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ADULT NAME CHANGE IN NEVADA: PROVIDING REASONING FOR DENYING A
PETITION

Summary

In an opinion drafted by Justice Hardesty, the Nevada Supreme Court considered whether a district court must provide reasons for denying an adult name change petition. In adopting a new standard, the Court found that a district court must provide substantial and principled reasons for denying an adult name-change petition. The Court held that the district court abused its discretion when it denied appellant Salazar's name change petition without explanation.

Background

Inmate Monica Denise Salazar, whose current legal name is Anthony Salazar, filed a name change petition with Eighth District Court's Family Division to conform her name to her gender identity. Two months later, department staff for the division sent an informal communication to Salazar indicating that the court was denying her petition based on an internal policy requiring a notice of nonopposition from the correctional department. No notice of nonopposition was filed, and the district court dismissed the petition for pending too long without action. Salazar appealed the dismissal, asking the court to reverse and remand because the district court erroneously applied relevant law.

Discussion

Denial Requires a Substantial and Principled Reason

The Supreme Court reviewed whether the district court abused its discretion when it dismissed appellant's name change petition for pending too long without action and provided no explanation as to what actions Salazar failed to take. In review, the Court determined that Salazar met the statutory requirements for name change found in NRS 41.270.² Next, the Court looked at NRS 41.290(1), which provides that when no written objection to a petition is filed within ten days, the court is to grant the petition, so long as it finds good reason, or is satisfied with the statements in the petition.³ If an objection is filed, the court must hold a hearing to determine if the applicant has a good reason for the name change.⁴ In adopting a new standard consistent with the plain language of NRS 41.290, the Court ruled that the district court abused its discretion when it denied a petition for a name change without providing any substantial basis for doing so. The Supreme Court held that because appellant's petition met all statutory requirements, the district court failed to apply the correct legal standard and abused its discretion when it denied Salazar's petition for a name change without providing a substantial reason for doing so.

¹ By Theodore Milk.

² NEV. REV. STAT. § 41.270 (2017).

³ NEV. REV. STAT. § 41.290(1) (2017).

⁴ *Id.*

Conclusion

The Supreme Court held that a district court must provide substantial and principled reasons for denying an adult name-change petition. The Court found that the district court abused its discretion when it denied Salazar's name change petition without providing substantial explanation. The Court reversed the district court's dismissal and remanded for further proceedings under applicable law.