

STATE OF NEW YORK

9424

IN SENATE

May 15, 2024

Introduced by Sen. HOYLMAN-SIGAL -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act and the civil rights law, in relation to name changes of children

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (c) of section 115 of the family court act, as
2 amended by chapter 605 of the laws of 2011, is amended to read as
3 follows:
4 (c) The family court has such other jurisdiction as is provided by
5 law, including but not limited to: proceedings concerning adoption and
6 custody of children, as set forth in parts two and three of article six
7 of this act; proceedings concerning the uniform interstate family
8 support act, as set forth in article five-B of this act; proceedings
9 concerning children in foster care and care and custody of children, as
10 set forth in sections three hundred fifty-eight-a and three hundred
11 eighty-four-a of the social services law and article ten-A of this act;
12 proceedings concerning former foster children as set forth in article
13 ten-B of this act; proceedings concerning destitute children, as set
14 forth in article ten-C of this act; proceedings concerning guardianship
15 and custody of children by reason of the death of, or abandonment or
16 surrender by, the parent or parents, as set forth in sections three
17 hundred eighty-three-c, three hundred eighty-four and paragraphs (a) and
18 (b) of subdivision four of section three hundred eighty-four-b of the
19 social services law; proceedings concerning standby guardianship and
20 guardianship of the person as set forth in part four of article six of
21 this act and article seventeen of the surrogate's court procedure act;
22 [~~and~~] proceedings concerning the interstate compact on juveniles as set
23 forth in chapter one hundred fifty-five of the laws of nineteen hundred
24 fifty-five, as amended[~~7~~]; proceedings concerning the interstate compact
25 on the placement of children, as set forth in section three hundred
26 seventy-four-a of the social services law[~~7~~]; proceedings concerning
27 the uniform child custody jurisdiction and enforcement act, as set forth

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 in article five-A of the domestic relations law; and proceedings
2 concerning the change of the name of a child as set forth in section
3 sixty of the civil rights law.

4 § 2. Subdivision (b) of section 439 of the family court act, as
5 amended by chapter 576 of the laws of 2005, is amended to read as
6 follows:

7 (b) In any proceeding to establish paternity which is heard by a
8 support magistrate, the support magistrate shall advise the mother and
9 putative father of the right to be represented by counsel and shall
10 advise the mother and putative father of their right to blood grouping
11 or other genetic marker or DNA tests in accordance with section five
12 hundred thirty-two of this act. The support magistrate shall order that
13 such tests be conducted in accordance with section five hundred thirty-
14 two of this act. The support magistrate shall be empowered to hear and
15 determine all matters related to the proceeding including the making of
16 an order of filiation pursuant to section five hundred forty-two of this
17 act and an application to change the name of the child pursuant to
18 section sixty of the civil rights law, provided, however, that where the
19 respondent denies paternity and paternity is contested on the grounds of
20 equitable estoppel, the support magistrate shall not be empowered to
21 determine the issue of paternity, but shall transfer the proceeding to a
22 judge of the court for a determination of the issue of paternity. Where
23 an order of filiation is issued by a judge in a paternity proceeding and
24 child support is in issue, the judge, or support magistrate upon refer-
25 ral from the judge, shall be authorized to immediately make a temporary
26 or final order of support, as applicable. Whenever an order of filiation
27 is made by a support magistrate, the support magistrate also shall make
28 a final or temporary order of support.

29 § 3. Section 60 of the civil rights law, as amended by chapter 695 of
30 the laws of 1962, is amended to read as follows:

31 § 60. Petition for change of name. 1. A petition for leave to assume
32 another name may be made by a resident of the state to the county court
33 of the county or the supreme court in the county in which [~~he~~] the peti-
34 tioner resides, or, if [~~he~~] the petitioner resides in the city of New
35 York, either to the supreme court or to any branch of the civil court of
36 the city of New York, in any county of the city of New York. The peti-
37 tion to change the name of an infant may be made by the infant through
38 [~~his~~] the infant's next friend, or by either of [~~his~~] the infant's
39 parents, or by [~~his~~] the infant's general guardian, or by the guardian
40 of [~~his~~] the infant's person, or by the infant's attorney.

41 2. An application may be made in family court seeking a name-change of
42 a child under the age of eighteen as part of a pending, related proceed-
43 ing. Such application may be made by any of the parties to the proceed-
44 ing or by the attorney for the child. An application for a name change
45 made in family court shall only be granted where it is on consent of all
46 parties.

47 § 4. Subdivision 4 of section 62 of the civil rights law, as added by
48 chapter 158 of the laws of 2021, is amended to read as follows:

49 4. [~~The~~] Except for applications in family court pursuant to section
50 sixty of this article, the court shall not request or require consent
51 from any party other than the petitioner, or in the case of a petitioner
52 who does not have capacity to consent, their legal representative, as a
53 condition of granting the name change or obtaining certified copies of
54 the name change order.

55 § 5. This act shall take effect on the first of April next succeeding
56 the date on which it shall have become a law.