

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1133

Short Title: Resumption of Surname.

(Public)

Sponsors: Representatives Gottovi; Barnes and Luebke.

Referred to: Courts and Justice.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PERMIT MEN WHO ARE DIVORCED OR WIDOWED TO RESUME
USE OF THE SURNAME THEY USED BEFORE MARRIAGE.

The General Assembly of North Carolina enacts:

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

**"§ 50-12. Resumption of ~~maiden name or adoption of name of prior deceased or~~
~~prior divorced husband.~~ 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 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 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 ~~woman~~ person resides, and shall set forth the full name of the former ~~husband~~ 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 ~~applicant~~ woman in her full maiden ~~name~~ name, or by the man in his full premarriage surname. The clerks of court of the several counties

1 of the State shall record and index such applications in such manner as shall be required
2 by the Administrative Office of the Courts.

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

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

10 Sec. 2. G.S. 101-8 reads as rewritten:

11 **"§ 101-8. Resumption of name by ~~widow.~~ widow or widower.**

12 A ~~woman~~ person at any time after ~~she~~ the person is widowed, ~~may resume the use of~~
13 ~~her maiden name or the name of a prior deceased husband or of a previously divorced~~
14 ~~husband upon application to the clerk of superior court of the county in which she~~
15 ~~resides, setting forth her intention to do so.~~ widowed may, upon application to the clerk
16 of court of the county in which the person resides setting forth the person's intention to
17 do so, resume the use of her maiden name in the case of a widow, or his premarriage
18 surname in the case of a widower. The application shall set forth the full name of the
19 last ~~husband~~ spouse of the applicant, shall include a copy of ~~his~~ the spouse's death
20 certificate, and shall be signed by the applicant in ~~her~~ the applicant's full name. The
21 clerks of court of the several counties of this State shall record and index such
22 applications in the manner required by the Administrative Office of the Courts."

23 Sec. 3. This act becomes effective October 1, 1993.