
SENATE BILL 5028

State of Washington

68th Legislature

2023 Regular Session

By Senators Pedersen and Wagoner

Prefiled 12/07/22.

1 AN ACT Relating to revising the process for individuals to
2 request name changes; and amending RCW 4.24.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.130 and 2022 c 141 s 1 are each amended to read
5 as follows:

6 (1) Any person desiring a change of the person's name or that of
7 the person's child or ((ward)) of an individual subject to
8 guardianship for whom the person has been appointed as guardian, may
9 apply therefor to the district court of ((the)) any judicial district
10 in ((which the person resides)) the state, by petition setting forth
11 the ((reasons)) desire for such change; thereupon such court in its
12 discretion may order a change of the name and thenceforth the new
13 name shall be in place of the former.

14 (2) An offender under the jurisdiction of the department of
15 corrections who applies to change the offender's name under
16 subsection (1) of this section shall submit a copy of the application
17 to the department of corrections not fewer than five days before the
18 entry of an order granting the name change. No offender under the
19 jurisdiction of the department of corrections at the time of
20 application shall be granted an order changing the offender's name if
21 the court finds that doing so will interfere with legitimate

1 penological interests, except that no order shall be denied when the
2 name change is requested for religious or legitimate cultural reasons
3 or in recognition of marriage or dissolution of marriage. An offender
4 under the jurisdiction of the department of corrections who receives
5 an order changing the offender's name shall submit a copy of the
6 order to the department of corrections within five days of the entry
7 of the order. Violation of this subsection is a misdemeanor.

8 (3) A sex offender subject to registration under RCW 9A.44.130
9 who applies to change the sex offender's name under subsection (1) of
10 this section shall follow the procedures set forth in RCW
11 9A.44.130(7).

12 ~~(4) ((The district court shall collect the fees authorized by RCW
13 36.18.010 for filing and recording a name change order, and transmit
14 the fee and the order to the county auditor. The court may collect a
15 reasonable fee to cover the cost of transmitting the order to the
16 county auditor. Upon affidavit by the person seeking the name change
17 that the person is unable to pay the fees due to financial hardship,
18 the court shall waive all fees for filing and recording a name change
19 order and direct the county auditor or recording officer to process
20 the name change order at no expense to the person. The court may not
21 waive the fees if the person has received victim compensation for
22 name change fees.~~

23 ~~(5))~~ (a) Name change petitions may be filed and shall be heard
24 in any superior court ~~((when the))~~ in the state:

25 (i) When a person for whom a name change is sought is subject to
26 proceedings under Title 13 or 74 RCW in which the court has exercised
27 exclusive jurisdiction over the person;

28 (ii) When a person desiring a change of the person's name ((or
29 that of the person's child or ward is a victim of domestic violence
30 as defined in RCW 7.105.010 and the person seeks to have the name
31 change file sealed due to reasonable fear for the person's safety or
32 that of the person's child or ward)):

33 (A) Is an emancipated minor under chapter 13.64 RCW; or

34 (B) Has received asylum, refugee, or special immigrant juvenile
35 status; or

36 (iii) If the reason for the person's name change, or the name
37 change of the person's child or of an individual subject to
38 guardianship for whom the person has been appointed as guardian, is:

39 (A) Related to gender expression or identity as defined in RCW
40 49.60.040; or

1 (B) Due to an experience of or reasonable fear of domestic
2 violence, stalking, unlawful harassment, or coercive control as those
3 terms are defined in RCW 7.105.010.

4 (b) Upon granting the name change, the superior court shall, upon
5 request, seal the file ((if the court finds that the safety of the
6 person seeking the name change or the person's child or ward warrants
7 sealing the file)) to protect the person's privacy or that of the
8 person's child or of an individual subject to guardianship for whom
9 the person has been appointed as guardian. In all cases filed under
10 this subsection (4), whether or not the name change petition is
11 granted, there shall be no public access to any court record of the
12 name change filing, proceeding, or order, unless the name change is
13 granted but the file is not sealed. A sealed name change file shall
14 thereafter be open to inspection upon request by the person whose
15 name change petition was granted or to that person's guardian or
16 representative.

17 (c) This subsection (4) does not apply to a person who is subject
18 to the requirements of subsection (2) or (3) of this section.

19 (5) Any court to which an application for name change is made
20 shall collect the fees authorized by RCW 36.18.010 for filing and
21 recording a name change order, and transmit the fee and the order to
22 the county auditor. The court may collect a reasonable fee to cover
23 the cost of transmitting the order to the county auditor. Upon
24 affidavit by either the person seeking the name change or a qualified
25 legal service provider that the person is unable to pay the fees due
26 to financial hardship, the court shall waive all fees for filing,
27 transmitting, and recording a name change order and direct the county
28 auditor or recording officer to process the name change order at no
29 expense to the person. The court may not waive the fees if the person
30 has received victim compensation for name change fees. For purposes
31 of this subsection, "qualified legal service provider" means a not-
32 for-profit legal services organization in Washington state whose
33 primary purpose is to provide legal services to low-income clients.

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