
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2718 Session of
2018

INTRODUCED BY SOLOMON, SIMS, BERNSTINE, PHILLIPS-HILL,
DONATUCCI, J. McNEILL, YOUNGBLOOD, KINSEY, RABB, NEILSON,
DRISCOLL AND CALTAGIRONE, OCTOBER 15, 2018

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 2018

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.

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 and the section is amended by
9 adding subsections to read:

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

11 * * *

12 (a.1) Procedure.--

13 (1) [An] Except for an individual seeking a name change
14 under subsection (a.2), an individual must file a petition in
15 the court of common pleas of the county in which the
16 individual resides. [If a petitioner is married, the
17 petitioner's spouse may join as a party petitioner, in which
18 event, upon compliance with the provisions of this

1 subsection, the spouse shall also be entitled to the benefits
2 of this subsection.]

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

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

5 (ii) The reason for the name change.

6 (iii) The current residence of petitioner.

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

9 [(v) If the petitioner requests the court proceed
10 under paragraph (3) (iii).]

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

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

16 (ii) Except as provided in subparagraph (iii), by
17 order, direct that notice be [given] published on the
18 database established under subsection (c) of the filing
19 of the petition and of the date set for the hearing on
20 the 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 to any nonpetitioning parent of a
27 child whose name may be affected by the proceedings.]

28 (iii) If the court finds that the notice required in
29 subparagraph (ii) would jeopardize the safety of the
30 person seeking the name change or his or her child or

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

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

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

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

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

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

30 (5) The court may enter a decree changing the name as

1 petitioned if the court is satisfied after the hearing that
2 there is no lawful objection to the granting of the petition.

3 (a.2) Married couples.--An individual filing a marriage
4 license who wishes to take the last name of the other party to
5 the marriage license, or if both parties wish to adopt the same
6 new last name, may list the individual's premarriage name and
7 the intended new name on the marriage license. Upon the filing
8 of a marriage license in which one or both parties to the
9 marriage license seek a name change, the prothonotary of the
10 court of common pleas of the county in which the individual has
11 filed the marriage license shall approve the name change and
12 enter the newly changed name as a matter of public record for
13 the county in which the individual resides. The name change
14 shall be recognized as if the individual changed the
15 individual's name under this section.

16 * * *

17 (c) Database.--The court of common pleas of each county
18 shall establish a public database on the court's publicly
19 accessible Internet website that contains the following, except
20 for information pertaining to individuals who are not required
21 to provide notice under subsection (a.1)(3)(iii):

22 (1) Notice required under subsection (a.1)(3)(ii), which
23 may be deleted after the date of the hearing at the court's
24 discretion.

25 (2) Each name change effectuated under this chapter in
26 the court's county.

27 Section 2. Section 702(b)(5) of Title 54 is amended by
28 adding a subparagraph to read:

29 § 702. Change by order of court.

30 * * *

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

3 * * *

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

6 * * *

7 (iv) A name change under section 701(a.2) (relating
8 to court approval required for change of name).

9 * * *

10 Section 3. This act shall take effect in 60 days.