

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Theresa Nelson, Appellant,

v.

Joshua Hudson, Respondent.

Appellate Case No. 2016-001464

Appeal From Greenville County
David E. Phillips, Family Court Judge

Unpublished Opinion No. 2018-UP-261
Submitted March 1, 2018 – Filed June 13, 2018

REVERSED

David M. Yokel, of David M. Yokel, LLC, of Greenville,
for Appellant.

Hunter W. Morris, of Hunter W. Morris, LLC, of
Greenville, for Respondent.

PER CURIAM: Theresa Nelson (Mother) appeals a family court order changing the surname of the parties' minor child from her surname to the surname of his biological father. On appeal, Mother argues the family court failed to make a finding that changing the child's surname was in his best interest and there was insufficient evidence in the record to support such a finding. We reverse pursuant

to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 15-49-10(B) (2005) ("A parent who desires to change the name of his minor child may petition, in writing, a family court judge in the appropriate circuit."); *id.* ("The court shall grant the petition if it finds that it is in the best interest of the child."); *Mazzone v. Miles*, 341 S.C. 203, 210, 532 S.E.2d 890, 893 (Ct. App. 2000) ("The parent seeking to change the child's surname has the burden of proving that the change will further the child's best interests."); *id.* at 210-11, 532 S.E.2d at 893-94 (setting forth nine factors that a family court should consider in deciding whether a request to change a child's surname is in the child's best interest); *Stradford v. Wilson*, 378 S.C. 300, 304, 662 S.E.2d 491, 493 (Ct. App. 2008) (finding a child's relationship with the family of her noncustodial parent would develop primarily through visitation with the family rather than a change in her surname).

REVERSED.¹

HUFF, GEATHERS, and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.