

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/1/23
A Bill

HOUSE BILL 1473

By: Representative Dalby
By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PROCEDURE FOR A NAME CHANGE; TO REQUIRE A PETITION FOR A NAME CHANGE TO BE VERIFIED; TO AMEND THE PROCEDURE FOR A NAME CHANGE TO REQUIRE CERTAIN CONTENTS TO APPEAR ON THE ORDER FOR A NAME CHANGE; TO ENSURE THAT CERTAIN CONTENTS OF NAME CHANGE COURT FILE ARE REDACTED; TO REQUIRE THE COURT CLERK TO DELIVER AN ORDER FOR A NAME CHANGE TO CERTAIN STATE ENTITIES; TO ALLOW FOR A COURT FILE IN A NAME CHANGE CASE TO BE SEALED; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE PROCEDURE FOR A NAME CHANGE; TO REQUIRE A NAME CHANGE PETITION TO BE VERIFIED; AND TO ENSURE CONTENTS OF A NAME CHANGE COURT FILE ARE REDACTED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-2-101 is amended to read as follows:

9-2-101. Name change – Procedure.

(a) Upon the application of any person within the jurisdiction of the court, the circuit court shall have power, upon good reasons shown, to alter or change the name of the person.

(b) When application is made to the court under this section, it shall



be by a verified petition in writing embodying the reasons for the application.

~~(c)(1) When allowed, the petition shall by order of the court be spread upon the record, together with the decree of the court~~ If the court determines cause has been shown, the court shall order the petitioner's name changed in an order that reflects the petitioner's:

(A) Prior name;

(B) Birth date;

(C) Identifying information as deemed appropriate by the court, including without limitation the petitioner's:

(i) Social security number; or

(ii) Driver's license number; and

(D) New name.

~~(2)(A)(i) An appropriate order, as prescribed in this subsection, may be made by a circuit judge in vacation. This order shall have the same force and effect as if made at term time~~ The petitioner shall ensure that all confidential information is omitted or redacted from case records that he or she submits to the court in accordance with Supreme Court Administrative Order No. 19.1.

(ii) In the case of a filing submitted through the electronic filing system, all confidential information shall be redacted from an electronic document before its filing in accordance with Supreme Court Administrative Order No. 21.

(B) The clerk shall ensure that all of the identifying information within the case, other than the petitioner's new name and prior name, is properly redacted.

(3)(A) The clerk shall deliver the unredacted order to the:

(i) Arkansas Crime Information Center;

(ii) Arkansas Driver Control; and

(iii) Division of Vital Records, if requested by the petitioner.

(B) If the case is not already styled under both the petitioner's new name and prior name, after the name change is ordered, the clerk shall modify the case caption and index the case under both the new name and the prior name.

(C) The court shall order the court file sealed upon clear

and convincing evidence presented by the petitioner that the petitioner would otherwise be endangered.

/s/Dalby