

No. 2005-18

AN ACT

HB 399

Amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for divorcing and divorced person and surviving spouse to resume prior name.

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

Section 1. Section 704 of Title 54 of the Pennsylvania Consolidated Statutes is amended to read:

§ 704. Divorcing and divorced person may resume prior name.

(a) General rule.—Any person who is a party in a divorce action may, at any time prior to or subsequent to the entry of the divorce decree, resume any prior surname used by him or her by filing a written notice to such effect in the office of the **[clerk of the court] prothonotary of the county** in which the divorce action was filed or the decree of divorce was entered, showing the caption and docket number of the proceeding in divorce.

(b) Foreign decrees.—Where a divorced person has been the subject of a decree of divorce granted in a foreign jurisdiction, a certified copy of such foreign divorce decree may be filed with the **[clerk of the court of common pleas] prothonotary** of the county where the person resides and, thereafter, the notice specified in subsection (a) may be filed with reference to such decree.

Section 2. Section 704.1 of Title 54, added November 19, 2004 (P.L.842, No.105), is amended to read:

§ 704.1. Surviving spouse may resume prior name.

A surviving spouse may, at any time, resume any prior surname used by him or her by filing a written notice to such effect in the office of the **[clerk of courts of common pleas] prothonotary** of the county where the surviving spouse resides, accompanied by a certificate of death for the decedent. *In counties where there is no prothonotary, the notice shall be filed in the office that performs the functions of the office of prothonotary as provided for in the act of August 9, 1955 (P.L.323, No.130), known as The County Code.*

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

APPROVED—The 5th day of July, A.D. 2005.

EDWARD G. RENDELL