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October 25, 2017

Attorney Evelyn Patsos
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Re: Comments on the Proposed Uniform Practice XXXV for Change of Name Actions in the Probate and Family Court

Dear Attorney Patsos,

On behalf of the Boston Bar Association (“BBA”), we thank you for the opportunity to comment on the proposed Uniform Practice XXXV for change of name actions.

The invitation to comment was distributed to all BBA Sections, and the Family Law Section Steering Committee discussed them at length and proposed the attached comments. Please note that the enclosed document does not constitute a position of the BBA as a whole but rather reflects the views of the individual members of the Family Law Section. We hope they may be useful to the Probate and Family Court as it considers the proposed uniform practice.

Thank you for providing members of the bar with an opportunity to weigh in on these important amendments, and please feel free to contact me should you have any questions or concerns.

Very truly yours,

Mark Smith
President

**Comments of the Boston Bar Association's Family Law Section Steering Committee on Proposed
Uniform Practice XXXV for Change of Name Actions in the Probate and Family Court
(October 25, 2017)**

In response to an invitation for comments from the Probate and Family Court, the Boston Bar Association's ("BBA") Family Law Section Steering Committee reviewed the Proposed Uniform Practice XXXV for Change of Name Actions. The BBA notes that these comments do not represent a formal position of the Association but rather are a collection of comments from interested Committee members intended to help the Probate and Family Court in its consideration of the proposed Uniform Practice XXXV.

Members of the Family Law Section Steering Committee noted the challenges that often accompany change of name actions and commended the Probate and Family Court for offering guidance and uniformity in this process. Overall, members felt the proposed Uniform Practice provided much-needed clarity and were hopeful that it would benefit practitioners and petitioners pursuing change of name actions.

Some members, however, did feel that there were a few ambiguities remaining in the proposed Uniform Practice. For example, one member noted the difficulties facing an individual attempting to resume one's maiden name when the name is not one's "prior" name, for example following a second or third marriage. These individuals are often forced to choose to keep the name of the most recent spouse, or return to the name of the previous spouse, and this member expressed hope that the rules would help prevent this dilemma and ease the process for allowing an individual to resume their maiden name.

Some also felt the proposed Uniform Practice could benefit by offering clarity on two other issues that members had noticed in their practice. First, one member noted the situation where an individual seeks to change their entire name (and gender markers) while also in a divorce proceeding. This member felt the process could be streamlined by a more specific inclusion in the Uniform Practice that addresses this particular scenario. Second, a member noted a situation involving a client petition to change the name of child, where the child resided in one county and the parent filing the petition resided in another county. In that case, there was significant confusion as to where the action should lie, with the petition being transferred a number of times. This member felt the proposed Uniform Practice could also benefit by clarifying the process for those petitions.