

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 60**

5 (SENATORS TUCKER AND FITZSIMMONS, *original sponsors*)

6 \_\_\_\_\_  
7 [Passed April 11, 2013; in effect ninety days from passage.]  
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11 AN ACT to amend and reenact §48-25-101 of the Code of West  
12 Virginia, 1931, as amended, relating to change of name;  
13 establishing certain time frames to publish the notice for  
14 name change; requiring the published notice to include the  
15 petitioner's proposed new name; providing an exception to the  
16 inclusion of the proposed new name in the publication; and  
17 providing for a closed hearing in certain circumstances.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §48-25-101 of the Code of West Virginia, 1931, as  
20 amended, be amended and reenacted to read as follows:

21 **ARTICLE 25. CHANGE OF NAME.**

22 **§48-25-101. Petition to circuit court or family court for change**  
23 **of name; contents thereof; notice of application.**

24 (a) A person desiring a change of his or her own name, or that

1 of his or her child, may apply to the circuit court or family court  
2 of the county in which he or she resides by a verified petition  
3 setting forth and affirming the following:

4 (1) That he or she has been a bona fide resident of the county  
5 for at least one year prior to the filing of the petition or that  
6 he or she is a nonresident of the county who was born in the  
7 county, was married in the county and was previously a resident of  
8 the county for a period of at least fifteen years;

9 (2) The cause for which the change of name is sought;

10 (3) The new name desired;

11 (4) The name change is not for purposes of avoiding debt or  
12 creditors;

13 (5) The petitioner seeking the name change is not a registered  
14 sex offender pursuant to any state or federal law;

15 (6) The name change sought is not for purposes of avoiding any  
16 state or federal law regarding identity;

17 (7) The name change sought is not for any improper or illegal  
18 purpose;

19 (8) The petitioner is not a convicted felon in any  
20 jurisdiction;

21 (9) The name change sought is not for any purpose of evading  
22 detection, identification or arrest by any local, state or federal  
23 law-enforcement agency; and

24 (10) Whether or not the petitioner desires to protect his or

1 her identity for personal safety reasons.

2       (b) After filing the petition and at least ten days before the  
3 hearing to consider the application, the person shall cause a  
4 notice of the time and place that the application will be made to  
5 be published as a Class I legal advertisement in compliance with  
6 the provisions of article three, chapter fifty-nine of this code.  
7 The petitioner shall in the notice set forth the name to which his  
8 or her name will be changed, unless as shown in the petition to the  
9 court, the name change is being requested because the petitioner  
10 desires to protect his or her identity for personal safety reasons:  
11 *Provided*, That upon good cause shown, there may be a closed  
12 hearing. The publication area for the publication is the county.  
13 The publication shall contain a provision that the hearing may be  
14 rescheduled without further notice or publication.