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FISCAL IMPACT REPORT

SPONSOR	<u>Chandler</u>	LAST UPDATED	<u>2/8/2023</u>
	No Publication Required For Name	ORIGINAL DATE	<u>1/23/2023</u>
SHORT TITLE	<u>Changes</u>	BILL NUMBER	<u>House Bill 31/aHJC</u>
		ANALYST	<u>Gray</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 31 changes the word “parent” to “legal parent” and the word “guardian” to “legal guardians.” The amendment makes other minor clarifying changes to language.

Synopsis of Original House Bill 31

House Bill 31 clarifies that a New Mexico resident who is fourteen years or older may petition the district court for a name change. HB31 prohibits a court from requiring notice to one or more legal parents of an applicant who is under fourteen, if the court finds that such notice will jeopardize the applicant’s personal safety. Lastly, HB31 repeals Section 40-8-2 NMSA 1978 requiring publication of a petition for a name change and provides an exception upon a court finding that publication will jeopardize the applicant’s personal safety.

FISCAL IMPLICATIONS

There are no estimated fiscal implications.

SIGNIFICANT ISSUES

Publication poses a significant burden for person seeking a name change. The publication cost is estimated to be \$150 and must be made in addition to a \$132 court filing fee, according to the Administrative Office of the Courts. Individuals may choose to change their name for a variety of reasons, including for divorce, to match their gender identity, or to distance themselves from abusive partners. Repealing this requirement will likely benefit domestic violence survivors or others who might otherwise face violence if required to comply with the publication requirement.

HB31 does not clarify whether applicants over fourteen years of age may also have their records sealed if the court finds that publication will jeopardize the applicant's personal safety. HB31's subsection (B) amendment appears to only address the sealing of records for applicant's under fourteen years of age.

HB31 does not clarify what evidence a person under fourteen years of age would need to present to a district court judge establishing danger to personal safety, which may lead to inconsistent rulings throughout the state. Similarly, the court may open sealed records only if there is a showing of good cause, yet what constitutes good cause is not defined or delineated.

TECHNICAL ISSUES

It is unclear whether the court's order that all records regarding the petition be sealed is dependent upon a court finding that notice will jeopardize the under 14-years of age applicant's personal safety. It is also unclear whether the sealing and the opening of the records is related only to applicants under 14 years of age, or whether applicant's over the age of 14 could also have records sealed for safety.

BG/al/rl