

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 88**

As Agreed to April 2, 2007

Brief*

SB 88, as amended, would authorize a court to restore the maiden or former name of a party in a divorce action which would be effective at the time of granting the decree or after the decree of divorce becomes final. The bill would require the Judicial Council to develop a standardized form for use by a party seeking to restore a maiden or former name. The party seeking name restoration after a divorce becomes final would not have to pay a docket fee.

In addition, the bill would provide that, at the time of marriage, a person may designate a new legal name which would be recorded on the marriage license. The new legal name would be effective at the time of endorsement of the official who performed the marriage ceremony. A copy of a certified marriage license would serve as proof of identity for a Kansas driver's license or non-driver's identification card.

Conference Committee Action

The Conference Committee adopted the amendments added by the House Committee to authorize a name change at the time of marriage and to strike the authorization of jurisdiction to the court to restore a maiden or former name prior to the divorce decree being finalized. The Conference Committee further agreed to change "shall" to "may" in new section 1 regarding the person's new legal name.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Background

The Senate Committee amended the bill, as introduced, to:

- Clarify that the court has jurisdiction to restore the maiden or former name of a party in a divorce action at any time before or after the decree of divorce becomes final;
- Delete the provision requiring the party seeking name restoration to pay the docket fee charged on post-decree motions; and
- Require the Judicial Council to develop a standardized form for use by a party seeking to restore a maiden or former name.

The House Committee amended the bill by adding a provision to allow a name change at the time of marriage, in addition to at the time of divorce. In addition, the bill would provide that, at the time of marriage, a person may designate a new legal name which would be recorded on the marriage license. The new legal name would be effective at the time of endorsement of the official who performed the marriage ceremony. A copy of a certified marriage license would serve as proof of identity for a Kansas driver's license or non-driver's identification card. The House Committee also limited the Court's jurisdiction to restore a maiden or former name to the time after a divorce decree becomes final.

The House Committee also struck the provision authorizing the court jurisdiction to restore a maiden or former name prior to the divorce decree being finalized.

The Conference Committee adopted the amendments added by the House Committee. The Conference Committee further agreed to change "shall" to "may" in new section 1 regarding the person's new legal name.

divorce decree; restoration of name