

SF67 - 0 - Name Change following Final Marriage Dissolution

Chief Author: **Lindsey Port**
 Committee: **Judiciary And Public Safety**
 Date Completed: **3/3/2023 9:29:06 AM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Health Dept

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
State Total						
	Total	-	-	-	-	-
	Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/3/2023 9:29:06 AM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 3/1/2023 10:33:08 AM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-
Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Total	-	-	-	-	-
Biennial Total			-		-
2 - Revenues, Transfers In*					
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

SF67-0 creates a new provision to set forth a process allowing a post-dissolution name change for a person who received their most recent final marriage dissolution from the state of Minnesota. This bill requires the person to have resided in this state for at least six months prior to making application. This bill requires the person to submit a certified copy of the certificate of dissolution and a certified copy of the person’s birth certificate along with the application for name change for filing with the court. This bill limits the person from requesting any other name change other than what is listed as their legal name at birth. This bill provides that no background check is required, no filing fee is required, and no proof of identify by two witnesses for an application for name change under this section. This bill authorizes the court to grant the application unless the court finds there is an intent to defraud or mislead or section 259.13 prohibits granting the name change. This bill requires the court to provide notice that using a different surname without complying with section 259.13 is a gross misdemeanor.

Assumptions

Minn. Stat. § 518.27 sets forth a person may request to change their name to another name when petitioning for dissolution.

This bill assumes a person who did not make a request to change their name during the dissolution proceedings, or requested a name change during the dissolution proceeding to a name other than their legal name on the person’s birth certificate, may desire to change their name to their legal name on the person’s birth certificate.

When seeking an application for a name change other than during a dissolution proceeding, a background check and filing fee are required. This bill provides a process for a person to apply for a name change who has a dissolution decree in Minnesota to request a name change to their legal name on the birth certificate without needing to complete a background check or paying a filing fee.

This bill requires the person submitting an application for name change to submit a certified copy of the certificate of dissolution and a certified copy of the person’s birth certificate. Minn. Stat. § 357.021, subd. 2(2) requires a certified copy fee of \$14 to be charged and collected by the court administrator from the applicant for any instrument from a civil or criminal proceeding. The Department of Health requires a fee of \$26 for a certified copy of a birth record. This bill assumes the applicant must pay both fees.

It is unknown how many parties changed their name when they married. It’s assumed no more than 50%.

The average number of marriage dissolutions granted in the last three years is 12,641 (12,427 in 2020, 13,026 in 2021, and 12,470 in 2022). On average, 4,502 or 36% of these cases had a Name Change notification sent to the Office of Secretary of State, and 8,139 did not. It is unknown how many names in these cases were changed to a name other than the name on the person’s birth certificate.

It is unknown how many parties in marriage dissolution cases filed a post-dissolution petition for a change of name to the name on the person's birth certificate. The average number of name change cases filed in the last three years is 4,029 (3193 in 2020, 4284 in 2021, and 4611 in 2022). It is assumed that only a small number of these name change cases was filed by a party post-dissolution of marriage to the name on the person's birth record.

It is assumed 75% of the parties who filed post-dissolution petitions for a change of name would have paid a filing fee \$285 plus law library fee and 25% proceeded in forma pauperis.

It is unknown how many new filings this bill may generate. It is assumed the number of new case filings will be minimal.

The bill will not result in an increase in judge or staff need. The calculation used to determine judge need is Assessed Judge Need = Filings x Case Weight / Judge Year Value. For purpose of this fiscal note, the Judge Year Value used is a statewide average of 78,000 minutes. An increase in case filings of 26,000 cases would require an increase of 1 judge Unit. (78,000 minutes per year divided by 3 minutes = 1 judge FTE).

It is unknown whether this bill would cause a decrease in filing fee revenue. It is assumed that there will be an increase in certified copy fee revenue, but there is insufficient information to estimate how much.

It is assumed changes to court forms and Court Administration Processes (CAPs) will be required, and these changes will be minimal.

Expenditure and/or Revenue Formula

It is assumed this bill will have minimal fiscal impact to the Judicial Branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Janet Marshall

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Date: 2/27/2023 12:12:26 PM

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SF67 - 0 - Name Change following Final Marriage Dissolution

Chief Author: **Lindsey Port**
 Committee: **Judiciary And Public Safety**
 Date Completed: **3/3/2023 9:29:06 AM**
 Agency: **Health Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Kate Schiller **Date:** 3/3/2023 9:01:53 AM
Phone: 651-296-6052 **Email:** kate.schiller@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

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Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

This bill will create a name change process following a final marriage dissolution allowing a person to change their name to the name that is on their birth record. A person who chooses to change their name to the name on their birth certificate must supply a copy of their birth certificate to the court.

Assumptions

Because birth certificates are legal documents frequently used to prove identity and are required documents for a U.S. passport and driver’s license, and because birth certificates have no expiration, MDH assumes that most adults have a certified copy of their birth record. MDH assumes that people who already have a birth certificate will not request another birth certificate for this purpose and that people not born in Minnesota would be required to request their birth certificate from a vital records office in the state or country in which they were born. MDH assumes that a small number of people will request a Minnesota birth certificate for this bill’s purpose, which would result in a few more birth certificates being issued from MDH or a local issuance office under a standard process established in law. Because people are not asked to provide the purpose of a request for a birth certificate, any birth certificates issued for this purpose cannot be tracked or differentiated from other requests. MDH assumes this bill will have de minimis impact to Minnesota vital records.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

MDH assumes that this bill will have de minimis impact on local county vital record fee revenue or programmatic costs.

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Char Kimber

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