

Legislative Analysis



CHANGE OF NAME AFTER DIVORCE: MAKE GENDER NEUTRAL

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House Bill 4704
Sponsor: Rep. Pam Byrnes
Committee: Judiciary

Complete to 8-13-09

A SUMMARY OF HOUSE BILL 4704 AS INTRODUCED 3-25-09

The bill would extend to a man who took his wife's name in marriage the same ability to restore a previous surname after a divorce that is currently afforded only to women.

Currently, after a divorce is granted by a court, the court may restore a woman's maiden name or her legal surname prior to the marriage. If a man, however, had taken all or a part of his wife's name, he must complete a formal court procedure at an additional cost to restore his prior surname.

House Bill 4704 would amend Public Act 299 of 1905 (MCL 552.391), which provides for changing and determining the names of divorced women, to instead provide for changing and determining the names of divorced individuals. The bill would revise the current law to be gender neutral, applying to either or both parties in a divorce action.

BACKGROUND INFORMATION:

The bill is identical to House Bill 5513 of the 2007-08 legislative session; that bill passed the House.

FISCAL IMPACT:

House Bill 4704 would have no fiscal impact on the judicial branch of government.

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