

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: CHANGE OF NAME OF ABIGAIL S : NO. 09 -01,135

OPINION AND ORDER

Before the Court is a Petition for Change of Name filed by Jessica A, the mother of ANS, on May 11, 2009. A hearing on the petition was held October 7, 2009.

In considering a request to change the surname of a minor child, the Court is to make a decision which provides for the best interest of the child. In re Grimes, 609 A.2d 158 (Pa. 1992). General considerations are to include 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. The petitioner bears the burden of establishing that the change would indeed be in the child's best interest. Id.

In the instant case, Petitioner testified that she wishes to change the child's surname to her own, A, because she has another daughter with the surname A and that the change would therefore allow Abigail to have the same surname as her sister. Petitioner did not explain why this would be better for Abigail, who is four years old, or offer any other evidence that changing from her father's surname to her mother's surname would be in her best interest.

Abigail's father, Joshua S, testified that he objects to the proposed change. Although he continues to live in North Carolina,¹ and has not seen Abigail since October 2007, Mr. S explained that he does not have a driver's license and thus cannot visit at this time. He did call Abigail in January 2009 to see how she was doing, and does send her birthday cards and gifts at Christmas and on her birthday. Mr. S does pay child support and expressed to the Court a desire to take a more active role in Abigail's life. The Court finds that although Mr. S has not

¹ Petitioner moved with the child from North Carolina to Williamsport in June 2007.

played an active role in Abigail's life, he has not expressed a settled purpose of abandoning her, such as would lead the Court to believe that future involvement with her father is unlikely. At this time, in light of Mr. S's objection and his profession to make more of an effort to be a father to Abigail, and considering Petitioner's failure to provide evidence that the name change would serve Abigail's best interest, the petition will be denied.

ORDER

AND NOW, this 9th day of October 2009, for the foregoing reasons, the petition for change of name is hereby DENIED.

BY

THE COURT,

Dudley

N. Anderson, Judge

cc: Brad Hillman, Esq.
Joshua S
Gary Weber, Esq.
Hon. Dudley Anderson