

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 488
HOUSE BILL 1031

AN ACT TO PROVIDE THAT A DIVORCED WOMAN MAY RESUME THE SURNAME OF A PRIOR LIVING HUSBAND IF SHE HAS CHILDREN WHO HAVE THAT HUSBAND'S SURNAME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-12 is amended by rewriting the section to read:

"§ 50-12. Resumption of maiden name or adoption of name of prior deceased or prior divorced husband.—(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 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.

(b) The application shall be addressed to the clerk of the court of the county in which such divorced woman resides, and shall set forth the full name of the former husband 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 applicant in her full maiden name. 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.

(c) If a woman, since her divorce, has adopted one of the surnames listed in subsection (a) of this section, her use and adoption of that name is validated.

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

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.