

## HOUSE BILL NO. HB0265

Name changes-sealed.

Sponsored by: Representative(s) Barbuto, Greene, Harvey,  
Petroff and Throne and Senator(s) Hastert

A BILL

for

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

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

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

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12 **1-25-105. Nonpublic proceedings and sealed records.**

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14 (a) A petition for a change of name and the entire  
15 change of name proceedings and record shall not be a matter  
16 of public record and the district court shall order the

1 records sealed if the court finds by clear and convincing  
2 evidence:

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4 (i) The safety of the person petitioning for a  
5 change of name warrants that the proceedings should be  
6 nonpublic and the records sealed; or

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8 (ii) If the person petitioning for a change of  
9 name is under eighteen (18) years of age:

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11 (A) The safety of the person warrants that  
12 the proceedings should be nonpublic and the records sealed;  
13 and

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15 (B) The parents of the person were provided  
16 an opportunity to respond to the petition or their parental  
17 rights have been terminated.

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19 (b) Every person petitioning for a change of name  
20 under this section shall file a petition, verified by  
21 affidavit, containing the following:

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23 (i) A concise statement of the reason for the  
24 name change;

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(ii) If the person petitioning for a change of name is over seventeen (17) years of age, the results of a certified, fingerprint based criminal history record check conducted pursuant to subsection (e) of this section within ninety (90) days prior to the filing of the petition;

(iii) Certified copies of all contents of any court file, from any jurisdiction, in which a court has ordered child support, determined paternity or parental rights or ordered allocation of parental responsibilities or custody regarding the person petitioning for a name change;

(iv) If the person petitioning for a name change is over seventeen (17) years of age, a copy of a consumer report from a consumer reporting agency requested pursuant to section 604 of the Fair Credit Reporting Act, 15 U.S.C. 1681b.

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

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2 (d) All papers and records sealed under this section  
3 shall be kept as a permanent record of the court but shall  
4 be opened for inspection only upon an order of the court  
5 for good cause shown or upon the request of the person  
6 petitioning for a name change.

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8 (e) If the person petitioning for a change of name is  
9 over seventeen (17) years of age, prior to filing a  
10 petition under this section, the person shall submit to the  
11 division of criminal investigation through the sheriff's  
12 office in the county of the applicant's residence:

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

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17 (ii) A full set of fingerprints of the applicant  
18 administered by a law enforcement agency. The actual cost  
19 of processing the set of fingerprints required in this  
20 paragraph shall be borne by the applicant.

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22 (f) The sheriff's office shall forward items received  
23 under subsection (e) of this section to the division of  
24 criminal investigation which shall process the full set of

1 fingerprints of the applicant for any criminal justice  
2 information. The division shall submit a fingerprint card  
3 to the national criminal justice information center for a  
4 national background check. The cost of processing the  
5 fingerprints shall be payable to the division. The results  
6 of the investigation shall be sent to the sheriff's office  
7 for distribution to the applicant after payment of any  
8 costs.

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10 **Section 2.** W.S. 1-25-101 and 1-25-103 are amended to  
11 read:

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13 **1-25-101. Verified petition to be presented;**  
14 **information to be shown in petition; order of court making**  
15 **change; record to be made.**

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17 Every person desiring to change his name may petition the  
18 district court of the county of the petitioner's residence  
19 for the desired change. The petition shall be verified by  
20 affidavit setting forth the ~~petitioner's~~person's full  
21 name, the name desired, a concise statement of the reason  
22 for the desired change, the place of his birth, his place  
23 of residence and the length of time he has been an actual  
24 bona fide resident of the county in which the petition is

1 filed. If the court is satisfied that the desired change is  
2 proper and not detrimental to the interests of any other  
3 person, it shall order the change to be made, and, subject  
4 to W.S. 1-25-105, record the proceedings in the records of  
5 the court.

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7 **1-25-103. Notice to be given by publication.**

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

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14 **Section 3.** This act is effective July 1, 2011.

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(END)