

ASSEMBLY, No. 207

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywomen WEINBERG and GILL

1 AN ACT concerning name changes in domestic violence cases and
2 amending N.J.S.2:34-21 and N.J.S.2A:52-1.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.2A:34-21 is amended to read as follows:

8 2A:34-21. a. The court, upon or after granting a divorce from the
9 bonds of matrimony to either spouse, may allow either spouse to
10 resume any name used by the spouse before the marriage or to assume
11 any surname, and shall exempt from the public notification requirement
12 of R. 4:72 of the New Jersey Court Rules any person who has
13 obtained a permanent restraining order pursuant to section 13 of the
14 "Prevention of Domestic Violence Act," P.L.1991, c.261 (C.2C:25-29)
15 and who fears further violent acts from the defendant against whom
16 the order was entered.

17 b. The person shall accompany the request with a copy of the
18 permanent restraining order and a sworn affidavit stating that the
19 applicant fears further violent acts from the defendant against whom
20 the order was entered and seeks an exemption from any requirement
21 of public notification of name change.

22 (cf: P.L.1988, c.153, s.2)

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24 2. N.J.S.2A:52-1 is amended to read as follows:

25 2A:52-1. a. Any person may institute an action in Superior Court,
26 for authority to assume another name. The complaint for a change of
27 name shall be accompanied by a sworn affidavit stating the applicant's
28 name, date of birth, social security number, whether or not the
29 applicant has ever been convicted of a crime, and whether any criminal
30 charges are pending against him and, if such convictions or pending
31 charges exist, shall provide such details in connection therewith
32 sufficient to readily identify the matter referred to. The sworn

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 affidavit shall also recite that the action for a change of name is not
2 being instituted for purposes of avoiding or obstructing criminal
3 prosecution or for avoiding creditors or perpetrating a criminal or civil
4 fraud. If criminal charges are pending, the applicant shall serve a copy
5 of the complaint and affidavit upon any State or county prosecuting
6 authority responsible for the prosecution of any pending charges. A
7 person commits a crime of the fourth degree if he knowingly gives or
8 causes to be given false information under this section.

9 b. In addition to the requirements of subsection a. of this section,
10 a person who has obtained a permanent restraining order pursuant to
11 section 13 of the "Prevention of Domestic Violence Act," P.L.1991,
12 c.261 (C.2C:25-29) and who fears further violent acts from the
13 defendant against whom the order was entered, may seek an
14 exemption from the public notification requirement of R. 4:72 of the
15 New Jersey Court Rules. The complaint for a change of name shall be
16 accompanied by a copy of the permanent restraining order and a sworn
17 affidavit stating that the applicant fears further violent acts from the
18 defendant.

19 c. The court shall permit the processing of the complaint, omitting
20 the requirement of R. 4:72 of the New Jersey Court Rules that notice
21 of the application shall be published in a newspaper of general
22 circulation. The provisions of this section shall not exempt an
23 applicant for a change of name from complying with otherwise
24 applicable notification requirements.

25 (cf: P.L.1993, c.228, s.1)

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27 3. This act shall take effect immediately.
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30 STATEMENT

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32 This bill would permit an applicant for a change of name who has
33 obtained a permanent restraining order pursuant to section 13 of the
34 "Prevention of Domestic Violence Act," P.L.1991, c.261 (C.2C:25-29)
35 and who fears further violence from the defendant against whom the
36 order was entered, to process the request without providing public
37 notification of the application.

38 Upon initiating an action for a name change, or upon seeking an
39 order permitting the resumption of any name used before marriage or
40 the assumption of any name, the applicant shall submit a copy of the
41 permanent restraining order and an affidavit stating that the applicant
42 fears further violent acts from the defendant and seeks an exemption
43 from any requirement of public notification.

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3 Permits an applicant for a name change to avoid public notification in
4 certain cases.