

06-1764-CD

In Re: Kayleigh Marie Bloom et al

In re: Kayleigh Bloom
2006-1764-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE:

KAYLEIGH MARIE BLOOM, a Minor, By : No. 2006- 1764-C

HILLARY ONEILL, her Mother & Guardian :

Type of Case:

CIVIL

Type of Pleading:

**PETITION FOR CHANGE OF
NAME**

Filed on Behalf of:

PETITIONER

Counsel of Record for Petitioner:

Peter F. Smith, Esquire

Supreme Court No. 34291

30 South Second Street

P.O. Box 130

Clearfield, PA 16830

(814) 765-5595

FILED
OCT 27 2006
3cc
Atty Smith
Piff pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: :
KAYLEIGH MARIE BLOOM, a Minor, By : No. 2006-1764-CD
HILLARY ONEILL, her Mother & Guardian :
: :
:

RULE - ANSWER & HEARING

AND NOW, this 27th day of October, 2006, upon consideration of the foregoing Petition for Change of Name, it is hereby ordered that:

1. A Rule is issued upon the Respondent CARL K. BLOOM to show cause why the requested name change should not be granted;
2. The Respondent shall answer this Petition within twenty (20) days of service upon the Respondent;
3. The Petition shall be decided under Pa.R.C.P No. 206.7;
4. An evidentiary hearing on disputed issues of material fact shall be held on November 30, 2006 at 10:00 A.m. in Courtroom 2 of the Clearfield County Courthouse;
5. Notice of the entry of this Order shall be provided to all parties by the Petitioner.
6. The Petitioner is directed to give notice to the filing of this Petition and the date of the hearing by publication in The Progress and in The Clearfield County Legal Journal once week for two consecutive weeks.

FILED ^{sec}
010:47:31
OCT 27 2006
Atty Smith
Atty Smith

William A. Shaw
Prothonotary/Clerk of Courts

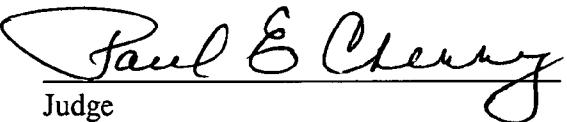
NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

By the Court:



Paul E. Cherry
Judge

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Clearfield County Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: :
KAYLEIGH MARIE BLOOM, a Minor, By : No. 2006-
HILLARY ONEILL, her Mother & Guardian :
: :
: :
: :

PETITION FOR CHANGE OF NAME

COMES NOW, HILLARY ONEILL, Mother and natural Guardian of KAYLEIGH MARIE BLOOM, a Minor, by her attorney Peter F. Smith, who states in support of this Petition the following:

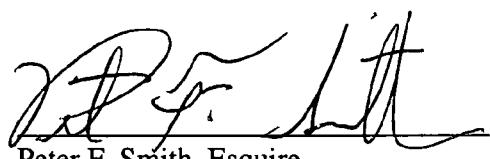
1. Your Petitioner is Hillary O'Neill, a single adult, who resides at 215 Pine Street, Allport, Clearfield County, Pennsylvania 16821.
2. Kayleigh Marie Bloom is the Petitioner's daughter who was born September 26, 2001.
3. Kayleigh Marie has lived with her mother since her birth in Clearfield County, Pennsylvania.
4. Kayleigh Marie's father is CARL K. BLOOM, who is currently an inmate at the State Correctional Institution in Houtzdale with address of P.O. Box 1000, Houtzdale, PA 16698.
5. Kayleigh Marie's mother and father were not married at the time of Kayleigh's birth.
6. Mr. Bloom has had no contact with Kayleigh Marie since September of 2005.
7. Mr. Bloom has failed to establish a parental relationship with Kayleigh Marie.
8. Mr. Bloom has failed to fulfill his child support obligation. As of October 26, 2006 he owed an arrearage of \$11,476.78.

9. This Petition is filed to conform Kayleigh Marie's last name to her mother's with whom she has resided since birth and with whom she will continue to reside. This will avoid embarrassment and confusion. It will also give Kayleigh Marie a sense of security.

WHEREFORE, your Petitioner prays this Honorable Court to enter an Order changing Kayleigh Marie Bloom's full name to KAYLEIGH MARIE ONEILL.

Respectfully Submitted,

Date: 10/27/06



Peter F. Smith, Esquire
Attorney for Petitioner

VERIFICATION

HILLARY ONEILL, who being duly sworn according to law, deposes and says that she is the Mother and Guardian of KAYLEIGH MARIE BLOOM, a minor in this Petition and, as such, is duly authorized to make this Verification, and further, that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information and belief. Furthermore she understands that the same is made pursuant to 18 Pa. S.C.A. 4904, relating to unsworn falsification to authorities.

Date: 10-25-06

Hillary O'Neill
Hillary O'Neill

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102076
NO: 06-1764-CD
SERVICE # 1 OF 1
PETITION FOR CHANGE OF NAME

PLAINTIFF: IN RE: KAYLEIGHT MARIE BLOOM A minor by HILLARD ONEILL, her mother & guardian

vs.

DEFENDANT: TO: CARL K. BLOOM

SHERIFF RETURN

NOW, November 02, 2006 AT 10:03 AM SERVED THE WITHIN PETITION FOR CHANGE OF NAME ON CARL K. BLOOM DEFENDANT AT SCI HOUTZDALE 209 INSTITUTION DR., PO BOX 1000, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CARL K. BLOOM, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION FOR CHANGE OF NAME AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	O'NEILL	119	10.00
SHERIFF HAWKINS	ONEILL	119	34.41

FILED

03:20pm
NOV - 3 2006 LM

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

Chester A. Hawkins
by Marilyn Haskins
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: :
KAYLEIGH MARIE BLOOM, a Minor, : No. 2006 - 1764 - C.D.
By HILLARY ONEILL, her Mother :
and Guardian :
:

**ANSWER TO PETITION FOR
CHANGE OF NAME**

Filed on behalf of:
Respondent, CARL K. BLOOM

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *sec*
01/11/07 4:44 PM Atty Ryan
NOV 20 2006 *W.M.*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE:

KAYLEIGH MARIE BLOOM, a Minor, : No. 2006 – 1764 – C.D.
By HILLARY ONEILL, her Mother :
and Guardian :
:

ANSWER TO PETITION FOR CHANGE OF NAME

NOW COMES, Carl K. Bloom, natural father of the minor child Kayleigh Marie Bloom, and by his Attorneys, Belin, Kubista & Ryan, files his Answer to the above referenced Petition and avers as follows:

1. Denied in that Petitioner in fact resides at Mt. Zion, Clearfield County, Pennsylvania, and has resided in that location since May of 2006.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied. Respondent has regularly spoken with the minor child by telephone during this time.
7. Denied. Respondent had, prior to his incarceration, established a parental relationship with the child and that relationship has continued. The said child knows that Respondent is her father and enjoys a close relationship with the paternal grandparents.
8. It is admitted that Respondent owes an amount of arrearages on his child support obligation. It is denied that the arrears are in the amount alleged. Further, the fact that arrears

exist is not relevant to the issue before this Court, that being whether it is in the best interest of the said child to change her last name.

9. It is denied that the use of the child's last name carries with it any "embarrassment or confusion". On the contrary, the child knows her name and has a close relationship with not only Respondent but with his family. There is nothing whatsoever confusing to this child to carry a different surname that her mother carries.

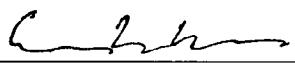
WHEREFORE, Respondent requests that the Petition for Change of Name be denied.

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Respondent, Carl K. Bloom

I verify that the statements made in this Answer are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S. 4904, relating to unsworn falsification to authorities.



Carl K. Bloom

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN, KUBISTA & RYAN

FILED
NOV 20 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006-1764-CD
KAYLEIGH MARIE BLOOM, a Minor, :
by HILLARY ONEILL, her Mother :
& Guardian :
:

**PETITION FOR TRANSPORT TO
HEARING**

Filed on behalf of:
Petitioner, CARL K. BLOOM

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc AKA
0/2:40pm Ryan
NOV 20 2006 (R)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006-1764-CD
KAYLEIGH MARIE BLOOM, a Minor, :
by HILLARY ONEILL, her Mother :
& Guardian :
:

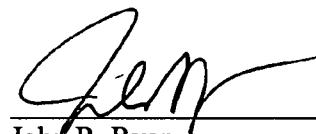
PETITION FOR TRANSPORTATION TO HEARING

NOW COMES, Carl K. Bloom, Respondent in the above captioned matter, and by his
Attorneys, Belin, Kubista & Ryan, petitions the Honorable Court as follows:

1. Petitioner is the father of the minor child, Kayleigh Marie Bloom, and has been served with a Petition filed by the mother of said child seeking to change the child's surname to the Mother's maiden name.
2. Petitioner through counsel has filed a written response in opposition to the proposed name change.
3. The Court has scheduled hearing on the matter for November 30, 2006, at 10:00 a.m. in Courtroom 2 of the Clearfield County Courthouse.
4. Petitioner is presently incarcerated at the State Correctional Institution at Houtzdale.
5. Petitioner wishes to be present at said hearing to testify in support of his objections to the proposed name change.
6. Petitioner's parents, who are the paternal grandparents of the minor child, will assume the costs of transportation.

WHEREFORE, Petitioner requests that the Court enter an Order directing that the Clearfield County Sheriff's office transport him to the hearing referenced above, and return him to SCI Houtzdale at the conclusion thereof, at the sole expense of Petitioner.

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Petitioner, Carl K. Bloom

CLEARFIELD, PENNSYLVANIA 16830
15 NORTH, FRONT STREET
P O BOX 1
ATTORNEYS AT LAW
BELLIN, KUBISTA & RYAN

FILED

NOV 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

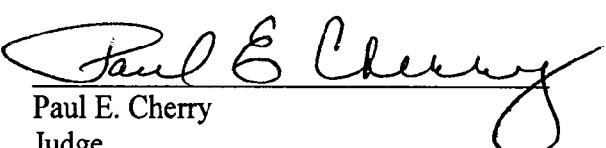
IN RE: : No. 2006-1764-CD
KAYLEIGH MARIE BLOOM, a Minor, :
by HILLARY ONEILL, her Mother :
& Guardian :
:

ORDER

AND NOW, this *20th* day of November, 2006, upon consideration of the foregoing Petition for Transportation, it is the ORDER of this Court as follows:

1. The Petitioner, through counsel, is directed to make payment arrangements through the Clearfield County Sheriff's Office for transportation to and from SCI Houtzdale;
2. Once such arrangements are made to the satisfaction of the Sheriff's Office, the Sheriff is hereby directed to transport Carl K. Bloom from SCI Houtzdale for the hearing on November 30, 2006, which will commence at 10:00 a.m. and return Carl K. Bloom thereto at the conclusion of said hearing;
3. The Sheriff shall present a certified copy of this Order to the authorities at SCI Houtzdale.

BY THE COURT:


Paul E. Cherry
Judge

FILED 4CC A/H
0/240 cm Ryan
NOV 20 2006 (6)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006 – 1764 – C.D.
KAYLEIGH MARIE BLOOM, a Minor :
By HILLARY ONEILL, her Mother & :
Guardian :
:

CERTIFICATE OF SERVICE

Filed on behalf of:
Respondent, CARL K. BLOOM

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
NOV 21 2006
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006 – 1764 – C.D.
KAYLEIGH MARIE BLOOM, a Minor :
By HILLARY ONEILL, her Mother & :
Guardian :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Petition for Transport to Hearing filed on behalf of CARL K. BLOOM, Respondent in the above-captioned matter, along with a certified copy of the Order granting said Petition, on the following party by postage prepaid first-class United States mail, on the 20th day of November, 2006:

Peter F. Smith Esquire
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
Attorney for Petitioner

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Respondent, Carl K. Bloom

CLERKFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN, KUBISTA & RYAN

FILED

NOV 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006 – 1764 – C.D.
KAYLEIGH MARIE BLOOM, a Minor :
By HILLARY ONEILL, her Mother & :
Guardian :
:

CERTIFICATE OF SERVICE

Filed on behalf of:
Respondent, CARL K. BLOOM

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
01/10/2008
NOV 21 2008
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006-1764-C.D.
KAYLEIGH MARIE BLOOM, a Minor :
By HILLARY ONEILL, her Mother & :
Guardian :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Answer to Petition for Change of Name filed on behalf of CARL K. BLOOM, Respondent in the above-captioned matter, on the following party by postage prepaid first-class United States mail, on the 20th day of November, 2006:

Peter F. Smith Esquire
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
Attorney for Petitioner

BELIN, KUBISTA & RYAN


John R. Ryan

Attorney for Respondent, Carl K. Bloom

CLEARFIELD, PENNSYLVANIA 16830
15 NORTH FRONT STREET
P O BOX 1
ATTORNEYS AT LAW
BELLIN, KUBISTA & RYAN

FILED
NOV 21 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
DKT PG. 102179

IN RE: KAYLEIGH MARIE BLOOM, A minor al
TO: CARL K. BLOOM

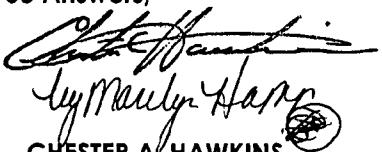
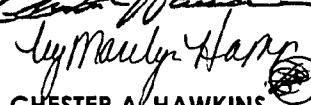
NO. 06-1764-CD
ORDER TO TRANSPORT

SHERIFF'S RETURN

NOW NOVEMBER 30, 2006 TRANSPORTED CARL K. BLOOM FROM SCI HOUTZDALE TO THE CLEARFIELD COUNTY COURTHOUSE FOR HEARING AND TRANSPORTED CARL K. BLOOM BACK TO SCI HOUTZDALE UPON COMPLETION OF HEARING.

SHFF. HAWKINS: \$121.04
PAID BY: BELIN, KUBISTA & RYAN

So Answers,


By 
CHESTER A. HAWKINS
SHERIFF

SWORN TO BEFORE ME THIS
DAY OF November 2006

FILED
03-07-06
DEC 01 2006


William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: KAYLEIGH MARIE BLOOM, * CIVIL DIVISION
a Minor, BY HILLARY ONEILL, *
her Mother & Guardian * NO. 06-1764-CD
* * *

ORDER OF COURT

NOW, this 30th day of November, 2006, following
hearing on petition for change of name, IT IS THE ORDER OF
THIS COURT that counsel provide the Court with a letter
brief by and no later than January 3, 2007.

BY THE COURT:


Paul E. Cherry _____
Judge

FILED *ICC Attn: Smith*
0/3/06 cm *ICC Attn: Ryan*
DEC 01 2006
(CR)

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12-1-06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

2006-12-01 10:45 AM

FILED

DEC 01 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006 – 1764 – C.D.
KAYLEIGH MARIE BLOOM, a Minor :
By HILLARY ONEILL, her Mother & :
Guardian :
:

CERTIFICATE OF SERVICE

Filed on behalf of:
Respondent, CARL K. BLOOM

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
01/03/2014
JAN 03 2014
NO CC
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : No. 2006 – 1764 – C.D.
KAYLEIGH MARIE BLOOM, a Minor :
By HILLARY ONEILL, her Mother & :
Guardian :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Respondent's Brief
Opposing Petition for Change of Name submitted on behalf of CARL K. BLOOM in the
above-captioned matter, on the following parties and in the following manner on the 3rd day of
January, 2007:

The Honorable Paul E. Cherry
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Via Hand Delivery

Peter F. Smith Esquire
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
Attorney for Petitioner
Via First Class United States Mail, Postage Prepaid

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Respondent, Carl K. Bloom

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: : NO. 2006-1764-CD
KAYLEIGH MARIE BLOOM, a Minor, :
By HILLARY ONEILL, her Mother and :
Guardian :
:

OPINION

The parties to this action come before the Court by the filing of a Petition by Hillary O'Neill seeking to change the last name of the minor child, Kayleigh Marie Bloom (d.o.b. 09-26-01). The Petition, Hillary O'Neill, is the Mother of the minor child. The child was born out of wedlock to Petitioner and Respondent, Carl K. Bloom. The parents of the minor child were never married. The relationship of the parents ended prior to the birth of Kayleigh Marie Bloom. The minor child has been in the primary custody of Mother since birth. For several months after the child was born, Mother and the minor child resided with the Paternal Grandparents, Scott and Cheryl Bloom. The minor child, Kayleigh Marie Bloom, has lived with her Mother and Maternal Grandmother. At no time did Mother, Father and the minor child reside together as a family. Petitioner, through testimony, plead that the Respondent has failed to fulfill his responsibility as a parent both before and after his period of incarceration at the State Correction Institution in Houtzdale, Pennsylvania. She testified that should the child continue to carry Respondent's last name, she will be subject to confusion and embarrassment. The Respondent, Carl K. Bloom, filed an Answer to the Petition denying the allegations made by Petitioner and objecting to the name change.

FILED *2cc*
01/31/07 *JK* Atty's P. Smith
MAR 21 2007 J. Ryan
cc: D. M. Kesell and
William A. Shaw
Prothonotary/Clerk of Courts
Law Library (without memo)
(GK)

This Court is authorized by 54 Pa. C.S.A. §702 to grant a name change, provided the Court determines that such a change is in the best interests of the minor child. These decisions are left to the Court's discretion. Petition of Christjohn, 428 A.2d 597, 286 Pa. Super. 112 (1991). Our Supreme Court of Pennsylvania has held that the Petitioner seeking the change of name has the burden of proof, and that the Court must consider the natural bond between parent and child, the social stigma or respect afforded the name within the community, and whether the child understands the significance, if of age. In re: Change of Name of Zachary Thomas Andrew Grimes to Zachary Thomas Andrew Grimes-Palia, 530 Pa. 388, 609 A.2d 158 (1992). Furthermore, the Court must carefully examine all the relevant factual circumstances to determine whether the Petitioner has established that the proposed change is in the child's best interest. In re: C.R.C., 819 A.2d 558 (2003).

In this matter, there was absolutely no evidence nor testimony presented before the Court which would permit the Court to determine that the child understands the significance of a name change. The child is five years of age. The Petitioner testified that her child was aware of why she was going to Court but did not understand "at all". All of the testimony presented through the various witnesses established that the child knew her name was Bloom, that she enjoys a close relationship with the Paternal Grandparents, whose name is also Bloom, and that she knows who her Father is and that his name is Bloom.

The Court is satisfied that no evidence was presented that the name Bloom carries with it any social stigma within the community. The Court is well aware that "Bloom" is a very common name in the Clearfield County area. Testimony was presented that more

than 170 listings of the name Bloom appears in the telephone directories.

The Petitioner testified that she does not believe the child should be associated with someone of Carl Bloom's standing which the Court believes refers to his present incarceration at a state correction institution. Petitioner testified that she personally has nothing against the name Bloom and the Court finds that it is mere speculation on the part of Petitioner concerning the embarrassment to the child in light of her Father's present situation.

The Court is satisfied from review of the testimony that Carl Bloom has played a role in the child's life by frequent telephone contact with the minor child when the child is in the partial custody of the Paternal Grandparents; the sending of gifts and cards to the minor child through the Paternal Grandparents; that Father would visit with his daughter when she was at the home of the Paternal Grandparents prior to his period of incarceration.

This Court is quite satisfied that a bond does indeed exist between Father and the minor child. No credible evidence was presented that continued use of the name Bloom would have any detrimental effect on the child. This Court firmly believes that Carl Bloom has made significant mistakes in his life for which he is now serving a period of incarceration for said mistakes. This Court does not disregard the significance of these mistakes. However, the evidence before this Court shows that, prior to his incarceration, Father was in fact providing financial support for the minor child and was visiting with the child.

This Court also takes note that despite Petitioner denying being motivated by anger in the filing of said Petition, this Court recalls the Petitioner admitting that she

called the Paternal Grandparents and expressed her extreme unhappiness to them and threatened that they would never see the child if they pursued this matter further.

The Court is satisfied that no testimony was presented during hearing that Father's criminal record and subsequent incarceration has been, is, or will be in any way an embarrassment to the minor child. Nothing but speculation was presented to this Court. Therefore, the Court is satisfied that the Petitioner has failed to show that it would be in her child's best interest to grant a name change and her request must therefore be denied. Based upon the foregoing Opinion, the Court enters the following Order:

ORDER

AND NOW, this 20th day of March, 2007, following hearing on the Petition for Change of Name, taking of testimony and the timely receipt of Briefs and upon consideration of same, it is the ORDER of this Court that said Petition for Change of Name shall be and is hereby DENIED.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

DATE: 3/21/07

 You are responsible for serving all appropriate parties.

The Probate/Orphan's office has provided service to the following parties:

 Plaintiff(s) Plaintiff(s) Attorney Other - Attorney

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

*Shivkumar & Ryan
3/21/07*

*Shivkumar & Ryan
3/21/07*