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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1064 Session of  
2013

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INTRODUCED BY FARNESE, FONTANA, TARTAGLIONE, STACK, HUGHES AND  
FERLO, JULY 19, 2013

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REFERRED TO JUDICIARY, JULY 19, 2013

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AN ACT

1  
2 Amending Title 54 (Names) of the Pennsylvania Consolidated  
3 Statutes, in judicial change of name, further providing for  
4 court approval required for change of name.

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

7 Section 1. Section 701(a.1) of Title 54 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 701. Court approval required for change of name.

10 \* \* \*

11 (a.1) Procedure.--

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

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

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

2 (ii) The reason for the name change.

3 (iii) The current residence of petitioner.

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

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

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

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

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

17 (A) Published [in two newspapers of general  
18 circulation in the county where the petitioner  
19 resides or a county contiguous to that county. One of  
20 the publications may be in the official paper for the  
21 publication of legal notices in the county.] on the  
22 publicly accessible Internet website of the orphans'  
23 court division of the court of common pleas as  
24 provided by the petitioner to the clerk of the  
25 orphans' court along with any information required by  
26 general rule of court.

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

29 (iii) If the court finds that the notice required in  
30 subparagraph (ii) would jeopardize the safety of the

1 person seeking the name change or his or her child or  
2 ward, the notice required shall be waived by order of the  
3 court. Upon granting the request to waive any notice  
4 requirement, the court shall seal the file. In all cases  
5 filed under this paragraph, whether or not the name  
6 change petition is granted, there shall be no public  
7 access to any court record of the name change petition,  
8 proceeding or order, unless the name change is granted  
9 but the file is not sealed. The records shall only be  
10 opened by order of the court in which the petition was  
11 granted based upon a showing of good cause or at the  
12 applicant's request.

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

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

16 (ii) The petitioner must present to the court [all  
17 of the following:

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

22 (B) An] an official search of the proper offices  
23 of the county where petitioner resides and of any  
24 other county where petitioner has resided within five  
25 years prior to filing the petition showing that there  
26 are no judgments, decrees of record or other similar  
27 matters against the petitioner. This [clause]  
28 subparagraph may be satisfied by a certificate given  
29 by a corporation authorized by law to make the search  
30 under this [clause] subparagraph.

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

4           \* \* \*

5           Section 2. This act shall take effect in 60 days.