioner  
11 shall cause, not less than 30 days prior to the hearing, to be served  
12 notice of the time and place of the hearing or a copy of the order  
13 to show cause on the other parent pursuant to Section 413.10,  
14 414.10, 415.10, or 415.40. If notice of the hearing cannot  
15 reasonably be accomplished pursuant to Section 415.10 or 415.40,  
16 the court may order that notice be given in a manner that the court  
17 determines is reasonably calculated to give actual notice to the  
18 nonconsenting parent. In that case, if the court determines that  
19 notice by publication is reasonably calculated to give actual notice  
20 to the nonconsenting parent, the court may determine that  
21 publication of the order to show cause pursuant to this subdivision  
22 is sufficient notice to the nonconsenting parent.

23 (b) (1) If the petition for a change of name alleges a reason or  
24 circumstance described in paragraph (2), and the petitioner is a  
25 participant in the address confidentiality program created pursuant  
26 to Chapter 3.1 (commencing with Section 6205) of Division 7 of  
27 Title 1 of the Government Code, the action for a change of name  
28 is exempt from the requirement for publication of the order to  
29 show cause under subdivision (a), and the petition and the order  
30 of the court shall, in lieu of reciting the proposed name, indicate  
31 that the proposed name is confidential and will be on file with the  
32 Secretary of State pursuant to the provisions of the address  
33 confidentiality program.

34 (2) The procedure described in paragraph (1) applies to petitions  
35 alleging any of the following reasons or circumstances:

36 (A) To avoid domestic violence, as defined in Section 6211 of  
37 the Family Code.

38 (B) To avoid stalking, as defined in Section 646.9 of the Penal  
39 Code.

1 (C) The petitioner is, or is filing on behalf of, a victim of sexual  
2 assault, as defined in Section 1036.2 of the Evidence Code.

3 (3) For any petition under this subdivision, the current legal  
4 name of the petitioner shall be kept confidential by the court and  
5 shall not be published or posted ~~by the court~~ *in the court's*  
6 *calendars, indexes, or register of actions, as required by Article*  
7 *7 (commencing with Section 69840) of Chapter 5 of Title 8 of the*  
8 *Government Code, or by any means or in any public forum,*  
9 *including a hardcopy or an electronic copy, or any other type of*  
10 *public media or display. The court shall not allow public access*  
11 *to the original petition at any time, except pursuant to a court*  
12 *order upon a showing of good cause.*

13 (c) A proceeding for a change of name for a witness participating  
14 in the state Witness Protection Program established by Title 7.5  
15 (commencing with Section 14020) of Part 4 of the Penal Code  
16 who has been approved for the change of name by the program is  
17 exempt from the requirement for publication of the order to show  
18 cause under subdivision (a).

19 (d) If application for change of name is brought as part of an  
20 action under the Uniform Parentage Act (Part 3 (commencing with  
21 Section 7600) of Division 12 of the Family Code), whether as part  
22 of a petition or cross-complaint or as a separate order to show  
23 cause in a pending action thereunder, service of the application  
24 shall be made upon all other parties to the action in a like manner  
25 as prescribed for the service of a summons, as is set forth in Article  
26 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of  
27 Part 2. Upon the setting of a hearing on the issue, notice of the  
28 hearing shall be given to all parties in the action in a like manner  
29 and within the time limits prescribed generally for the type of  
30 hearing (whether trial or order to show cause) at which the issue  
31 of the change of name is to be decided.

32 (e) If a guardian files a petition to change the name of his or her  
33 minor ward pursuant to Section 1276:

34 (1) The guardian shall provide notice of the hearing to any living  
35 parent of the minor by personal service at least 30 days prior to  
36 the hearing.

37 (2) If either or both parents are deceased or cannot be located,  
38 the guardian shall cause, not less than 30 days prior to the hearing,  
39 to be served a notice of the time and place of the hearing or a copy

- 1 of the order to show cause on the child's grandparents, if living,
- 2 pursuant to Section 413.10, 414.10, 415.10, or 415.40.

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