

No. 2004-214

## AN ACT

SB 1032

Amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, consolidating provisions on judicial procedure for name changes; further providing for name change by order of court; and making a repeal related to judicial procedure for name changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 701(a) of Title 54 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 701. Court approval required for change of name.

(a) General rule.—[It] *Except as set forth in subsection (b), it shall be unlawful for any person to assume a name different from the name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court [as provided by this chapter.] in accordance with subsection (a.1).*

*(a.1) Procedure.—*

*(1) An individual must file a petition in the court of common pleas of the county in which the individual resides. If a petitioner is married, the petitioner's spouse may join as a party petitioner, in which event, upon compliance with the provisions of this subsection, the spouse shall also be entitled to the benefits of this subsection.*

*(2) The petition must set forth all of the following:*

*(i) The intention to change the petitioner's name.*

*(ii) The reason for the name change.*

*(iii) The current residence of petitioner.*

*(iv) Any residence of the petitioner for the five years prior to the date of the petition.*

*(v) If the petitioner requests the court proceed under paragraph (3)(iii).*

*(3) Upon filing of the petition, the court shall do all of the following:*

*(i) Set a date for a hearing on the petition. The hearing shall be held not less than one month nor more than three months after the petition is filed.*

*(ii) Except as provided in subparagraph (iii), by order, direct that notice be given of the filing of the petition and of the date set for the hearing on the petition and that the notice be treated as follows:*

*(A) Published in two newspapers of general circulation in the county where the petitioner resides or a county contiguous to that county. One of the publications may be in the official paper for the publication of legal notices in the county.*

*(B) Given to any nonpetitioning parent of a child whose name may be affected by the proceedings.*

*(iii) If the court finds that the notice required in subparagraph (ii) would jeopardize the safety of the person seeking the name change or his or her child or ward, the notice required shall be waived by order of the court. Upon granting the request to waive any notice requirement, the court shall seal the file. In all cases filed under this paragraph, whether or not the name change petition is granted, there shall be no public access to any court record of the name change petition, proceeding or order, unless the name change is granted but the file is not sealed. The records shall only be opened by order of the court in which the petition was granted based upon a showing of good cause or at the applicant's request.*

*(4) At the hearing, the following apply:*

*(i) Any person having lawful objection to the change of name may appear and be heard.*

*(ii) The petitioner must present to the court all of the following:*

*(A) Proof of publication of the notice under paragraph (3)(ii) unless petitioner requested the court proceed under paragraph (3)(iii) and the court granted the request.*

*(B) An official search of the proper offices of the county where petitioner resides and of any other county where petitioner has resided within five years prior to filing the petition showing that there are no judgments, decrees of record or other similar matters against the petitioner. This clause may be satisfied by a certificate given by a corporation authorized by law to make the search under this clause.*

*(5) The court may enter a decree changing the name as petitioned if the court is satisfied after the hearing that there is no lawful objection to the granting of the petition.*

*\*\*\**

Section 2. Section 702(b) of Title 54 is amended to read:

§ 702. Change by order of court.

*\*\*\**

(b) Procedure.—Prior to entry of an order of approval of change of name, all of the following shall apply:

(1) The court must forward to the Pennsylvania State Police a duplicate copy of the application for change of name and a set of the person's fingerprints. The person applying for the change of name is responsible for costs under this paragraph.

(2) The Pennsylvania State Police shall use the fingerprints to determine if the person is subject to 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(3) The Pennsylvania State Police shall:

- (i) if the person is subject to 18 Pa.C.S. Ch. 91, note the name change on the person's criminal history record information; or
- (ii) if the person is not subject to 18 Pa.C.S. Ch. 91, destroy the fingerprints.

(4) Within 60 days of receipt of the material under paragraph (1), the Pennsylvania State Police shall certify to the court what action has been taken under paragraph (3).

(5) The procedure in this subsection shall not apply to proceedings involving:

(i) An election to resume a prior surname pursuant to section 704 (relating to divorced person may resume prior name).

(ii) Name changes involving minor children in adoption proceedings [**pursuant to 23 Pa.C.S. § 2904 (relating to name of adoptee)**].

(iii) A name change involving a minor child whose name is being changed pursuant to section 703 (relating to effect on children) *or because of the change of name of the child's parent.*

\* \* \*

Section 3. Section 6 of the act of December 16, 1982 (P.L.1309, No.295), entitled "An act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to names and marks and making conforming and related amendments to Titles 15 (Corporations and Unincorporated Associations) and 18 (Crimes and Offenses) and separately enacting certain related provisions of law," is repealed.

Section 4. This act shall take effect in 60 days.

APPROVED—The 30th day of November, A.D. 2004.

EDWARD G. RENDELL