

# COMMITTEE REPORT

---

## MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1047, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 2, after line 26, begin a new paragraph and insert:  
2           "SECTION 3. IC 34-28-2-3 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) Upon filing a  
4           petition for a name change, the applicant shall give notice of the  
5           petition as follows:  
6                 (1) By three (3) weekly publications in a newspaper of general  
7                 circulation published in the county in which the petition is filed  
8                 in court.  
9                 (2) If no newspaper is published in the county in which the  
10                petition is filed, the applicant shall give notice in a newspaper  
11                published nearest to that county in an adjoining county.  
12                (3) The last weekly publication shall be published not less than  
13                thirty (30) days before the day the petition will be heard as  
14                indicated in the notice.  
15           ~~(b) In the case of a petition described in section 2(b) of this chapter,~~  
16           ~~the petitioner must publish the first notice of the petition not more than~~  
17           ~~seven (7) days after the date the petition is filed:~~  
18           ~~(c)~~ (b) In the case of a petition described in section 2(b) of this  
19           chapter, the notice required by this section must include the following:  
20                 (1) The name of the petitioner.  
21                 (2) The name of the minor child whose name is to be changed.

- 1 (3) The new name desired.
- 2 (4) The name of the court in which the action is pending.
- 3 (5) The date on which the petition was filed.
- 4 (6) A statement that any person has the right to appear at the
- 5 hearing and to file objections.

6 ~~(d)~~ (c) Except as provided in section 1.5 of this chapter, in the case  
7 of a person who has had a felony conviction within ten (10) years  
8 before filing a petition for a change of name, at least thirty (30) days  
9 before the hearing the petitioner must give notice of the filing of the  
10 petition to:

- 11 (1) the sheriff of the county in which the petitioner resides;
- 12 (2) the prosecuting attorney of the county in which the petitioner  
13 resides; and
- 14 (3) the Indiana central repository for criminal history information.

15 ~~(e)~~ (d) The notice given to the Indiana central repository for  
16 criminal history information under subsection ~~(d)~~ (c) must include the  
17 petitioner's full current name, requested name change, date of birth,  
18 address, physical description, and a full set of classifiable fingerprints.

19 ~~(f)~~ (e) The Indiana central repository for criminal history  
20 information shall forward a copy of any criminal records of the  
21 petitioner to the court for the court's information.

22 ~~(g)~~ (f) A copy of the court decree granting or denying such a petition  
23 shall be sent to the Indiana state police.

24 ~~(h)~~ (g) A person who violates subsection ~~(d)~~ (c) commits a Class A  
25 misdemeanor.

26 SECTION 4. IC 34-28-2-4 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) Proof of the  
28 publication required in this chapter is made by filing a copy of the  
29 published notice, verified by the affidavit of a disinterested person, and  
30 when proof of publication is made, the court shall, subject to the  
31 limitations imposed by subsections (b), (c), and (d), proceed to hear the  
32 petition and make an order and decree the court determines is just and  
33 reasonable.

34 (b) In the case of a petition described in section 2(b) of this chapter,  
35 the court may not hear the petition and issue a final decree until after  
36 thirty (30) days from the later of:

- 37 (1) the filing of proof of publication of the notice required under  
38 subsection (a); or
- 39 (2) the service of the petition upon the parents or guardian of the  
40 minor child.

41 (c) In the case of a petition described in section 2(b) of this chapter,  
42 the court shall set a date for a hearing on the petition if:

- 1 (1) written objections have been filed; or  
 2 (2) either parent or the guardian of the minor child has refused or  
 3 failed to give written consent as described in section 2(b) of this  
 4 chapter.

5 The court shall require that appropriate notice of the hearing be given  
 6 to the parent or guardian of the minor child or to any person who has  
 7 filed written objections.

8 (d) In deciding on a petition to change the name of a minor child,  
 9 the court shall be guided by the best interest of the child rule under  
 10 IC 31-17-2-8. However, there is a presumption in favor of a parent of  
 11 a minor child who:

- 12 (1) has been making support payments and fulfilling other duties  
 13 in accordance with a decree issued under IC 31-15, IC 31-16, or  
 14 ~~IC 31-17~~ IC 31-17 (or IC 31-1-11.5 before its repeal); and  
 15 (2) objects to the proposed name change of the child.

16 (e) In the case of a person required to give notice under section ~~3(d)~~  
 17 **3(c)** of this chapter, the petitioner must certify to the court that the  
 18 petitioner has complied with the notice requirements of that  
 19 subsection."

(Reference is to HB 1047 as reprinted February 2, 2010.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

---

**Senator Bray, Chairperson**