

§1-701. Process to change name

1. Petition, request; where filed. This section governs the process to change the name of a person.

A. A person may petition to change that person's name in the Probate Court in the county where the person resides. [PL 2021, c. 14, §1 (NEW).]

B. A parent or guardian of a minor may petition to change a minor's name in the Probate Court in the county where the minor resides, unless the District Court has exclusive jurisdiction pursuant to Title 4, section 152, subsection 5-A, in which case the petition must be filed in the District Court. [PL 2021, c. 14, §1 (NEW).]

C. A parent or guardian may request to change a minor's name as part of a proceeding concerning parentage or other parental rights, including actions for divorce, parental rights and responsibilities, post-judgment motions and any other proceeding involving parental rights with respect to the minor, in the District Court without filing a separate petition if the parent or guardian asserts good cause. [PL 2021, c. 14, §1 (NEW).]

D. A minor may petition for a name change through an emancipation proceeding without filing a separate petition if the minor asserts good cause. [PL 2021, c. 14, §1 (NEW).]

E. A change of a minor's name may not be ordered pursuant to a protection from abuse order under Title 19-A, section 4007. [PL 2021, c. 14, §1 (NEW).]

For purposes of this section, "parent" means a person who, with respect to the minor, has established parentage pursuant to Title 19-A, chapter 61 and whose parental rights have not been terminated.

For purposes of this section, "guardian" means a person appointed by a court to make decisions with respect to the personal affairs of an individual. "Guardian" includes a coguardian and a permanency guardian appointed under Title 22, section 4038-C but does not include a guardian ad litem.

For purposes of this section, "bureau" means the Department of Public Safety, Bureau of State Police, State Bureau of Identification.

[PL 2023, c. 560, Pt. A, §1 (AMD).]

2. Adult's name change. Upon receipt of a petition filed by an adult under subsection 1, paragraph A, the court may change the name of that adult. The court may not require public notice before approving the name change. Before approving the name change, the court shall notify the petitioner that:

A. [PL 2019, c. 629, §1 (RP).]

REVISOR'S NOTE: (Paragraph A as enacted by PL 2023, c. 560, Pt. A, §1 is REALLOCATED TO TITLE 18-C, SECTION 1-701, SUBSECTION 2, PARAGRAPH C)

B. [PL 2021, c. 14, §1 (RP).]

REVISOR'S NOTE: (Paragraph B as enacted by PL 2023, c. 560, Pt. A, §1 is REALLOCATED TO TITLE 18-C, SECTION 1-701, SUBSECTION 2, PARAGRAPH D)

C. **(REALLOCATED FROM T. 18-C, §1-701, sub-§2, ¶A)** The name change order will be public unless the court grants a request by the petitioner to make the name change order confidential as provided in subsection 3-A; and [PL 2023, c. 560, Pt. A, §1 (NEW); RR 2023, c. 2, Pt. A, §26 (RAL).]

D. **(REALLOCATED FROM T. 18-C, §1-701, sub-§2, ¶B)** An abstract of the name change order will be transmitted to the bureau unless the court grants a request by the petitioner not to transmit the abstract of the name change order to the bureau as provided in subsection 3-B, paragraph C. [PL 2023, c. 560, Pt. A, §1 (NEW); RR 2023, c. 2, Pt. A, §27 (RAL).]

[RR 2023, c. 2, Pt. A, §§26, 27 (COR).]

2-A. Notice and name change; minors. A parent or guardian who has filed a petition under subsection 1, paragraph B or has requested a name change in a District Court proceeding under subsection 1, paragraph C shall provide notice pursuant to the applicable rules of procedure to any other parent, any guardian and any person or agency with legal custody of the minor; to the guardian ad litem if one is currently appointed; and to the minor if the minor is 14 years of age or older. To protect the safety of the minor for whom the name change is sought, the court may limit notice required under this subsection if the parent who has sole parental rights and responsibilities shows by a preponderance of the evidence that:

A. The minor is a victim of abuse; or [PL 2021, c. 14, §1 (NEW).]

B. The minor or petitioner is currently in reasonable fear of the minor's or petitioner's safety. [PL 2021, c. 14, §1 (NEW).]

[PL 2021, c. 559, §2 (AMD).]

2-B. Evaluation of minor's name change. Upon proof of service of the notice required under subsection 2-A and after providing an opportunity for those entitled to notice to respond to the petition:

A. The court shall change a minor's name by agreement of all parties, which a party may indicate by signing a waiver; or [PL 2021, c. 14, §1 (NEW).]

B. In the event that not all parties agree to the name change, the court shall consider the following factors to assess whether the request or petition is in the best interest of the minor:

(1) The minor's expressed preference, if the minor is of sufficient age and maturity to articulate a basis for preferring a particular name;

(2) If the minor is 14 years of age or older, whether the minor consents or objects to the name change petition;

(3) The extent to which the minor uses a particular name;

(4) Whether the minor's name is different from any of the minor's siblings and the degree to which the minor associates and identifies with siblings on any side of the minor's family;

(5) The difficulties, harassment or embarrassment that the minor may experience by bearing the current or proposed name; and

(6) Any other factor the court considers relevant to the minor's best interests, including the factors outlined in Title 19-A, section 1653, subsection 3.

If the court finds that the name change is in the best interest of the minor by a preponderance of the evidence, the court shall change the minor's name. [PL 2021, c. 14, §1 (NEW).]

[PL 2021, c. 14, §1 (NEW).]

3. Name change of minor; confidentiality. The court shall make and preserve a record of a name change of a minor. The court may make the name change confidential.

[PL 2023, c. 560, Pt. A, §1 (AMD).]

3-A. Name change of adult; confidentiality. The court shall make and preserve a record of a name change of an adult. Upon request, the court may order that the name change be confidential if the court finds that, under the circumstances, the adult's interest in maintaining the confidentiality of the record outweighs the public interest in the disclosure of the record. In making this determination, the court shall consider the following factors:

A. Whether the adult is a victim of abuse; [PL 2023, c. 560, Pt. A, §1 (NEW).]

B. Whether the adult is currently in reasonable fear of the adult's safety; [PL 2023, c. 560, Pt. A, §1 (NEW).]

C. Whether the adult is a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B; [PL 2023, c. 560, Pt. A, §1 (NEW).]

D. The results of the criminal history record check and any other background checks ordered under subsection 5. There is a rebuttable presumption that the public interest in the disclosure of the record outweighs the adult's interest in maintaining the confidentiality of the record if the adult was convicted of murder or a Class A, Class B or Class C crime within the 10 years immediately preceding the filing of the petition under subsection 1, paragraph A or was convicted of a Class D or Class E crime within the 5 years immediately preceding the filing of the petition; and [PL 2023, c. 560, Pt. A, §1 (NEW).]

E. Any other factor that the court considers relevant. [PL 2023, c. 560, Pt. A, §1 (NEW).]

The court may not order that the name change be confidential under this subsection if the adult is currently under official supervision as a probationer, a parolee or a sex offender on supervised release or is currently required to register as a sex offender.

[PL 2023, c. 560, Pt. A, §1 (NEW).]

3-B. Transmission of adult name change to bureau. This subsection governs transmission of adult name change orders to the bureau.

A. Except as provided in paragraph C, the court shall electronically transmit to the bureau an abstract of any name change order of an adult issued on or after January 1, 2025 pursuant to this section. The abstract must include the adult's former name, new name and date of birth; whether the court ordered that the record of the name change be confidential under subsection 3-A; and, if known to the court and not otherwise confidential, the adult's physical address and the number associated with the adult's criminal history record information, as defined in Title 16, section 703, subsection 3 or other number assigned by the bureau. [PL 2023, c. 560, Pt. A, §1 (NEW).]

B. Title 16, section 704, subsection 3 and Title 16, section 705, subsection 4 govern dissemination of criminal history record information by a Maine criminal justice agency for an adult whose name has been changed pursuant to an order made confidential under subsection 3-A. [PL 2023, c. 560, Pt. A, §1 (NEW).]

C. Upon request and upon a showing of extraordinary circumstances, the court may order that an abstract of a name change order of an adult made confidential under subsection 3-A not be transmitted to the bureau. [PL 2023, c. 560, Pt. A, §1 (NEW).]

[PL 2023, c. 560, Pt. A, §1 (NEW).]

4. Filing fee. The fee for filing a name change petition is \$75.

[PL 2021, c. 250, §2 (AMD).]

5. Background checks. The court shall require an adult seeking a name change to undergo a criminal history record check. The court may require a minor seeking a name change to undergo a criminal history record check and may require any person seeking a name change to undergo a motor vehicle record check or a credit check. The court may require the person to pay the cost of each background check required.

[PL 2023, c. 560, Pt. A, §1 (AMD).]

6. Denial of petition brought for improper purpose. The court may not change the name of a person if the court has reason to believe that the person is seeking the name change for purposes of defrauding another person or entity or for purposes otherwise contrary to the public interest. There is a rebuttable presumption that the name change is brought for purposes contrary to the public interest if the adult is currently under official supervision as a probationer, a parolee or a sex offender on supervised release or is currently required to register as a sex offender.

[PL 2023, c. 560, Pt. A, §1 (AMD).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2019, c. 629, §1 (AMD). PL 2021, c. 14, §1 (AMD). PL 2021, c. 250, §2 (AMD). PL 2021, c. 559, §§1-3 (AMD). PL 2023, c. 560, Pt. A, §1 (AMD). RR 2023, c. 2, Pt. A, §§26, 27 (COR).

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