

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 60

(SENATORS TUCKER AND FITZSIMMONS, *ORIGINAL SPONSORS*)

[PASSED APRIL 11, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

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Senate Bill No. 60

(SENATORS TUCKER AND FITZSIMMONS, *original sponsors*)

[Passed April 11, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §48-25-101 of the Code of West Virginia, 1931, as amended, relating to change of name; establishing certain time frames to publish the notice for name change; requiring the published notice to include the petitioner's proposed new name; providing an exception to the inclusion of the proposed new name in the publication; and providing for a closed hearing in certain circumstances.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 25. CHANGE OF NAME.

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

- 1 (a) A person desiring a change of his or her own name, or
- 2 that of his or her child, may apply to the circuit court or
- 3 family court of the county in which he or she resides by a
- 4 verified petition setting forth and affirming the following:

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

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

11 (3) The new name desired;

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

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

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

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

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

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

25 (10) Whether or not the petitioner desires to protect his or
26 her identity for personal safety reasons.

27 (b) After filing the petition and at least ten days before
28 the hearing to consider the application, the person shall cause
29 a notice of the time and place that the application will be
30 made to be published as a Class I legal advertisement in
31 compliance with the provisions of article three, chapter

32 fifty-nine of this code. The petitioner shall in the notice set
33 forth the name to which his or her name will be changed,
34 unless as shown in the petition to the court, the name change
35 is being requested because the petitioner desires to protect his
36 or her identity for personal safety reasons: *Provided*, That
37 upon good cause shown, there may be a closed hearing. The
38 publication area for the publication is the county. The
39 publication shall contain a provision that the hearing may be
40 rescheduled without further notice or publication.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2013.

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Governor