

LEGISLATIVE BILL 161

Approved by the Governor February 14, 1995

Introduced by McKenzie, 34; Day, 19

AN ACT relating to change of name; to amend section 61-103, Reissue Revised Statutes of Nebraska, and section 61-102, Revised Statutes Supplement, 1994; to change notice requirements; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 61-102, Revised Statutes Supplement, 1994, is amended to read:

61-102. (1) Any person desiring to change his or her name may file a petition in the district court of the county in which such person may be a resident, setting forth ~~(1)~~ (a) that the petitioner has been a bona fide citizen of such county for at least one year prior to the filing of the petition, ~~(2)~~ (b) the cause for which the change of petitioner's name is sought, and ~~(3)~~ (c) the name asked for.

(2) Notice of the filing of the petition shall be published ~~once a week for four successive weeks in some in a newspaper in the county, and if no newspaper is printed in the county, then in some a newspaper of general circulation therein. The notice shall be published (a) once a week for four consecutive weeks if the petitioner is nineteen years of age or older at the time the action is filed and (b) once a week for two consecutive weeks if the petitioner is under nineteen years of age at the time the action is filed. In an action involving a petitioner under nineteen years of age who has a noncustodial parent, notice of the filing of the petition shall be sent by certified mail within five days after publication to the noncustodial parent at the address provided to the clerk of the district court pursuant to subsection (1) of section 42-364.13 for the noncustodial parent if he or she has provided an address. The clerk of the district court shall provide the petitioner with the address upon request.~~

(3) It shall be the duty of the district court, upon being duly satisfied by proof in open court of the truth of the allegations set forth in the petition, that there exists proper and reasonable cause for changing the name of the petitioner, and that notice of the filing of the petition has been given as required by this section, to order and direct a change of name of such petitioner and that an order for the purpose be made in the journals of the court.

Sec. 2. Section 61-103, Reissue Revised Statutes of Nebraska, is amended to read:

61-103. (1) Whenever it may be desirable to change the name of any town, village, or city in any county of the state, a petition for that purpose may, in like manner, be filed in the district court of such county, signed by a majority of the legal voters of such town, village, or city, setting forth the cause why such change is desirable, and the name desired to be substituted.

(2) Notice of the filing of the petition shall be published once a week for four consecutive weeks in a newspaper in the county, and if no newspaper is printed in the county, then in a newspaper of general circulation therein.

(3) The court, upon being satisfied by proof that the prayer of the petitioners is reasonable and just, that notice as required in this section 61-102 has been given, that two-thirds of the legal voters of such town, village, or city desire the change, and that there is no other town, village, or city in the state of the name prayed for, may order the change prayed for in such petition.

Sec. 3. Original section 61-103, Reissue Revised Statutes of Nebraska, and section 61-102, Revised Statutes Supplement, 1994, are repealed.