

**SAGINAW COUNTY CIRCUIT COURT-
FAMILY DIVISION
INSTRUCTIONS FOR NAME CHANGES
CONFIDENTIAL RECORD**

All forms must be typed or clearly printed in ink. The Court will not accept forms for filing unless they are accurate, complete, and legible. If you have legal questions about this procedure or are unable to properly complete the following forms, please seek assistance from a qualified attorney. This packet should only be used if you can demonstrate good cause not to publish notice of your name change proceedings. All other name change requests should be processed using Form PC51. Laws and rules regarding name changes are found at MCL 711.1 to 711.3, and in MCR 3.613.

CHECKLIST FOR PETITIONER

- Applicant has been a resident of Saginaw County for a minimum of 12 months immediately preceding the filing of the petition.
- The **Petition to Change Name** (PC51c) is completed and signed.
- An **Addendum to Protected Personal Identifying Information** (MC97a) is completed with the name and date of birth for each individual whose name is being changed.
- Proposed **Order Regarding Ex Parte Request for Nonpublication and Confidential Record** (PC161) is completed.
- Applicant is required to disclose any **criminal history**. If a criminal history is indicated, a copy of the relevant criminal record must be attached to the petition prior to filing.
- Filing Fee** - \$187.00 payable to the *Saginaw County Circuit Court*. The filing fee includes the cost of one certified copy.
- Additional Certified Copy of Order to Change Name (Optional)** - \$12.00 per copy, payable to *Saginaw County Clerk*.

ADDITIONAL CHECKLIST FOR MINORS

- Minor's Consent to Name Change** – If the minor is 14 years or older at the time of the hearing, they **must** sign the Petition or submit a Minor's Consent to Name Change (PC51b). If the minor is under the age of 14 and able to state a preference, they should sign the Petition.
- Non-Custodial Parent** - If the non-custodial parent of a minor for whom name change is sought has not signed the Petition, a hearing will be required. If the address of the non-custodial parent:
 - is **known**, then along with your Petition, a Proof of Service (PC564) indicating that a copy of the Petition for Name Change and Notice of Hearing was provided to the non-custodial parent.
 - is **not known**, and cannot be ascertained after diligent inquiry:
 - Declaration of Intent to Give Notice by Publication (PC617).
 - Publication of Notice of Hearing Regarding Petition for Name Change (Noncustodial Parent), Form PC50c. **Additional publication fees will be incurred.**
- Child Support Payment History** – If both parents have not signed the Petition and the custodial parent filing the Petition claims that a support order has been entered and the non-custodial parent has failed to substantially comply with the support order for a period of two years or more before the filing of the Petition, then a **Child Support Payment History must be obtained from the Friend of the Court and filed along with the Petition.**

- [] **Criminal Conviction of Non-Custodial Parent** – If you allege under paragraph 10(b) on the Petition that the non-custodial parent has been convicted of child abuse (MCL 750.136b), criminal sexual conduct (MCL 750.520b, 750.520c, 750.520d or 750.520e) or assault with intent to commit criminal sexual conduct (MCL 750.520g) and the minor(s) or a sibling of the minor(s) was the victim, you **MUST ATTACH JUDGMENT OF SENTENCE**. If you allege under paragraph 10(c) on the Petition that the non-custodial parent has been convicted of first degree murder (MCL750.316) or second degree murder (MCL 750.317), you **MUST ATTACH JUDGMENT OF SENTENCE**.

GENERAL INFORMATION ABOUT CONFIDENTIAL NAME CHANGES

Hearings: A hearing will be required if the request is for a minor and both parents have not consented to the name change or if a significant criminal history is disclosed or revealed following a criminal history background check. Hearings are generally scheduled at 1:30pm on Wednesday.

Criminal History Report: The petitioner may use ICHAT to conduct their background check and attach a copy to the petition prior to filing.

Publication to Noncustodial Parent (if required): If publication to the noncustodial parent is required, it is the Petitioner's responsibility, once a hearing date has been provided to submit the Publication of Notice of Hearing to a newspaper as defined by MCR 2.106(F) for publication in Saginaw County. The Publication of Notice of Hearing should be immediately submitted to the publication of your choice and arrangements made for payment. A copy of the Affidavit of Publication must be received a minimum of 14 days prior to your scheduled hearing. Failure to timely pay the publication fee may result in cancellation or adjournment of your hearing.

For your convenience, contact information for a commonly used Saginaw County publication is provided; however, you may utilize any newspaper meeting the requirements under MCR 2.106(F).

- [The Grand Rapids Press/Mlive](mailto:legalads@mlive.com) - (877) 222-5423. Publication of Notice of Hearing may be emailed to legalads@mlive.com.

Additional Certified Copies: One certified copy of the Order Following Hearing on Petition to Change Name will be provided to the petitioner. Additional certified copies may be requested in person at the Saginaw County Circuit Court Clerk's office, 111 S. Michigan Ave. Saginaw, MI 48602, or via mail. If an Order has been entered granting the request for nonpublication and confidential record, ID will be required, and copies may only be released to those individuals entitled to a copy by law.

Obtaining a New Birth Certificate: If you were born in Michigan and wish to obtain a new birth certificate from the Michigan Vital Records department showing the new name, you must file an [Application to Correct or Change a Michigan Birth Record](#), (form DCH-0847). The current fee to obtain an amended birth certificate is \$50.00, payable to the State of Michigan. You will be required to send a certified copy of your Order along with the completed form and fee. If you were not born in Michigan, you will need to consult the specific requirements of the state in which you were born.

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	PETITION FOR NAME CHANGE AND EX PARTE REQUEST FOR NONPUBLICATION AND CONFIDENTIAL RECORD	CASE NO. and JUDGE
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Court address _____ **Court telephone no.** _____

You must complete form *PC 51* or *PC 51c* to begin a name change proceeding. Use form *PC 51, Petition for Name change*, unless you have good cause not to publish notice of your name change proceeding, such as you believe publication of the notice of hearing will put you or another individual in danger of physical harm, or at risk of unlawful retaliation or discrimination. If you have good cause, use this form, *PC 51c, Petition for Name Change and Ex Parte Request for Nonpublication and Confidential Record*.

In the matter of _____
Current first, middle, and last name(s) (type or print)

Petitioner's name, address, and telephone no.

Petitioner's attorney, bar no., address, and telephone no.

- 1. An action within the jurisdiction of the family division of circuit court involving the family or family members of person(s) named above has been previously filed in _____ Court, Case Number _____, was assigned to Judge _____, and remains is no longer pending.
- 2. Each person for whom a name change is sought has been a resident of the county for at least one year.
- 3. The name change is for
 - a. a married person who wishes to also include a name change for their spouse. minor child(ren) of whom the petitioner has legal custody.
 - b. an adult only.
 - c. a minor only.
- 4. The petition includes a request to change a minor's name. The minor's natural or adopted parents are _____ and _____
Parent Deceased Parent Deceased
 As applicable, the guardian of the minor is _____ and/or the guardian of a mentally incompetent parent is _____.
Name Name (Attach letters of guardianship.)
- 5. As to a minor, one or more of the following is the petitioner or consents to the name change: (Check all that apply.)
 - the parents, jointly. the sole surviving parent. the only available parent if that parent has legal custody. the guardian of the minor. the guardian of a parent declared mentally incompetent.
- 6. The name change is for the following reason: _____
- 7. The name change is not sought for any fraudulent intent.
- 8. The petitioner has does not have a criminal record, including pending charges. Specify any record:
 (Add sheets if needed.) _____
- 9. a. The petitioner's spouse and/or minor child(ren) has/have no known criminal record, including pending charges.
 b. The known criminal record(s) of the petitioner's spouse and/or minor child(ren) is/are: (Add sheets if needed.) _____

Note: Skip item 10 if the noncustodial parent consents to the name change or if there is not a noncustodial parent.

10. The custodial parent of the/each minor consents to the name change of the minor(s).
- a. The noncustodial parent has had the ability to visit, contact, or communicate with the minor(s) and has regularly and substantially failed or neglected to do so for a period of two years or more before the filing of this petition and either:
 - a support order has been entered, and the noncustodial parent has failed to substantially comply with the order for a period of two years or more before the filing of this petition; or
 - a support order has not been entered and the noncustodial parent, having the ability to support or assist in supporting the minor(s), has failed or neglected to provide regular and substantial support for two years or more before the filing of this petition.
 - b. The noncustodial parent has been convicted of child abuse (MCL 750.136b), criminal sexual conduct (MCL 750.520b, 750.520c, 750.520d, or 750.520e), or assault with intent to commit criminal sexual conduct (MCL 750.520g) and the minor(s) or a sibling of the minor(s) was the victim. (Attach judgment of sentence.)
 - c. The noncustodial parent has been convicted of first degree murder (MCL 750.316) or second degree murder (MCL 750.317). (Attach judgment of sentence.)

11. I request the following name change(s): (Type or print.)

	FROM (current name)	TO (proposed name)	DATE OF BIRTH
Petitioner	First:	First:	Put DOB in Ref. No. row 10 on MC 97a.
	Middle:	Middle:	
	Last:	Last:	
Spouse	First:	First:	Put DOB in Ref. No. row 11 on MC 97a.
	Middle:	Middle:	
	Last:	Last:	
Minor child	First:	First:	Put DOB in Ref. No. row 12 on MC 97a.
	Middle:	Middle:	
	Last:	Last:	
Minor child	First:	First:	Put DOB in Ref. No. row 13 on MC 97a.
	Middle:	Middle:	
	Last:	Last:	
Minor child	First:	First:	Put DOB in Ref. No. row 14 on MC 97a.
	Middle:	Middle:	
	Last:	Last:	

Note: If you want a new live birth certificate, check item 11. A special order is not needed if you only want to add the changed name(s) to the original certificate(s).

12. I request the court to order the State Registrar to create a new live birth certificate that does not disclose the name(s) of _____ at birth and to seal the original certificate.
 Name(s)

13. I request an ex parte order directing nonpublication and a confidential record. Evidence supporting good cause for this request is set forth in the statement of good cause included with this petition.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____ Date

_____ Petitioner's signature

_____ Petitioner's attorney signature

STATEMENT OF GOOD CAUSE

I state the following as evidence of good cause for the court to order that no publication about this proceeding be published and that the record of the proceeding be confidential.

1. Publication of notice or the availability of the record of this proceeding could place

me _____
Name

- a. in physical danger or at greater likelihood of physical danger.
- b. at risk of unlawful discrimination or retaliation.

2. The basis of the fear or belief is that I _____
Name

- a. am/is a victim of an assaultive crime, domestic violence, harassment, human trafficking, or stalking.
- b. seek(s) to affirm gender identity.
- c. other.

3. Please provide details concerning the responses above:

Note: The court must not require proof of an arrest or prosecution to reach a finding of good cause.

Date

Signature

Name (type or print)

SIGNATURE OF PARENT/GUARDIAN FOR MINOR

_____	_____
Date	Date
_____	_____
Signature	Signature
_____	_____
Name (type or print)	Name (type or print)
_____	_____
Address	Address
_____	_____
City, state, zip	Telephone no. City, state, zip Telephone no.

CONSENT BY SPOUSE OF PETITIONER If the petition is filed for a spouse, this consent must be signed by the spouse of the petitioner.

I am the spouse of the petitioner and consent to the granting of this petition to change my name.

_____	_____
Date	
_____	_____
Signature	Attorney signature
_____	_____
Name (type or print)	Attorney name (type or print) Bar no.
_____	_____
Address	Address
_____	_____
City, state, zip	Telephone no. City, state, zip Telephone no.

CONSENT BY MINOR If 14 years old or older, a minor must give written consent to their name change. (Form PC 51b may also be used.)

I am a minor and subject of the petition. I consent to the granting of this petition to change my name.

Date

Signature

Name (type or print)

CONSENT BY MINOR

I am a minor and subject of the petition. I consent to the granting of this petition to change my name.

Date

Signature

Name (type or print)

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	ADDENDUM TO PROTECTED PERSONAL IDENTIFYING INFORMATION	CASE NUMBER and JUDGE
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Court address _____ Court telephone number _____

Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name
In the matter of _____		

This form is nonpublic because it contains personal identifying information (PII) that is protected from public inspection under MCR 1.109(D)(9)(a). Use this form to provide PII only for a person who is NOT a defendant, respondent, or decedent. If the person is a defendant, respondent, or decedent use form MC 97.

Instructions:

- When PII (such as date of birth) must be filed with the court on a public document, DO NOT include it on that public document. Instead, you must provide it on this form.
- **Provide only** the protected PII required for your particular case. For example, if you are filing a public document that requires you to provide a date of birth to the court, complete only that field on this form.

Name of form/document that this MC 97a is being filed with: _____

Printed name of individual completing form and date

Ref. No.	Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required. For Other, specify the type of PII in addition to the PII itself - for example, Social Security Number XXXX. Use the below reference number (Ref. No.) in the public document in place of the protected PII. For example, insert "Ref. No. XX" in place of the DOB in the public document.		
	Name	DOB	Other
10			
11			
12			
13			
14			
15			
16			
17			
18			

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER HEARING REGARDING DENIAL OF EX PARTE REQUEST FOR NONPUBLICATION AND CONFIDENTIAL RECORD	CASE NO. and JUDGE
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Court address

Court telephone no.

In the matter of _____
Current first, middle, and last name(s) (type or print)

1. On _____ the petitioner requested an ex parte order directing nonpublication and a confidential record. The petitioner's request was denied. The petitioner requested a hearing regarding that denial.
Date
2. This is the first hearing a rescheduled hearing regarding the denial.
3. The petitioner did did not attend the hearing.
4. The petitioner did did not establish good cause for nonpublication and a confidential record.

IT IS ORDERED

5. The hearing regarding the denial is adjourned and rescheduled for _____ at _____.
Date and time Location
6. The request for nonpublication and a confidential record is **granted**.
7. The subject of the petition for name change is a minor.
 The petitioner must notify the noncustodial parent of the name change hearing as directed in MCR 3.613(C)(3)(c) and (E). See item 12 below.
8. The request for nonpublication and a confidential record is **denied** for the reasons stated on the record.
9. The petition for name change is dismissed.
10. The court will publish notice of the proceeding in a newspaper in the county where this action is pending unless the petitioner submits a notice of dismissal within 14 days from the signature date at the bottom of this order.
11. The petitioner may proceed on the name change petition by submitting form PC 50 form PC 50c form PC 50d within 14 days.
12. A hearing on the name change petition is scheduled for:
_____ at _____.
Date and time Location
13. A person with the same or a similar name may file a motion to intervene in this matter to show fraudulent intent no later than: _____ at _____.
Date Location

Judge signature and date

<p align="center">STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY</p>	<p align="center">ORDER REGARDING EX PARTE REQUEST FOR NONPUBLICATION AND CONFIDENTIAL RECORD</p>	<p>CASE NO. and JUDGE</p>
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Court address

Court telephone no.

In the matter of _____
Current first, middle, and last name(s) (type or print)

1. On _____ the petitioner requested an ex parte order directing nonpublication and a confidential
Date record.

2. The pleadings submitted do do not establish good cause for nonpublication and a confidential record.

IT IS ORDERED:

3. The request for nonpublication and a confidential record is granted.
- a. A hearing on the name change petition is scheduled for **OR**
- b. A person with the same or a similar name may file a motion to intervene in this matter to show fraudulent intent no later than

_____ at _____
Date and time Location

4. The subject of the petition for name change is a minor.
- The petitioner must notify the noncustodial parent of the name change hearing as directed in MCR 3.613(C)(3) (c) and (E).

5. a. The request for nonpublication and a confidential record is **denied** for the following reason(s):

b. You have the right to:

- i. Request a hearing regarding this denial.* If you do not request a hearing regarding this denial within 14 days of entry of this order, this order is final.
- ii. File a notice of dismissal of the petition for name change.*
- iii. Proceed on the name change petition by submitting
 form PC 50 form PC 50c form PC 50d within 14 days.

c. The court may still schedule a name change hearing and order publication of hearing for name change if you do not request a hearing regarding this denial, file a notice of dismissal, or submit the publication form noted above to the court within 14 days of the entry of this order.

Judge signature and date

*Form PC 162 may be used.

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER FOLLOWING HEARING REGARDING PETITION FOR NAME CHANGE (Part 1)	CASE NO. and JUDGE
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Court address

Court telephone no.

In the matter of _____
 Current first, middle, and last name(s) (type or print)

THE COURT FINDS:

1. A petition for name change has been filed.
2. a. Notice was made by publication as required by law. **or**
 b. An order for nonpublication and confidential record was entered on _____ .
Date
3. The noncustodial parent of a minor(s) for whom name change is sought was served notice of proceedings. MCR 3.613(E).
4. This order is being entered following hearing. ex parte.
5. Each person for whom a name change is sought has has not been a resident of the county for at least one year.
6. _____ has/have a criminal record.
Name(s) (type or print)
7. The name change request(s) of _____
Name(s)
 is/are is not/are not made with fraudulent intent.
8. The petition requests the name change of minor(s). One or more of the following has consented to or signed the petition: **(Check all that apply.)** the parents, jointly. the sole surviving parent. the only available parent if that parent has legal custody. the minor's/minors' guardian. the guardian of a parent declared mentally incompetent.
9. The custodial parent has consented to the name change of the minor(s). **(Select a, b, and/or c, as applicable.)**
 - a. The noncustodial parent has had the ability to visit, contact, or communicate with the minor(s) but has regularly and substantially failed or neglected to do so for the past two or more years, **and**
 - a support order has been entered, and the noncustodial parent has failed to substantially comply with the order for a period of two years or more before the filing of the petition for name change. **or**
 - a support order has not been entered and the noncustodial parent, having the ability to support or assist supporting the minor(s), has failed or neglected to provide regular and substantial support for two years or more before the filing of the petition for name change.
 - b. The noncustodial parent has been convicted of child abuse (MCL 750.136b), criminal sexual conduct (MCL 750.520b, 750.520c, 750.520d, or 750.520e), or assault with intent to commit criminal sexual conduct (MCL 750.520g), and the minor(s) or a sibling of the minor(s) was/were the victim.
 - c. The noncustodial parent has been convicted of first degree murder (MCL 750.316) or second degree murder (MCL 750.317).
10. The minor(s) is/are 14 years of age or older and signed did not sign a written consent to the name change.
11. The minor(s) is/are under 14 years of age and
 - a. The court consulted the minor(s) concerning the minor's/minors' preference about the name change.
 - b. The minor(s) is/are not of sufficient age to express a preference about the name change.

12. The name(s) of the following person(s) is/are changed.

	FROM (former name)	TO (name as changed)	DATE OF BIRTH
Petitioner	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	
Spouse	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	
Minor child	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	
Minor child	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	

13. The State Registrar shall create a new live birth certificate for _____
Name(s)

all of the above that does not disclose the name at birth and shall seal the original certificate.

14. The record of _____ is confidential. is no longer
confidential. Name(s)

15. The request to change the name(s) of _____ is/are
denied.

16. The name change request is denied and the petition is dismissed.

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Judge signature and date

Attorney Name (type or print) Bar no.

Address

City, state, zip Telephone no.

Note to Petitioner: You must provide a certified copy of this order to the State Registrar if you want to change your birth certificate.

Note to Clerk: Under MCL 711.1(3), if the court enters an order to change the name of a person who has a criminal record, the court shall forward the order to the Criminal Justice Information Center of the Michigan State Police and to one or more of the following:

- the Department of Corrections if the person named in the order is in prison or on parole or has been imprisoned or released from parole in the immediately preceding two years.
- the sheriff of the county in which the person named in the order was last convicted if the person was incarcerated in a county jail or released from a county jail within the immediately preceding two years.
- the court that has jurisdiction over the person named in the order if the person named in the order is under the jurisdiction of the family division of the circuit court or has been discharged from that court's jurisdiction within the immediately preceding two years.

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER FOLLOWING HEARING REGARDING PETITION FOR NAME CHANGE (Part 2)	CASE NO. and JUDGE
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Court address

Court telephone no.

In the matter of _____
 Current first, middle, and last name(s) (type or print)

THE COURT FINDS:

1. A petition for name change has been filed.
2. a. Notice was made by publication as required by law. **or**
 b. An order for nonpublication and confidential record was entered on _____ .
Date
3. The noncustodial parent of a minor(s) for whom name change is sought was served notice of proceedings. MCR 3.613(E).
4. This order is being entered following hearing. ex parte.
5. Each person for whom a name change is sought has has not been a resident of the county for at least one year.
6. _____ has/have a criminal record.
Name(s) (type or print)
7. The name change request(s) of _____
Name(s)
 is/are is not/are not made with fraudulent intent.
8. The petition requests the name change of minor(s). One or more of the following has consented to or signed the petition: **(Check all that apply.)** the parents, jointly. the sole surviving parent. the only available parent if that parent has legal custody. the minor's/minors' guardian. the guardian of a parent declared mentally incompetent.
9. The custodial parent has consented to the name change of the minor(s). **(Select a, b, and/or c, as applicable.)**
 a. The noncustodial parent has had the ability to visit, contact, or communicate with the minor(s) but has regularly and substantially failed or neglected to do so for the past two or more years, **and**
 a support order has been entered, and the noncustodial parent has failed to substantially comply with the order for a period of two years or more before the filing of the petition for name change. **or**
 a support order has not been entered and the noncustodial parent, having the ability to support or assist supporting the minor(s), has failed or neglected to provide regular and substantial support for two years or more before the filing of the petition for name change.
 b. The noncustodial parent has been convicted of child abuse (MCL 750.136b), criminal sexual conduct (MCL 750.520b, 750.520c, 750.520d, or 750.520e), or assault with intent to commit criminal sexual conduct (MCL 750.520g), and the minor(s) or a sibling of the minor(s) was/were the victim.
 c. The noncustodial parent has been convicted of first degree murder (MCL 750.316) or second degree murder (MCL 750.317).
10. The minor(s) is/are 14 years of age or older and signed did not sign a written consent to the name change.
11. The minor(s) is/are under 14 years of age and
 a. The court consulted the minor(s) concerning the minor's/minors' preference about the name change.
 b. The minor(s) is/are not of sufficient age to express a preference about the name change.

12. The name(s) of the following person(s) is/are changed.

	FROM (current name)	TO (proposed name)	DATE OF BIRTH
Petitioner	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	
Spouse	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	
Minor child	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	
Minor child	First:	First:	month, day, year
	Middle:	Middle:	
	Last:	Last:	

13. The State Registrar shall create a new live birth certificate for _____
 Name(s)

all of the above that does not disclose the name at birth and shall seal the original certificate.

14. The record of _____ is confidential. is no longer
 confidential. Name(s)

15. The request to change the name(s) of _____ is/are
 denied.

16. The name change request is denied and the petition is dismissed.

 Judge signature and date

 Attorney Name (type or print) Bar no.

 Address

 City, state, zip Telephone no.

Note to Petitioner: You must provide a certified copy of this order to the State Registrar if you want to change your birth certificate.

Note to Clerk: Under MCL 711.1(3), if the court enters an order to change the name of a person who has a criminal record, the court shall forward the order to the Criminal Justice Information Center of the Michigan State Police and to one or more of the following:

- the Department of Corrections if the person named in the order is in prison or on parole or has been imprisoned or released from parole in the immediately preceding two years.
- the sheriff of the county in which the person named in the order was last convicted if the person was incarcerated in a county jail or released from a county jail within the immediately preceding two years.
- the court that has jurisdiction over the person named in the order if the person named in the order is under the jurisdiction of the family division of the circuit court or has been discharged from that court's jurisdiction within the immediately preceding two years.