

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2234**

4 (By Delegates Ashley, Shott, Lane, E. Nelson, Upson, Hanshaw,
5 Mr. Speaker (Mr. Armstead), McCuskey, Manchin, Campbell
6 and Rowe)

7
8 (Originating in the House Committee on Judiciary)

9 [January 30, 2015]

10 A BILL to amend and reenact §48-5-613 of the Code of West Virginia, 1931, as amended, relating
11 to requiring a court to permit a party in a divorce proceeding to resume using the name he
12 or she used prior to the marriage.

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

14 That §48-5-613 of the Code of West Virginia, 1931, as amended, be amended and reenacted
15 to read as follows:

16 **ARTICLE 5. DIVORCE.**

17 **§48-5-613. Former name of party; restoration.**

18 The court, upon ordering a divorce, shall if requested to do so by either party, allow such
19 party to resume the name used prior to his or her ~~first~~ marriage without the necessity of filing a
20 separate petition pursuant to section one hundred one, article twenty-five, chapter forty-eight of this
21 code. ~~The court shall, if requested to do so by either party, allow such party to resume the name of~~
22 ~~a former spouse if such party has any living child or children by marriage to such former spouse.~~
23 If a name change is requested, the court shall also issue a certificate of divorce reflecting that change
24 in name. The certificate shall be no longer than one page. For purpose of confidentiality, the

1 certificate shall not be considered an order. The certificate shall include the style of the divorce case,
2 the name on the birth certificate of the party requesting the name change, that party's date of birth,
3 that party's social security number, the date on which the name change is effective, and the new name
4 of that party. In order to be valid, the certificate shall be certified by a clerk of the court. The
5 certified certificate may be used by that person for all lawful purposes, including as a proof of legal
6 name change for driver licensing purposes or state identification card at the Division of Motor
7 Vehicles.