

H. B. 2234

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

[Introduced January 22, 2015; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact §48-5-613 of the Code of West Virginia, 1931, as amended,
11 relating to requiring a court to permit a party in a divorce proceeding to resume using the
12 name he 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
15 reenacted 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. ~~The court shall, if requested to~~
20 ~~do so by either party, allow such party to resume the name of a former spouse if such party has~~
21 ~~any living child or children by marriage to such former spouse.~~

NOTE: The purpose of this bill is to require a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.

Strike-throughs indicate language that would be stricken from the present law, and

underscoring indicates new language that would be added.