

Testimony to House Judiciary Committee on HB 2522  
Robert J. Vancrum, Vancrum Law Firm, LLC

January 18, 2012

Chairman Kinzer and Other Honorable Representatives:

I am raising a concern as a Johnson county lawyer doing estate planning and trusts and estates law about an issue that was partially addressed in 2007. The legislative committees asked the Kansas Judicial Council to devise a speedy direct form that citizens can use to allow the easier restoration of maiden names. This appears in KSA 60-1610(C) (1). The good news is that it's a fine form, the district clerks are well informed about it and the \$146 filing fee is not too bad. The problem is that the amendment was placed in a statute relating to the continuing jurisdiction of the original divorce court, which of course means it only applies if the divorce was in Kansas. I have recently had two women that were divorced in another state who wanted their maiden name back. They either have to go back to courts of that state and reopen divorce there, which very expensive, or they have to follow the expensive and time consuming process of filing a civil petition under KSA 60-1401 to legally change their name, which requires a published notice, hiring of an attorney and waiting for some period of time for case to come up in rotation.

One of the women elected to do the latter and the other decided it wasn't worth it to her. I can easily believe most women just give up as she did. I don't really understand why any district court judge needs to take much time with someone who merely wants maiden name back. I would think the affidavit process should be available to all current residents of Johnson County. My petitioner had lived here 20 years and raised a daughter. She had kept married name until her daughter left the community but wanted to retire under her maiden name.

The only requirement that needs to be added if the divorce was granted in another state is that affiant should produce an authenticated copy of the forum state's divorce decree .