

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE DRH70124-LU-47 (02/28)

Short Title: Allow Name Change Where Divorce Granted. (Public)

Sponsors: Representative Haire.

Referred to:

A BILL TO BE ENTITLED

AN ACT ALLOWING A PERSON WHO HAS RECEIVED AN ABSOLUTE
DIVORCE TO CHANGE HIS OR HER NAME IN THE COUNTY WHERE THE
DIVORCE WAS GRANTED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-12 reads as rewritten:

"§ 50-12. Resumption of maiden or premarriage surname.

(a) Any woman whose marriage is dissolved by a decree of absolute divorce may, upon application to the clerk of court of the county in which she resides or where the divorce was granted setting forth her intention to do so, change her name to any of the following:

(1) Her maiden name; or

(2) The surname of a prior deceased husband; or

(3) The surname of a prior living husband if she has children who have that husband's surname.

(a1) A man whose marriage is dissolved by decree of absolute divorce may, upon application to the clerk of court of the county in which he resides or where the divorce was granted setting forth his intention to do so, change the surname he took upon marriage to his premarriage surname.

(b) The application shall be addressed to the clerk of the court of the county in which such divorced person ~~resides,~~resides or where the divorce was granted, and shall set forth the full name of the former spouse of the applicant, the name of the county and state in which the divorce was granted, and the term or session of court at which such divorce was granted, and shall be signed by the woman in her full maiden name, or by the man in his full premarriage surname. The clerks of court of the several counties of the State shall record and index such applications in such manner as shall be required by the Administrative Office of the Courts.

1 (c) If an applicant, since the divorce, has adopted one of the surnames listed in
2 subsection (a) or (a1) of this section, the applicant's use and adoption of that name is
3 validated.

4 (d) In the complaint, or counterclaim for divorce filed by any person in this State,
5 the person may petition the court to adopt any surname as provided by this section, and
6 the court is authorized to incorporate in the divorce decree an order authorizing the
7 person to adopt that surname."

8 **SECTION 2.** This act is effective when it becomes law and applies to
9 petitions filed 90 days after the effective date of this act.