

Senate Bill No. 358

(By Senators Leonhardt, Beach, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Kessler, Maynard, Miller, Mullins, Nohe, Romano, Snyder, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Plymale, Prezioso, Stollings and Kirkendoll)

[Introduced January 29, 2015; referred to the Committee on the Judiciary.]

A BILL to amend and reenact §48-5-613 of the Code of West Virginia, 1931, as amended, relating to requiring a court, when ordering divorce that includes a change in name, to issue divorce certificate reflecting new name; and setting forth what information certificate is to contain.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. DIVORCE.

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

The court, upon ordering a divorce, shall if requested to do so by either party, allow ~~such~~ that party to resume the name used prior to his or her first marriage. The court shall, if requested to do so by either party, allow such party to resume the name of a former spouse if such party has any living child or children by marriage to such former spouse. If a name change is requested, the court

1 shall also issue a certificate of divorce reflecting that change in name. The certificate shall be no
2 longer than one page. For purpose of confidentiality, the certificate shall not be considered an order.
3 The certificate shall include the style of the divorce case, the name on the birth certificate of the party
4 requesting the name change, that party's date of birth, that party's social security number, the date
5 on which the name change is effective, and the new name of that party. In order to be valid, the
6 certificate shall be certified by a clerk of the court. The certified certificate may be used by that
7 person for all lawful purposes, including as a proof of legal name change for driver licensing
8 purposes or state identification card at the Division of Motor Vehicles.

NOTE: The purpose of this bill is to require a court, when ordering a divorce that includes a change in name, to issue a divorce certificate reflecting the new name. The bill sets forth what information the certificate is to contain.

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