

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2321 Session of  
2014

INTRODUCED BY COHEN, FRANKEL, KIRKLAND, J. HARRIS, McCARTER,  
BROWNLEE, O'BRIEN, SCHLOSSBERG, ROEBUCK AND M. DALEY,  
JUNE 6, 2014

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 6, 2014

AN ACT

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

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

6 Section 1. Sections 701 and 702 of Title 54 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

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

9 (a) General rule.--Except as set forth in subsection (b), it  
10 shall be unlawful for any person to assume a name different from  
11 the name by which such person is and has been known, unless such  
12 change in name is made pursuant to proceedings in court in  
13 accordance with subsection (a.1).

14 (a.1) Procedure.--

15 (1) An individual must file a petition in the orphans'  
16 court division of the court of common pleas of the county in  
17 which the individual resides. If a petitioner is married, the  
18 petitioner's spouse may join as a party petitioner, in which

1 event, upon compliance with the provisions of this  
2 subsection, the spouse shall also be entitled to the benefits  
3 of this subsection.

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

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

6 (ii) The reason for the name change.

7 (iii) The current residence of petitioner.

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

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

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

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

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

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

26 (B) Given] given to any nonpetitioning parent of  
27 a child whose name may be affected by the  
28 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] any person having lawful objection to the  
15 change 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 official search of the proper offices of  
23 the county where petitioner resides and of any other  
24 county where petitioner has resided within five years  
25 prior to filing the petition showing that there are  
26 no judgments, decrees of record or other similar  
27 matters against the petitioner. This clause may be  
28 satisfied by a certificate given by a corporation  
29 authorized by law to make the search under this  
30 clause.]

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       (b) Informal change of name.--Notwithstanding subsection  
5       (a), a person may at any time adopt and use any name if such  
6       name is used consistently, nonfraudulently and exclusively. The  
7       adoption of such name shall not, however, be in contravention of  
8       the prohibitions contained in section 702(c) (relating to change  
9       by order of court).

10   § 702. Change by order of court.

11       (a) General rule.--The orphans' court division of the court  
12       of common pleas of any county may by order change the name of  
13       any person resident in the county.

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

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

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

25           (3) The Pennsylvania State Police shall:

26               (i) if the person is subject to 18 Pa.C.S. Ch. 91,  
27       note the name change on the person's criminal history  
28       record information; or

29               (ii) if the person is not subject to 18 Pa.C.S. Ch.  
30       91, destroy the fingerprints.

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

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

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

9           (ii) Name changes involving minor children in  
10 adoption proceedings.

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

15 (c) Convicted felons.--

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

19           (i) at least [two] one calendar [years have] year  
20 has elapsed from the date of completion of a person's  
21 sentence and that person is not subject to the probation  
22 or parole jurisdiction of any court, county probation  
23 agency or the Pennsylvania Board of Probation and Parole;  
24 or

25           (ii) the person has been pardoned.

26           [(2) The court may not order a change of name for a  
27 person convicted of murder, voluntary manslaughter, rape,  
28 involuntary deviate sexual intercourse, statutory sexual  
29 assault, sexual assault, aggravated indecent assault, robbery  
30 as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to

1 robbery), aggravated assault as defined in 18 Pa.C.S. §  
2 2702(a)(1) or (2) (relating to aggravated assault), arson as  
3 defined in 18 Pa.C.S. § 3301(a) (relating to arson and  
4 related offenses), kidnapping or robbery of a motor vehicle  
5 or criminal attempt, criminal conspiracy or criminal  
6 solicitation to commit any of the offenses listed above or an  
7 equivalent crime under the laws of this Commonwealth in  
8 effect at the time of the commission of that offense or an  
9 equivalent crime in another jurisdiction.]

10 (3) The court shall notify the Office of Attorney  
11 General, the Pennsylvania State Police and the office of the  
12 district attorney of the county in which the person resides  
13 when a change of name for a person convicted of a felony has  
14 been ordered. The Pennsylvania State Police, upon receipt of  
15 this notice, shall include the change of name information in  
16 the central repository as provided for in 18 Pa.C.S. Ch. 91.  
17 Section 2. This act shall take effect in 60 days.