

## HOUSE BILL NO. HB0053

Name changes-sealed.

Sponsored by: Representative(s) Warren and Gingery and  
Senator(s) Aullman 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; providing for  
4 documentation as specified; providing for a background  
5 check; and providing for an effective date.

6

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

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

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11 **1-25-105. Sealed record proceedings.**

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

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

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

12

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

15

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

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22 (iii) Certified copies of all contents of any  
23 court file, from any jurisdiction, in which a court has  
24 ordered child support, determined paternity or ordered

1 allocation of parental responsibilities or custody  
2 regarding the petitioner;

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

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

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

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

24

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

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

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

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

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

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

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(END)