

IN RE: : IN THE COURT OF COMMON PLEAS OF
PENNY JEAN CAMPBELL : LYCOMING COUNTY, PENNSYLVANIA
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: NO. 05-00,739
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: CHANGE OF NAME

Date: July 22, 2005

MEMORANDUM OPINION and ORDER

Before the court for determination is the Petition for Change of Name filed by Petitioner Wendy Lynne Bower on April 22, 2005. Petitioner Bower seeks to change the name of her minor child from Penny Jean Campbell to Penny Jean Bower. The court will deny the petition since the change of name is not in the minor child's best interests.

The best interests of the child is the standard that guides a court's determination of whether to permit a change of name for a minor. *In re C.R.C.*, 819 A.2d 558, 560 (Pa. Super. 2003). The best interests standard is to be applied on a case by case basis and take into consideration all factors that legitimately have an effect upon the child's physical, intellectual, moral, and spiritual well-being. *Id.* at 561. The court should look at, inter alia, the natural bonds between parent and child, the social stigma or respect afforded a particular name within the community, and, where the child is of sufficient age, whether the child intellectually and rationally understands the significance of changing his or her name. *Id.* at 560. The petitioning party bears the burden of establishing that the change of name is in the best interests of the child. *Ibid.*

Petitioner Bower asserts that permitting the change of name will serve the best interests of the minor child in this case because the child's father is incarcerated. A meaningful bond between a parent and child is important to the child's physical, intellectual, moral, and spiritual needs. If the minor child's surname is permitted to be changed, then the minor child may come to view this action as court sanctioned disapproval of Respondent David W. Campbell as her father. Because of this, the court is hesitant to act in such a way that may adversely affect this already tenuous relationship.

Respondent Campbell has made an effort to establish a relationship with his daughter and has indicated that he will continue to take the necessary steps towards that end. Respondent Campbell has taken reasonable steps to maintain a parental bond with his daughter through letter writing and his attempted participation in the Long Distance Dad program offered by the correctional institution at which his is incarcerated. Respondent Campbell has convincingly stated that he expects to resume his parental obligations once he is released from prison.

The lack of parental bond between Respondent Campbell and his daughter is in large part due to Petitioner Bower's efforts to prevent his correspondences from reaching the minor child. If it was in the court's power, it would order Petitioner Bower to stop this course of action. Unfortunately, that is not an issue that is before the court. Therefore, the court finds that the proposed change of name is not in the best interests of the minor child.

The court does not find Petitioner Bower's arguments in support of the name change to be persuasive. The proposed name change is not necessary to protect the child from becoming a pariah because of her father's criminal past. The court does not find the sins of the father to

be of the magnitude that they will be visited upon the daughter. There was no evidence that the community heaps aspersions on Respondent Campbell and his family, except for Petitioner Bower's assertion that the victims do not like him. While Respondent Campbell's acts of passing bad checks are in no way laudable, the crimes are not of the sort that would evoke a visceral reaction of scorn and condemnation by the public so as to taint anyone who bears the name Campbell.

The change of the minor child's surname does not guarantee that she will not inquire as to who her parents are. Petitioner Bower is concerned that once the minor child starts to attend school the fact that she has a different last name than her mother will be apparent to the minor child's classmates who will ask the minor child why this is so. The minor child will in turn ask Petitioner Bower. Petitioner Bower believes that it will be difficult to explain to such a young child who her father is and why he does not live with them.

The change of the minor child's surname does not insulate Petitioner Bower from this odious task. Even if the surname is changed, the subject of who the minor child's parents are may still arise. For example, the parents' jobs may become a point of discussion among the minor child and her classmates. This may peak the minor child's curiosity and Petitioner Bower would be in the same position she would have been in had the surname not been changed. Regardless of whether the surname is changed, Petitioner Bower will likely have to address this issue with the minor child at some point.

Accordingly, the petition for change of name is denied.

ORDER

It is hereby ordered that the Petition for Change of Name filed by Petitioner Wendy Lynne Bower on April 22, 2005 is DENIED.

BY THE COURT:

William S. Kieser, Judge

cc: Charles F. Greevy, III, Esquire
David W. Campbell
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Judges
Christian J. Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)