

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 2234**

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

8
9 [Passed February 25, 2015; in effect ninety days from passage.]

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

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

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

17 **ARTICLE 5. DIVORCE.**

18 **§48-5-613. Former name of party; restoration.**

19 The court, upon ordering a divorce, shall if requested to do so by either party, allow such
20 party to resume the name used prior to his or her marriage without the necessity of filing a separate
21 petition pursuant to section one hundred one, article twenty-five, chapter forty-eight of this code.
22 If a name change is requested, the court shall also issue a certificate of divorce reflecting that change
23 in name. The certificate shall be no longer than one page. For purpose of confidentiality, the
24 certificate shall not be considered an order. The certificate shall include the style of the divorce case,

1 the name on the birth certificate of the party requesting the name change, that party's date of birth,
2 that party's social security number, the date on which the name change is effective, and the new name
3 of that party. In order to be valid, the certificate shall be certified by a clerk of the court. The
4 certified certificate may be used by that person for all lawful purposes, including as a proof of legal
5 name change for driver licensing purposes or state identification card at the Division of Motor
6 Vehicles.