

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 60**

4 (By Senators Tucker and Fitzsimmons)

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6 [Originating in the Committee on the Judiciary;

7 reported February 21, 2013.]
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11 A BILL to amend and reenact §48-25-101 of the Code of West
12 Virginia, 1931, as amended, relating to requiring the name-
13 change notice to be published after the filing of the
14 petition; requiring the notice published to include the name
15 to which the petitioner's name will be changed; and providing
16 an exception to the inclusion of the name in the publication.

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

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

20 **ARTICLE 25. CHANGE OF NAME.**

21 **§48-25-101. Petition to circuit court or family court for change**
22 **of name; contents thereof; notice of application.**

23 (a) ~~Any~~ A person desiring a change of his or her own name, or
24 that of his or her child, may apply to the circuit court or family

1 court of the county in which he or she resides by a verified
2 petition setting forth and affirming the following:

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

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

9 (3) The new name desired;

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

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

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

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

18 (8) The petitioner is not a convicted felon in any
19 jurisdiction; and

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

23 (b) ~~Prior to~~ After filing the petition, the person shall cause
24 a notice of the time and place that the application will be made to

1 be published as a Class I legal advertisement in compliance with
2 the provisions of article three, chapter fifty-nine of this code.
3 The petitioner shall in the notice set forth the name to which his
4 or her name will be changed, unless, upon good cause shown to the
5 court, the name change is being requested because the petitioner
6 desires to protect his or her identity for personal safety reasons.
7 The publication area for the publication is the county. ~~Provided,~~
8 ~~That~~ The publication shall contain a provision that the hearing may
9 be 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.)