

OREGON LAW CENTER

921 SW Washington, Suite 516
Portland, Or. 97205

TESTIMONY IN SUPPORT OF HB 2226A
Before the Senate Judiciary Committee
May 16, 2013
Submitted by: Sybil Hebb

Chair Prozanski, and members of the committee,

On behalf of the Oregon Law Center, I submit this written testimony in support of HB 2226A with its pending amendments, which would provide a confidential name change process for adult victims of domestic and sexual violence. Thank you for the opportunity to submit written testimony today. I apologize that due to a conflict I am unable to be in committee this morning.

The Oregon Law Center (OLC) is a non-profit law firm whose mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. A significant number of our clients have civil legal issues related to domestic violence and sexual assault. These issues greatly contribute to the vulnerability of our clients and their children, and further trap them in poverty. We are committed to furthering the community response to and prevention of this violence.

HB 2226A will provide one small tool to help a particularly vulnerable group of victims of domestic violence, sexual assault, and stalking, who are in such fear and danger that they participate in the Address Confidentiality Program at the Oregon Department of Justice (<http://www.doj.state.or.us/victims/confidentiality.shtml>). The ACP program was established by the legislature in 2005, to provide a confidential address for victims whose physical safety would be put at risk by disclosure in public records of their actual address.

In extreme circumstances, if a perpetrator is tech-savvy, a confidential address is not enough protection. A name change may also be necessary, along with a social security number change. HB 226A will help these victims by allowing a survivor to seek a legal name change in a confidential manner. The bill with its amendments would provide that an adult survivor who is an ACP participant may seek a confidential name change unless the court finds good cause not to allow this relief. Records of the proceeding would be sealed, so that an abuser could not use the records to track down the new name and perhaps location of the victim.

The pending amendments clarify that if a name change is requested, the record of the proceeding must be sealed, even if the request for a confidential name change is denied, unless there is good cause not to seal. In addition, the bill makes technical clean ups to language. The amendment also clarifies that an adult may not petition for a confidential name change on behalf of a child. The bill does not address confidential name changes for children, as there are more complicated notice requirements and parental rights at stake in those proceedings.

OLC worked with the proponents and with the Judicial Department on amendments to HB 226A, and with those amendments we respectfully urge your support of the bill, to provide victims with one more tool to achieve safety.