

COMMITTEE SUBSTITUTE

FOR

H. B. 2234

(BY DELEGATE(S) ASHLEY, SHOTT, LANE,
E. NELSON, UPSON, HANSHAW, MR. SPEAKER (MR. ARMSTEAD),
MCCUSKEY, MANCHIN, CAMPBELL AND ROWE)

(Originating in the House Committee on the Judiciary)

[January 30, 2015]

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

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.

1 The court, upon ordering a divorce, shall if requested to do
2 so by either party, allow such party to resume the name used
3 prior to his or her first marriage without the necessity of filing a
4 separate petition pursuant to section one hundred one, article
5 twenty-five, chapter forty-eight of this code. ~~The court shall, if~~
6 ~~requested to do so by either party, allow such party to resume the~~
7 ~~name of a former spouse if such party has any living child or~~
8 ~~children by marriage to such former spouse.~~ If a name change is
9 requested, the court shall also issue a certificate of divorce
10 reflecting that change in name. The certificate shall be no longer
11 than one page. For purpose of confidentiality, the certificate shall
12 not be considered an order. The certificate shall include the style
13 of the divorce case, the name on the birth certificate of the party
14 requesting the name change, that party's date of birth, that
15 party's social security number, the date on which the name
16 change is effective, and the new name of that party. In order to
17 be valid, the certificate shall be certified by a clerk of the court.
18 The certified certificate may be used by that person for all lawful

19 purposes, including as a proof of legal name change for driver
20 licensing purposes or state identification card at the Division of
21 Motor Vehicles.

