

HOUSE BILL NO. HB0237

Name changes-sealed.

Sponsored by: Representative(s) Barbuto, Bagby, Byrd,
Cannady, Connolly and Zwonitzer, Dn. and
Senator(s) Burns, Decaria and Sessions

A BILL

for

1 AN ACT relating to change of name proceedings in district
2 court; allowing records of change of name proceedings to be
3 sealed in certain cases for safety reasons; exempting such
4 cases from residency requirements; providing for
5 documentation as specified; and providing for an effective
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 1-25-105 is created to read:

11

12 **1-25-105. Sealed record proceedings.**

13

14 (a) The court may allow a petition for a name change
15 to proceed on a sealed record basis under this section and
16 may order the records in the proceeding to be sealed if the

1 petitioner submits satisfactory proof to the court that the
2 petitioner desiring a change of name or the petitioner's
3 child or ward has been the victim of domestic abuse as
4 defined by W.S. 35-21-102(a)(iii) or child abuse as defined
5 by W.S. 14-3-202(a)(ii) and the court finds by a
6 preponderance of the evidence that the safety of the
7 petitioner or the petitioner's child or ward warrants
8 sealing the file.

9
10 (b) Every person desiring a change of name under this
11 section shall submit a petition to the court, verified by
12 affidavit, containing the following:

13
14 (i) A concise statement of the reason for the
15 name change;

16
17 (ii) If the petitioner is over seventeen (17)
18 years of age, the results of a certified, fingerprint based
19 criminal history record check conducted pursuant to
20 subsection (e) of this section within ninety (90) days
21 prior to the filing of the petition;

22
23 (iii) Certified copies of all contents of any
24 court file, from any jurisdiction, in which a court has

1 ordered child support, determined paternity or ordered
2 allocation of parental responsibilities or custody
3 regarding the petitioner;

4

5 (iv) If the petitioner is over seventeen (17)
6 years of age, a copy of a consumer report from a consumer
7 reporting agency requested pursuant to section 604 of the
8 Fair Credit Reporting Act, 15 U.S.C. 1681b.

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10 (c) If the court allows the petition to proceed on a
11 sealed record basis under this section, the residency and
12 publication requirements under W.S. 1-25-102 and 1-25-103
13 shall not apply.

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15 (d) All papers and records pertaining to a sealed
16 record petition under this section shall be kept as a
17 permanent record of the court but shall be opened for
18 inspection only upon an order of the court for good cause
19 shown or upon the request of the petitioner.

20

21 (e) Prior to filing a petition under this section,
22 the petitioner shall submit to the division of criminal
23 investigation through the sheriff's office in the county of
24 the applicant's residence:

1

2 (i) A completed application for a criminal
3 history record check in a form approved by the division;

4

5 (ii) A full set of fingerprints of the applicant
6 administered by a law enforcement agency. The actual cost
7 of processing the set of fingerprints required in this
8 paragraph shall be borne by the applicant.

9

10 (f) The sheriff's office shall forward items received
11 under subsection (e) of this section to the division which
12 shall process the full set of fingerprints of the applicant
13 for any criminal justice information. The division shall
14 submit a fingerprint card to the national criminal justice
15 information center for a national background check. The
16 cost of processing the fingerprints shall be payable to the
17 division. The results of the investigation shall be sent
18 to the sheriff's office for distribution to the applicant
19 after payment of any costs.

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21 **Section 2.** W.S. 1-25-101 through 1-25-103 are amended
22 to read:

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1 1-25-101. Verified petition to be presented;
2 information to be shown in petition; order of court making
3 change; record to be made.

4
5 Every person desiring to change his name may petition the
6 district court of the county of the petitioner's residence
7 for the desired change. The petition shall be verified by
8 affidavit setting forth the petitioner's full name, the
9 name desired, a concise statement of the reason for the
10 desired change, the place of his birth, his place of
11 residence and the length of time he has been an actual bona
12 fide resident of the county in which the petition is filed.
13 If the court is satisfied that the desired change is proper
14 and not detrimental to the interests of any other person,
15 it shall order the change to be made, and, subject to W.S.
16 1-25-105, record the proceedings in the records of the
17 court.

18
19 1-25-102. Residence requirement.

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21 Except as provided in W.S. 1-25-105, a person petitioning
22 for a change of name shall have been a bona fide resident
23 of the county in which the petition is filed for at least
24 two (2) years immediately preceding filing the petition.

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2 1-25-103. Notice to be given by publication.

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4 Except as provided in W.S. 1-25-105, a public notice of the
5 petition for a change of name shall be given in the same
6 manner as service by publication upon nonresidents in civil
7 actions.

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9 **Section 3.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14 (END)