

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 60

(By Senators Tucker and Fitzsimmons)

[Originating in the Committee on the Judiciary;
reported February 21, 2013.]

A BILL to amend and reenact §48-25-101 of the Code of West Virginia, 1931, as amended, relating to requiring the name-change notice to be published after the filing of the petition; requiring the notice published to include the name to which the petitioner's name will be changed; and providing an exception to the inclusion of the name in the publication.

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

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

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

12 (3) The new name desired;

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

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

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

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

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

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

26 (b) ~~Prior to~~ After filing the petition, the person shall
27 cause a notice of the time and place that the application will
28 be made to be published as a Class I legal advertisement in
29 compliance with the provisions of article three, chapter
30 fifty-nine of this code. The petitioner shall in the notice set
31 forth the name to which his or her name will be changed,
32 unless, upon good cause shown to the court, the name change
33 is being requested because the petitioner desires to protect his
34 or her identity for personal safety reasons. The publication
35 area for the publication is the county. ~~Provided, That~~ The
36 publication shall contain a provision that the hearing may be
37 rescheduled without further notice or publication.

(NOTE: The purpose of this bill is to clarify that applicants are not required to publish their intention for name change until after they file their petition with the circuit or family court and it is assigned a judge and hearing date. The publication is to include the name to which the person will be changed unless the court finds good cause for not including it in the publication.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)