



State of Kansas

Office of Judicial Administration

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HOUSE JUDICIARY COMMITTEE

Honorable Representative Lance Kinzer, Chair

WRITTEN NEUTRAL TESTIMONY REGARDING HOUSE BILL 2252

Restoration of Former Name after out-of-state Divorce

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January 18, 2012

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to provide testimony on behalf of the Office of Judicial Administration regarding House Bill 2252 and our concerns about the language located beginning on page 8 of the bill.

The new language on page 8, line 42 provides that, "Upon request of a spouse who was divorced in another state, the court shall order the restoration of that spouse's maiden or former name upon receipt of an authenticated copy of the divorce decree from such state." The language is not clear as to whether a new case should be filed, but practically, the clerk would need to file a new case in order to begin a record, associate the case with a case number for filing and tracking purposes, and to record the judge's order.

If a new case is to be filed, there is no direction specified as to whether a docket fee and surcharge shall be assessed. The out-of-state case would be outside the jurisdiction of the Kansas Court to make changes. The procedure contemplated by the bill would seem to encourage fraud or the inability to follow a case to allow for child support or other post-decree actions.

A current process exists for someone, who may have been divorced in another state, to request a name change or name restoration. The process would be to file a new case under K.S.A. 60-1402, which allows for a docket fee and surcharge to be assessed.

It would seem simpler, and less expensive, to request an amended divorce decree, to include the name change from the out-of-state court that granted the divorce, or to request the name change in a post-decree motion with the out-of-state court. Neither of these options would necessitate the expense of publication fees required for a new case.

Thank you for your time this afternoon and I would be happy to stand for questions.