

1 **Senate Bill No. 60**

2 (By Senators Tucker and Fitzsimmons)

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4 [Introduced February 13, 2013; referred to the Committee on the
5 Judiciary.]
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10 A BILL to amend and reenact §48-25-101 of the Code of West
11 Virginia, 1931, as amended, relating to the name change
12 publication requirement.

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

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

16 **ARTICLE 25. CHANGE OF NAME.**

17 **§48-25-101. Petition to circuit court or family court for change**
18 **of name; contents thereof; notice of application.**

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

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

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

7 (3) The new name desired;

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

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

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

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

16 (8) The petitioner is not a convicted felon in any
17 jurisdiction; and

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

21 (b) ~~Prior to~~ After filing the petition, the person shall cause
22 a notice of the time and place that the application will be made to
23 be published as a Class I legal advertisement in compliance with

1 the provisions of article three, chapter fifty-nine of this code.
2 The publication area for the publication is the county. ~~Provided,~~
3 ~~That~~ The publication shall contain a provision that the hearing may
4 be rescheduled without further notice or publication.

NOTE: The purpose of this bill is to clarify that applicants are not required to have published 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.

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