

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **996**

February 19, 2009

Authored by Paymar and Hilstrom

The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to courts; eliminating the requirement of personal appearance in an
1.3 application for a name change made by an adult; amending Minnesota Statutes
1.4 2008, section 259.10, subdivision 1, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 259.10, subdivision 1, is amended to read:

1.7 Subdivision 1. **Procedure.** A person who shall have resided in this state for six
1.8 months may apply to the district court in the county where the person resides to change
1.9 the person's name, the names of minor children, if any, and the name of a spouse, if the
1.10 spouse joins in the application, in the manner herein specified. The person shall state in
1.11 the application the name and age of the spouse and each of the children, if any, and shall
1.12 describe all lands in the state in or upon which the person, the children and the spouse if
1.13 their names are also to be changed by the application, claim any interest or lien, and shall
1.14 appear personally before the court and prove identity by at least two witnesses, except
1.15 as provided in subdivision 3. If the person be a minor, the application shall be made by
1.16 the person's guardian or next of kin. The court shall accept the certificate of dissolution
1.17 prepared pursuant to section 518.148 as conclusive evidence of the facts recited in the
1.18 certificate and may not require the person to provide the court a copy of the judgment
1.19 and decree of dissolution. Every person who, with intent to defraud, shall make a false
1.20 statement in any such application shall be guilty of a misdemeanor provided, however, that
1.21 no minor child's name may be changed without both parents having notice of the pending
1.22 of the application for change of name, whenever practicable, as determined by the court.

1.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 Sec. 2. Minnesota Statutes 2008, section 259.10, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3. **Affidavit in lieu of personal appearance.** Except when applying on
2.4 behalf of a minor or when the provisions of section 259.13 apply, a person who makes an
2.5 application under subdivision 1 may submit the following information in lieu of personal
2.6 appearances by the applicant and witnesses:

2.7 (1) a signed, dated, and notarized affidavit executed under oath by the applicant
2.8 setting forth the information required under subdivision 1 and stating that the person is
2.9 making the application in good faith and not with the intent to mislead or defraud; and

2.10 (2) a signed, dated, and notarized affidavit executed under oath by each witness that
2.11 confirms the identity of the person named in the application.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.