

2024 -- H 8155 SUBSTITUTE A

LC005876/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- PRACTICE IN PROBATE COURTS

Introduced By: Representatives Craven, Caldwell, and McEntee

Date Introduced: April 10, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 33-22-28 of the General Laws in Chapter 33-22 entitled "Practice in  
2 Probate Courts" is hereby amended to read as follows:

3 **33-22-28. Name change.**

4 (a) In every petition for change of name in the probate court, the judge shall grant or deny  
5 the petition without consideration of presence or absence of spousal consent. [The change of name](#)  
6 of a person shall be granted unless such change is sought for fraudulent purposes.

7 (b) A person may petition to change that person's name in the probate court in the town or  
8 city where the person resides.

9 (c) If a petitioner is indigent, or demonstrates a limited or inability to pay, the court costs  
10 may be waived or reduced.

11 (d) Upon receipt of a petition to change name by an adult, the court may change the name  
12 of that adult. The court shall not require public notice or publication before approving the name  
13 change.

14 (e) The court may require a person seeking a name change to undergo a criminal history  
15 record check.

16 (f) The court shall make and preserve a record of a name change.

17 (g) The court shall, at the request of the person or sua sponte, order the records, including  
18 docket entries, of such name change proceedings sealed, to be opened only by order of the court

1 for good cause shown or at the request of the person, if the court finds that an open record of the  
2 person's name change would jeopardize such person's safety based on the totality of the  
3 circumstances.

4 (1) For the purpose of this section, "totality of the circumstances" shall include, but not be  
5 limited to, a consideration of the risk of violence or discrimination against the person, including  
6 the person's status as transgender or as a survivor of domestic violence.

7 (2) The court shall not deny such sealing request solely on the basis that the person lacks  
8 specific instances of or a personal history of threats to their personal safety.

9 (h) This statute is in addition to, and not in abrogation of, the common law.

10 SECTION 2. Section 15-5-17 of the General Laws in Chapter 15-5 entitled "Divorce and  
11 Separation" is hereby amended to read as follows:

12 **15-5-17. Change of name.**

13 Any ~~woman~~ person, to whom a divorce from the bond of marriage is decreed, shall, upon  
14 request, be authorized by the decree to change ~~her~~ their name, notwithstanding that there may be  
15 children born of the marriage, and subject to the same rights and liabilities as if ~~her~~ their name had  
16 not been changed. This statute is in addition to, and not in abrogation of, the common law.

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- PRACTICE IN PROBATE  
COURTS

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1           This act would outline the process for a person petitioning to change their name in the  
2 probate court in the town or city where they reside. It would also make the statute regarding name  
3 change gender neutral.

4           This act would take effect upon passage.

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