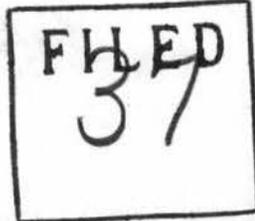


BASTARDS) A court order changing the name of the
) mother of an illegitimate child in no
CHANGE OF NAME) way affects the surname of such child.

May 15, 1951



5-15-51

Honorable Buford C. Hamilton, M.D.
Director, Division of Health
Jefferson City, Missouri

Dear Sir:

This is in response to your request for an opinion on the following question, to-wit:

"Does a court order changing the surname of the mother of an illegitimate child affect the surname of that child?"

The statutory provision for changing a person's name in Missouri is found in Section 527.270, RSMo 1949, and is as follows, to-wit:

"Hereafter - every person desiring to change his or her name may present a petition to that effect, verified by affidavit, to the circuit court in the county of the petitioner's residence, which petition shall set forth the petitioner's full name, the new name desired, and a concise statement of the reason for such desired change; and it shall be the duty of the judge of such court to order such change to be made, and spread upon the records of the court, in proper form, if such judge is satisfied that the desired change would be proper and not detrimental to the interests of any other person."

Honorable Buford C. Hamilton, M.D.

It will be noted that this statute applies to every person desiring to change his or her name. By its very terms, it is all inclusive.

There are no cases in Missouri decisive of this question.

On March 22, 1951, this office rendered an opinion to you answering the following query: "Does a court order changing the surname of the father of a legitimate child apply also to the surname of the child?" Our reply was to the effect that a court order changing the name of a father of a legitimate child in no way affected the child's name. Since the statute makes no reference to legitimacy and is all inclusive, our answer to the present question is that a court order changing the surname of the mother of an illegitimate child in no way affects the surname of her child.

For further reasoning on the question here presented we refer you to our opinion given you on March 22, 1951, a copy of which is hereto attached and made a part of this opinion.

CONCLUSION

It is, therefore, our conclusion that a court order changing the surname of the mother of an illegitimate child in no way affects the surname of such child.

Respectfully submitted,

GROVER C. HUSTON
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

GCH/fh

Enclosure