

application for hearing as promptly as possible and enter an appropriate order.

### ORDER OF COURT

NOW, this 18th day of January, 1979, the petition of Randall Dwight Leedy is denied. Primary custody of Nicole Lynn Leedy is granted to her mother, Tawney Malene Leedy Shaffer, and her stepfather, Donald Shaffer, to be exercised at their home, R.D. 1, Greene Township, Chambersburg, Pennsylvania.

Exceptions are granted the petitioner.

IN RE: MYERS NAME CHANGE PETITION, C.P. Franklin County Branch, Misc. Doc. Vol. X, Page 259

#### *Change of Name - Unmarried Parents - Custody in Grandparents*

1. The court will grant the petition to change the name of a child from the single mother's surname to the father's surname where the child is in the custody of the paternal grandparents since by custom bearing the father's surname is the natural result of a marriage and fewer questions would come up in the minds of people.

*William C. Cramer, Esq.*, Attorney for Petitioners

*Mary Myers Needham*, Objector, In Propria Persona

### OPINION AND ORDER

EPPINGER, P.J., June 12, 1979:

Crystal Candace Myers lives with her paternal grandparents, Robert Sylvester McClure and Almita Hill McClure. She is the daughter of Mary Myers, now Mary Myers Needham, and Gary Robert McClure, born at a time when the parents were not wed to each other. Custody of the child was awarded to the grandparents by an order of our court dated September 27, 1978 (Misc. Docket Vol. X, page 243), though she has lived with them for five years.

Crystal, by her grandparents as guardians, filed a Petition for Change of Name. At the hearing it was stated that a change of surname to comport with that of her grandparents with whom she is living and her father would be beneficial to her, not only because it would "sound better", but also because it would simplify many matters having to do with school placements, insurance and other benefits to which the child is entitled under the grandfather's employment contract. These difficulties would be minimized if the child's name was changed to McClure.

The mother of the child appeared at the hearing with her husband, Mr. Needham, and protested the change of name, stating that she is in the process of attempting to regain custody of the child. She contended that it would not be beneficial to the child and might be detrimental to her relationship with her daughter. We conclude that there is nothing about changing the child's name that would impinge on Mrs. Needham's rights nor interfere with her relationship with the child. Assuming the child was returned to the mother, she would bear her father's surname. Her mother's name is no longer Myers. By custom bearing the father's name is the natural result of marriage. There may still be significant feeling among the populace that places an illegitimate child in a disadvantaged position, though we hope it is subsiding, for a child is not responsible for the acts of her parents.

Fewer questions would be asked, or come up in the minds of people, in any situation which we can conceive of if the child was named Crystal Candace McClure. So the benefits to the child are apparent in the change of name and there is no harm done to the mother. See *In Re Rocuskie*, 41 Northumberland L.J. 80 (1969).

For the reasons stated in this opinion, we will grant the prayer of the petition.

### ORDER OF COURT

NOW, June 12, 1979, the name of Crystal Candace Myers is changed to Crystal Candace McClure. The costs of these proceedings shall be paid by Robert Sylvester McClure and Almita Hill McClure. Exception granted to Mary Myers Needham.