

**IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

<b>IN RE:</b>	)	
	)	
<b>ELISA MARIE SANTANA</b>	)	<b>C.A. Number:</b> CPU4-13-001074
	)	
<b>TO</b>	)	Minor Child's D.O.B. 08/03/2011
	)	
<b>BREA' LI MARIE DAVIS</b>	)	<b>CHANGE OF NAME</b>

Jacqueline M. Davis, New Castle, Delaware, *Petitioner on behalf of minor child*

**CORRECTED ORDER  
REGARDING NAME CHANGE**

Elisa Marie Santana is twenty months old and lives with the petitioner Jacqueline M. Davis who was appointed the guardian of Elisa Marie Santana by the Family Court. Ms. Davis has filed a petition with this Court to change the name of Elisa Marie Santana to Brea'Li Marie Davis.

Veronica Lewandowski is the biological mother of Elisa Marie Santana. Her parental rights have not been terminated even though Ms. Davis was appointed guardian by the Family Court. (The guardianship documents submitted with the name change petition do not identify the biological father. Also, the name change petition states the child's father is unknown.)

This matter is governed by 10 *Del. C.* § 5901 *et seq.* and Court of Common Pleas Civil Rule 81(c). The applicable statute and rules require that the petition be signed by at least one of the minor child's parents and that notice of the petition be published at least once a week for 3 weeks before the petition is filed.<sup>1</sup> The Court may grant a petition for name change if all the statutory requirements are met and there are no apparent reasons for not granting the petition.<sup>2</sup>

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<sup>1</sup> 10 *Del. C.* § 5902 – 5903.

<sup>2</sup> 10 *Del. C.* § 5904.

Ms. Davis, the guardian, does not have standing to request that the child's name be changed. The statute requires that a name change petition filed on behalf of a minor child be signed by at least one parent. Here, the child's mother is known and has parental rights. Accordingly, under these circumstances, the Court does not have jurisdiction to consider the petition filed by Ms. Davis.

**NOW, THEREFORE, IT IS HEREBY ORDERED this 5<sup>th</sup> day of April, 2013, the petition to change the name of the minor child is DENIED. The Court shall refund to Ms. Jacqueline Davis the filing fee paid by her for this matter.**

**Corrected decision issued April 22, 2013.**

*Andrea L. Rocanelli*

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**The Honorable Andrea L. Rocanelli**