

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

SUZETTE PAUL,
Appellant,

v.

DJIMMY MICHEL,
Appellee.

No. 4D2025-3854

[October 7, 2026]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen M. Miller, Judge; L.T. Case No. 502024DR002206XXXAMB.

Lydia A. Worden and Stephanie M. Newell of Beaulieu-Fawcett | Newell Law Group, P.A., Delray Beach, for appellant.

No appearance for appellee.

GROSS, J.

We reverse an order denying a name change for a minor child.

Suzette Paul petitioned to change her minor child's name. The father filed an unverified answer opposing the name change, but he did not appear at the final hearing.

At the hearing, the mother called the child's licensed mental health counselor, who testified that the name change was in the child's best interest. The mother testified at length. She explained that she and the father had never married. She described the child's preferences at school and the child's very limited contact with the father. She testified that she had been the sole custodial and caregiving parent for almost all of the child's life. She also addressed the factors listed in the name change statute—section 68.07, Florida Statutes (2025).

The trial court denied the petition.

“A trial court’s decision whether to permit [a child’s] name change is reviewed for abuse of discretion.” *Coolidge v. Ulbrich*, 733 So. 2d 1092, 1094 (Fla. 4th DCA 1999).

When petitioning for a child’s name change pursuant to section 68.07, the petition is required to aver that neither the child’s history, nor the petitioner parent’s history, includes any factor which would disqualify the petitioner from seeking to change the child’s name, including that the petitioner had no ulterior or illegal purpose for seeking to change the child’s name. See § 68.07, Fla. Stat. (2025); *In re Y.M.X.*, 360 So. 3d 421, 423 (Fla. 4th DCA 2023). The verified petition and evidence must also show how changing the child’s name would be in the child’s best interests. *In re Y.M.X.*, 360 So. 3d at 423.

In denying the petition, the trial court referred to section 382.013, Florida Statutes (2025), which deals with birth registration. Subsection (3)(c) provides that when a mother is not married at the time of the child’s birth, “the parent who will have custody of the child shall select the child’s given name and surname.” § 382.013(3)(c), Fla. Stat. (2025).

Here, as the mother was not married to the father at the time of the child’s birth, she could have selected the child’s name and surname. The trial court pointed out that the mother had the ability in the child’s first year of life to change the child’s name pursuant to section 382.016(1)(a), Florida Statutes (2025), which provides an administrative method to change a child’s name before the child’s first birthday.

The trial court indicated that, because the mother did not initially give the child the desired name, or change the child’s name to the desired name in the first year pursuant to sections 382.013(3)(c) and 382.016(1)(a), the mother was precluded from utilizing section 68.07 to request a name change. However, section 68.07 exists to allow for the request of a name change independent of those statutes, when the petitioner meets the qualifications of the statute and the name change is in the best interest of the child. See *In re Y.M.X.*, 360 So. 3d at 423. Thus, sections 382.013(3)(c) and 382.016(1)(a) are not a barrier to the mother’s petition to change the child’s first and last name pursuant to section 68.07, and the trial court abused its discretion by denying the mother’s requested name change on these grounds.

The trial court additionally stated as a basis for denying the name change that the mother’s previous petition for a name change was denied, and no appellate review was sought. However, “there is no statutory restriction on the number of times a person may file a name change

petition.” *In re Merchant*, 185 So. 3d 1282, 1282 (Fla. 1st DCA 2016). Additionally, as the mother pointed out in her response to the trial court’s order to show cause, the doctrine of res judicata does not apply “where there are changed conditions and new facts which did not exist at the time of the prior judgment.” *City of Miami Beach v. Prevatt*, 97 So. 2d 473, 478 (Fla. 1957). “The doctrine of res judicata—which requires that the second suit present the *identical* cause of action as was previously litigated—is not applicable where the claims in the two cases concern different periods of time.” *Klement v. Kofsman o/b/o A.K.*, 337 So. 3d 27, 31 (Fla. 4th DCA 2022) (citation omitted).

Here, the mother testified as to the child’s current circumstances years after the earlier court’s denial of the name change for lack of evidence. The trial court abused its discretion by denying the name change based on the prior denial.

The testimony presented at the final hearing constituted substantial competent evidence that met section 68.07’s prerequisites for a name change. Although the father filed an unverified answer opposing the name change, he failed to appear at the final hearing and offered no sworn affidavit or other evidence. The only evidence at the hearing was that everyone knew the child by her desired name. The uncontroverted testimony also established that the child wanted to share the same last name as her mother. The counselor opined that, from a mental health standpoint, a name change was in the child’s best interest. *See In H.E. v. Dep’t of Child. & Fams.*, 315 So. 3d 730, 731 (Fla. 4th DCA 2021). The trial court’s ruling that it was not in the child’s best interest to change her name was an abuse of discretion.

We reverse the order on appeal and remand to the circuit court for the entry of an order granting the petition.

Reversed and remanded.

MAY and CIKLIN, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.