

STATE OF MICHIGAN
COURT OF APPEALS

SARAH ALICE GILTNER,

Plaintiff-Appellant,

v

DAVID COLE GILTNER, III.,

Defendant-Appellee.

UNPUBLISHED

January 26, 2001

No. 219879

Wayne Circuit Court

LC No. 98-811604-DM

Before: Collins, P.J., and Doctoroff and White, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the parties' judgment of divorce. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The parties reached a settlement on a majority of the issues presented in their divorce case. Some issues, however, remained unresolved. One of these issues pertains to the last name of the parties' minor child. The court found that the child should have defendant's last name.

On appeal, plaintiff asserts that the court lacked subject matter jurisdiction to decide this issue and that the court improperly ordered the name change over plaintiff's objection. We disagree. A decision to change a child's name under the probate code is reviewed for abuse of discretion. *Rappleye v Rappleye*, 183 Mich App 396, 398-399; 454 NW2d 231 (1990).

A trial court may order the change of a child's name in the context of divorce proceedings. *Garling v Spiering*, 203 Mich App 1, 2; 512 NW2d 12 (1993). The parties consent is not required. Parental disputes regarding a child's surname are resolved in accordance with the best interests of the child. *Id.* at 3. There is no showing that the trial court abused its discretion in ordering the change of the child's last name.

Affirmed.

/s/ Jeffrey G. Collins

/s/ Martin M. Doctoroff

/s/ Helene N. White