

SALLY D. POKORNY, Judge
Second Division

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TO: The Honorable Fred Patton, Chair
And Members of the House Judiciary Committee

FROM: Sally D. Pokorny, District Court Judge, 7th Judicial District

RE: Support for HB 2474 – Allowing a court to change a spouse’s name to a name that is different than a maiden or former name during a divorce Proceeding.

Chairman Patton and members of the House Judiciary Committee, my name is Sally Pokorny and I provide this written testimony on behalf of the Kansas Bar Association in SUPPORT of HB 2474 allowing a court to change a spouse’s name to a name that is different than a maiden or former name during a divorce proceeding.

I have witnessed a number of cases where a spouse is very deserving of a name change to a name other than a former or birth name. However, due to the confines of the statute, I am unable to grant a simple request. The saddest case involved a woman who wanted to change her name to that of her mother’s birth name. She did not want to change to her own birth name, because her father molested her when she was a child. She did not want her former name, because that husband had physically abused her. She decided her ‘best’ option was to keep her current name, even though her husband was in prison. It was her ‘best’ option because she did not have the money to pay a filing fee for a name change petition. Additionally, requiring this extra step of filing a name change petition is not an efficient use of her time, nor is it in the interest of judicial economy.

I am aware the Kansas Bar Association is proposing notice of the intent to request a name change. Most filers give notice of their intent to request a name change in the petition for divorce. This notice goes to the very person who would most likely raise the issue of whether the name change is for purposes of committing fraud, avoiding debts or obligations, for the purpose of avoiding service of process, or misleading the public. This additional notice, if done by publication, can cost hundreds of dollars. This would discourage many a person from requesting a name change. I cannot say how many people file poverty affidavits in support of waiving court costs, but it is a very high number. This additional cost would be a financial barrier to many people who are in the middle of a divorce, and is an unnecessary burden.

Thank you very much for your time and attention.