

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1817 Session of  
2023

INTRODUCED BY WEBSTER, MAYES, HILL-EVANS, MADDEN, SALISBURY,  
SCHLOSSBERG, KENYATTA, McNEILL, FLICK, SANCHEZ, DELLOSO,  
GUENST, BRENNAN, FRANKEL, D. WILLIAMS, CERRATO, NEILSON,  
KINKEAD AND GREEN, NOVEMBER 8, 2023

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 8, 2023

AN ACT

1 Amending Title 54 (Names) of the Pennsylvania Consolidated  
2 Statutes, in judicial change of name, further providing for  
3 court approval required for change of name and for change by  
4 order of court, providing for change by administrative  
5 application and further providing for effect on children.

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

8 Section 1. Section 701(a), (a.1) heading, (1) and (4)(ii)(B)  
9 and (b) of Title 54 of the Pennsylvania Consolidated Statutes  
10 are amended and the section is amended by adding a subsection to  
11 read:

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

13 (a) General rule.--Except as set forth in subsection (b), it  
14 shall be unlawful for any person to assume a name different from  
15 the name by which such person is and has been known, unless such  
16 change in name is made pursuant to proceedings in court in  
17 accordance with subsection (a.1) or pursuant to the  
18 administrative procedures provided in subsection (a.2).

1 (a.1) [Procedure] Court petition procedure.--

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

8 \* \* \*

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

10 \* \* \*

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

13 \* \* \*

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

23 \* \* \*

24 (a.2) Administrative procedure.--

25 (1) Except as provided in paragraph (2), an individual  
26 may apply for a change of name by filing an application with  
27 the Department of Health. The Department of Health shall  
28 prescribe the application form and the manner in which it  
29 shall be filed, subject to the following:

30 (i) An applicant may obtain and submit the

1 application for a change of name either electronically  
2 through the Department of Health's publicly accessible  
3 Internet website or physically at any driver license and  
4 photo center location of the Department of  
5 Transportation, in addition to any other Department of  
6 Health location accessible to the public where the  
7 Department of Health makes available the application  
8 form.

9 (ii) If an individual submits an application at a  
10 driver license or photo center location of the Department  
11 of Transportation, the Department of Transportation shall  
12 promptly transmit the application to the Department of  
13 Health in a secure manner to be determined by the  
14 Department of Health, in consultation with the Department  
15 of Transportation.

16 (iii) The Department of Health shall distribute the  
17 application form to the Department of Transportation.

18 (iv) The Department of Health shall make the  
19 following available on its publicly accessible Internet  
20 website:

21 (A) The electronic application for a change of  
22 name.

23 (B) The list of Department of Health locations  
24 at which an individual may obtain and submit an  
25 application.

26 (C) A notice that the application may be  
27 submitted at any Department of Transportation driver  
28 license or photo center location.

29 (2) Notwithstanding paragraph (1), an individual seeking  
30 a change of name shall do so by filing a petition with the

1 court of common pleas pursuant to the procedure under  
2 subsection (a.1) if any of the following circumstances apply:

3 (i) The application is for a change of name of a  
4 minor and the minor's parent, legal guardian or legal  
5 representative does not provide consent for the  
6 applicant's name change. The application for a change of  
7 name of a minor may proceed under this subsection if the  
8 applicant can demonstrate to the satisfaction of the  
9 Department of Health at the conference scheduled under  
10 paragraph (4) (i) that:

11 (A) The applicant provided notice to the  
12 nonapplying parent as required under paragraph (4)  
13 (iii) and made a reasonable attempt to obtain written  
14 and notarized consent from the nonapplying parent.

15 (B) There is no objection from the nonapplying  
16 parent.

17 (ii) The applicant is unable to obtain and present  
18 the required documentation for purposes of applying for a  
19 name change, including documentation required by the  
20 Department of Health, as prescribed by rule or  
21 regulation, to permit the Department of Health to confirm  
22 the identity of the applicant and identify the correct  
23 record of live birth to be amended.

24 (3) The application shall include all of the following:

25 (i) The intention to change the applicant's name.

26 (ii) The reason for the name change.

27 (iii) The current residence of the applicant.

28 (iv) Any residence of the applicant for the five  
29 years prior to the date of the application.

30 (4) Upon filing of the application, the Department of

1 Health shall do all of the following:

2 (i) Set a date for a conference on the application,  
3 which shall be held not less than one month nor more than  
4 three months after the application is filed.

5 (ii) Seal the file. There shall be no public access  
6 to any name change application or record related to the  
7 name change application, except that it may be opened at  
8 the applicant's request. Applications and records related  
9 to the name change application shall not be subject to  
10 access under the act of February 14, 2008 (P.L.6, No.3),  
11 known as the Right-to-Know Law.

12 (iii) Direct that notice be given of the filing of  
13 the application, by certified mail, return receipt  
14 requested, to any nonapplying parent of a minor whose  
15 name may be affected by the proceedings and notice shall  
16 include the date of the scheduled conference under  
17 subparagraph (i) and that the nonapplying parent may  
18 appear to object to the application at said conference.

19 (5) At the conference, the following apply:

20 (i) An individual having lawful objection to the  
21 change of name may be heard.

22 (ii) The applicant must present to the Department of  
23 Health all of the following:

24 (A) Proof of service of the notice under  
25 paragraph (4)(iii).

26 (B) Any other documentation required by the  
27 Department of Health by rule or regulation to permit  
28 the Department of Health to confirm the identity of  
29 the applicant and identify the correct record of live  
30 birth to be amended.

1           (6) The Department of Health may change the name as  
2 applied if the Department of Health is satisfied after the  
3 hearing that there is no lawful objection to the granting of  
4 the application.

5           (7) A person aggrieved by the Department of Health's  
6 determination under this subsection may appeal to  
7 Commonwealth Court in accordance with 2 Pa.C.S. (relating to  
8 administrative law and procedure).

9           (8) Nothing under this subsection, including electing to  
10 file an application for a name change, shall preclude an  
11 individual from the alternative option of filing a petition  
12 for a change of name in a court of common pleas pursuant to  
13 the procedures under subsection (a.1).

14           (9) The Department of Health may promulgate rules and  
15 regulations necessary to implement the provisions of this  
16 subsection.

17           (10) The following words and phrases when used in this  
18 subsection shall have the meanings given to them in this  
19 paragraph unless the context clearly indicates otherwise:

20           "Minor." An individual who is under 18 years of age and  
21 not emancipated.

22           (b) Informal change of name.--Notwithstanding subsection  
23 (a), a person may at any time adopt and use any name if such  
24 name is used consistently, nonfraudulently and exclusively. The  
25 adoption of such name shall not, however, be in contravention of  
26 the prohibitions contained in section 702(c) (relating to change  
27 by order of court) or 702.1(c) (relating to change by  
28 administrative application).

29           Section 2. Section 702(c) of Title 54 is amended to read:  
30 § 702. Change by order of court.

1 \* \* \*

2 (c) Convicted felons.--

3 (1) The court may order a change of name for a person  
4 convicted of a felony[, subject to provisions of paragraph  
5 (2),] if:

6 (i) [at least two calendar years have elapsed from  
7 the date of completion of a person's sentence and] that  
8 person has completed the person's sentence and is not  
9 subject to the probation or parole jurisdiction of any  
10 court, county probation agency or the Pennsylvania Parole  
11 Board [of Probation and Parole]; or

12 (ii) the person has been pardoned.

13 [(2) The court may not order a change of name for a  
14 person convicted of murder, voluntary manslaughter, rape,  
15 involuntary deviate sexual intercourse, statutory sexual  
16 assault, sexual assault, aggravated indecent assault, robbery  
17 as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to  
18 robbery), aggravated assault as defined in 18 Pa.C.S. §  
19 2702(a)(1) or (2) (relating to aggravated assault), arson as  
20 defined in 18 Pa.C.S. § 3301(a) (relating to arson and  
21 related offenses), kidnapping or robbery of a motor vehicle  
22 or criminal attempt, criminal conspiracy or criminal  
23 solicitation to commit any of the offenses listed above or an  
24 equivalent crime under the laws of this Commonwealth in  
25 effect at the time of the commission of that offense or an  
26 equivalent crime in another jurisdiction.]

27 (3) The court shall notify the Office of Attorney  
28 General, the Pennsylvania State Police and the office of the  
29 district attorney of the county in which the person resides  
30 when a change of name for a person convicted of a felony has

1       been ordered. The Pennsylvania State Police, upon receipt of  
2       this notice, shall include the change of name information in  
3       the central repository as provided for in 18 Pa.C.S. Ch. 91.  
4       Section 3. Title 54 is amended by adding a section to read:

5       § 702.1. Change by administrative application.

6       (a) General rule.--The Department of Health may change the  
7       name of an individual filing an application under section  
8       701(a.2) (relating to court approval required for change of  
9       name).

10       (b) Procedure.--Prior to the approval of a change of name,  
11       all of the following shall apply:

12               (1) The Department of Health must forward to the  
13       Pennsylvania State Police a duplicate copy of the application  
14       for a change of name and a set of the applicant's  
15       fingerprints. The applicant is responsible for costs under  
16       this paragraph.

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

21               (3) The Pennsylvania State Police shall:

22                       (i) if the applicant is subject to 18 Pa.C.S. Ch.  
23       91, note the name change on the applicant's criminal  
24       history record information; or

25                       (ii) if the applicant is not subject to 18 Pa.C.S.  
26       Ch. 91, destroy the fingerprints.

27               (4) Within 60 days of receipt of the material under  
28       paragraph (1), the Pennsylvania State Police shall certify to  
29       the department what action has been taken under paragraph  
30       (3).

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

3           (i) An election to resume a prior surname pursuant  
4 to section 704 (relating to divorcing and divorced person  
5 may resume prior name).

6           (ii) Name changes involving minor children in  
7 adoption proceedings.

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

12 (c) Convicted felons.--

13       (1) The Department of Health may order a change of name  
14 for an applicant convicted of a felony if:

15           (i) the individual has completed the individual's  
16 sentence and is not subject to the probation or parole  
17 jurisdiction of any court, county probation agency or the  
18 Pennsylvania Parole Board; or

19           (ii) the individual has been pardoned.

20       (2) The Department of Health shall notify the Office of  
21 Attorney General, the Pennsylvania State Police and the  
22 office of the district attorney of the county in which the  
23 applicant resides when a change of name for an individual  
24 convicted of a felony has been ordered. The Pennsylvania  
25 State Police, upon receipt of this notice, shall include the  
26 change of name information in the central repository as  
27 provided for in 18 Pa.C.S. Ch. 91.

28       (d) Rules and regulations.--The Department of Health may  
29 promulgate rules and regulations necessary to implement the  
30 provisions of this section.

1 (e) Definition.--As used in this section, the term "minor"  
2 means an individual who is under 18 years of age and not  
3 emancipated.

4 Section 4. Section 703(b) of Title 54 is amended to read:

5 § 703. Effect on children.

6 \* \* \*

7 (b) Further change on attaining majority.--Any minor child  
8 whose surname has been changed pursuant to subsection (a) upon  
9 attaining majority shall also be entitled to the benefits of  
10 [section 702 (relating to change by order of court).] sections  
11 702 (relating to change by order of court) and 702.1 (relating  
12 to change by administrative application).

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