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SB 51

FILED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2006



**ENROLLED**

Committee Substitute for  
**SENATE BILL NO.** 51

(By Senators Kessler and Hunter)



**PASSED** March 9, 2006

In Effect 90 days from **Passage**

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 51

(SENATORS KESSLER AND HUNTER, *original sponsors*)

[Passed March 9, 2006; in effect ninety days from passage.]

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AN ACT to amend and reenact §48-25-101 of the Code of West Virginia, 1931, as amended, relating to refining procedures for name change; permitting persons to file for a name change who were born in, married in and previously were residents in the county for at least fifteen years where the petition is brought; setting forth requirements for the verified petition; and providing that a second notice and publication are not required in the event of a rescheduled hearing.

*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 person desiring a change of his or her own name,  
2 or that of his or her child or ward, may apply therefor to  
3 the circuit court or family court of the county in which he  
4 or she resides by a verified petition setting forth and  
5 affirming the 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  
8 petition;

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  
12 or creditors;

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

20 (8) The petitioner is not a convicted felon in any jurisdic-  
21 tion.

22 (b) Notwithstanding the provisions of subsection (a) of  
23 this section, a nonresident of the county may apply for a  
24 change of name if the person was born in the county, was  
25 married in the county and was previously a resident of the  
26 county for a period of at least fifteen years.

27 (c) Previous to the filing of the petition, the person shall  
28 cause a notice of the time and place that the application  
29 will be made to be published as a Class I legal advertise-  
30 ment in compliance with the provisions of article three,

31 chapter fifty-nine of this code. The publication area for  
32 the publication is the county: *Provided*, That the publica-  
33 tion shall contain a provision that the hearing may be  
34 rescheduled without further notice or publication.

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

*Randy White*  
.....  
Chairman Senate Committee

*R. Beun*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Parrell Holmes*  
.....  
Clerk of the Senate

*Bruce D. Sw*  
.....  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
.....  
President of the Senate

*Robert D. ...*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *22nd*  
Day of *March* ....., 2006.

*Paul H. ...*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 17 2006

Time 11:10am