

SUPREME JUDICIAL COURT OF MAINE

In re Carol A. Boardman

2017 ME 131 (2017) · No. Cum-16-421 · Decided June 27, 2017

SUMMARY

The Maine Supreme Judicial Court held that a potential misunderstanding of a person's marital status resulting from a requested surname change does not, without evidence of fraudulent intent or reliance causing harm, constitute fraud under Maine's name-change statute. The court vacated the Cumberland County Probate Court's denial and remanded with instructions to grant Carol A. Boardman's petition.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Per Curiam; Saufley, C.J.; Alexander, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	June 27, 2017
DOCKET	Cum-16-421
DISPOSITION	vacated
PROCEDURAL POSTURE	Boardman appealed the Cumberland County Probate Court's denial, after a hearing, of her unopposed petition to change her name.
STANDARD OF REVIEW	A denial of a requested name change is generally reviewed for abuse of discretion, but interpretation of the name-change statute is reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Judicial Court of Maine.
PARTIES	Carol A. Boardman

TOPICS

probate procedure probate statutory interpretation plain meaning rule absurdity doctrine

PRACTICE AREAS

probate name changes statutory interpretation family law

QUESTIONS PRESENTED

1. Whether a potential misunderstanding of the petitioner's marital status, without evidence of an intent to avoid obligations or induce detrimental reliance, constitutes fraud under 18-A M.R.S. § 1-701(f).
2. Whether the Probate Court properly denied the name-change petition based solely on the possibility that others might believe the petitioner was married.

HOLDINGS

1. A person's potential misunderstanding of another person's marital status, without more, does not constitute fraud that permits denial of an otherwise proper name-change petition under 18-A M.R.S. § 1-701(f).
2. The Probate Court abused its discretion and erred as a matter of law by denying the petition based solely on the possibility that the requested surname would imply marriage.

KEY QUOTATIONS

“Name changes are to be liberally granted.” (¶ 8)

“On this appeal, we conclude that a person’s potential misunderstanding of another person’s marital status, without more, does not qualify as a fraud that precludes the otherwise liberal grant of name change petitions in the Probate Court.” (¶ 14)

FACTUAL BACKGROUND

Carol A. Boardman filed an unopposed petition and affidavit seeking to change her name to Carol A. Currier, the surname of a friend. Boardman stated that her husband had died in 2013 and that she wanted a fresh start. The Probate Court denied the petition because it believed the surname could cause others to think Boardman and her friend were married, but the record contained no evidence that Boardman intended to avoid financial or legal obligations or to induce anyone to rely on a false representation.

PROCEDURAL HISTORY

Boardman petitioned the Cumberland County Probate Court to change her name to Carol A. Currier. The Probate Court denied the petition because it believed the name change could mislead others into thinking Boardman was married to a person with the surname Currier. The Supreme Judicial Court of Maine vacated the denial and remanded with instructions to grant the petition.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remanded with instructions to enter a judgment granting Boardman's name-change petition.

CASES CITED

- In re A.M.B., 2010 ME 54, ¶¶ 2, 3, 5, 997 A.2d 754
- In re A.M.B., 2010 ME 54, ¶ 4, 997 A.2d 754
- Estate of Gray, 2014 ME 119, ¶ 9, 103 A.3d 212
- Adoption of M.A., 2007 ME 123, ¶¶ 6, 9, 25, 930 A.2d 1088
- State v. Vandenburg, 2 A.2d 916, 919 (Del. Gen. Sess. Ct. 1938)
- Motley v. Sawyer, 38 Me. 68, 73 (1854)
- Moody v. Burton, 27 Me. 427, 436 (1847)
- Rand v. Bath Iron Works Corp., 2003 ME 122, ¶ 9, 832 A.2d 771
- Picher v. Roman Catholic Bishop of Portland, 2009 ME 67, ¶ 30, 974 A.2d 286
- In re McIntyre, 715 A.2d 400, 402 (Pa. 1998)
- Curtis v. Medeiros, 2016 ME 180, ¶ 10, 152 A.3d 605
- In re Reben, 342 A.2d 688, 688-89, 695 (Me. 1975)
- In re Miller, 824 A.2d 1207, 1208, 1211-14 (Pa. Super. Ct. 2003)
- In re Bicknell, 771 N.E.2d 846, 847-49 (Ohio 2002)
- In re Bacharach, 780 A.2d 579, 585 (N.J. Super. Ct. App. Div. 2001)
- In re Brown, 770 S.E.2d 494, 495, 497-98 (Va. 2015)