

Circuit Court for Montgomery County  
Case No: 175733FL

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1103

September Term, 2021

---

YARED TERFASSA

v.

MARYAMAWIT WRIGHT

---

Nazarian,  
Leahy,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: April 6, 2022

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In May 2021, Maryamawit Wright, appellee, filed a petition in the Circuit Court for Montgomery County, requesting a name change for her 17-year-old daughter (“Daughter”). The proposed change sought to alter Daughter’s forename and surname. Daughter’s father, Yare Terfassa, appellant, filed a written opposition to the petition, asserting that the proposed name change was not in her best interest. Following a hearing, the circuit court granted Ms. Wright’s petition. On appeal, Mr. Terfassa contends that the court misapplied the law applicable to name change requests for minors and did not have sufficient evidence to grant Ms. Wright’s petition. For the reasons that follow, we shall affirm.

#### **BACKGROUND**

The record reflects that Daughter had been known by the same forename and surname since her birth. Specifically, she held her father’s surname during the seventeen years preceding the petition for name change. In August of 2021, when the circuit court took testimony and heard argument on the petition, Daughter was less than five months away from her eighteenth birthday and reaching the age of majority.

During the hearing on the petition, Ms. Wright, who had sole legal and physical custody of Daughter, asserted that she only filed the petition because Daughter had requested it. In response, Mr. Terfassa contended that a name change was not in Daughter’s best interest and that there were no extraordinary circumstances which warranted Daughter’s name change. Further, Mr. Terfassa claimed that Daughter had been “improperly influenced” and that the name change was only being sought to harass him. These contentions were directly contradicted by Daughter who testified that she, solely,

desired to have her name changed and that she was not being coerced into seeking a name change. As a basis for the change, Daughter testified that she wanted her desired name reflected on her driver’s license, high school diploma, and on college applications, and that she did not want to make changes to these documents later, “in the middle of school.” When prompted by the court, she further specified that she was not attempting to avoid any debts and that she was not attempting to hide from anyone by changing her name.

In granting Ms. Wright’s petition, the court explained that there was a common law, legal right “that a person is entitled to use the name that they wish to use, so long as they are not doing it for fraudulent purposes, such as to get out of debt or avoid some kind of obligation or such.” “Beyond that,” the court explained, “its whatever the person wants to do.” In granting Ms. Wright’s petition, the court found that there was no fraudulent reason for the proposed name change, stating, “[t]hat in and of itself is enough.” The court also seemed to place weight on Ms. Wright’s status as the sole legal guardian of Daughter. Beyond that, the court found that the daughter had “excellent reasons” for desiring the name change, including having the name reflected on “driver’s licenses and diplomas,” and that the name change was in her best interests at that time.

#### **DISCUSSION**

“[W]hen a change of a minor’s name is before a court, be it by a statutory proceeding or through a proper challenge to the common law right, the court must exercise its discretion whether to permit the change so as to serve the best interest of the minor.” *Hall v. Hall*, 30 Md. App. 214, 223 (1976). Moreover, in “change-of-name” cases, “in which the child’s parents agreed upon a surname, which the child used, but one parent later sought

to change it,” a name change is only “warranted if it is in the child’s best interests *and* the moving party shows extreme circumstances.” *Schroeder v. Broadfoot*, 142 Md. App. 569, 581 (2002). In determining whether extreme circumstances exist, the court must consider two factors. “First, the court is to consider any evidence of misconduct by a parent that could make the child’s continued use of the parent’s surname shameful or disgraceful.” *Dorsey v. Tarpley*, 381 Md. 109, 115-16 (2004). “Second, the court is to consider whether the parent willfully abandoned or surrendered his or her natural ties to the child.” *Id.*

Upon review of the record, it does not appear that the circuit court determined whether Mr. Terfassa and Ms. Wright agreed upon their daughter’s name at or around the time of her birth. Although, one might presume that such an agreement existed at the time, this finding was necessary as it controlled whether the court also needed to consider whether exceptional circumstances existed for the name change. As it stands, the court made no finding of exceptional circumstances, nor did Ms. Wright present any evidence showing that exceptional circumstances existed. In this respect, the circuit court erred in granting the minor’s name change without the requisite findings.

Despite the court’s error, we decline to remand this matter to the circuit court for further findings because “[s]uch a remand would be an exercise in futility and a waste of judicial resources.” *Morris v. Goodwin*, 230 Md. App. 395, 410-11 (2016). Were Daughter still a minor, the Court would remand the case and direct the circuit court to make the appropriate findings. However, during the pendency of this appeal, Daughter turned 18 years old, reaching the age of majority. Accordingly, such findings are now irrelevant. As an adult, absent some fraudulent purpose, Daughter can use whatever name she chooses.

The court already determined that Daughter desired a name change, that she had legitimate reasons for requesting the name change, and that no fraudulent purpose existed for the change. It would be a waste of judicial resources to remand to the circuit court for findings that are no longer applicable and to require the daughter to re-apply for a name that she has already put into use. Because a remand to the circuit court for further proceedings would serve no legitimate purpose, we decline to do so.

**JUDGMENT OF THE CIRCUIT COURT  
FOR MONTGOMERY COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**