

## NAMES TAKEN AFTER MARRIAGE

Effective January 1, 2008, both brides and grooms can document the legal name each will use after they are married on the Oregon Application, License, and Record of Marriage. The Oregon legislature passed House Bill 3120 which establishes the possible name combinations, and the right of the groom, as well as the bride, to change their legal name *at the time of the marriage*. Having this information on the marriage record will provide evidence of the legal name change for either party when updating DMV, SSA, bank, or other records.

The name(s) reported on the marriage record then become the sole legal name(s) for the bride or groom. Any name change not reported on the marriage record at the time it is filed, including the bride taking the surname (last name) of the groom, will require a court order as a legal name change.

### **Who can change their names?**

Either the bride or the groom or both can legally change their surnames within limited choices, by reporting the new name on the marriage record. It is not required that the surname chosen be the same name for both parties.

### **When must the name be changed?**

The Application, License and Record of Marriage form must be received with the new name. The information cannot be updated or changed after the record is accepted by the County Clerk for filing without a court order.

### **How is the name changed?**

The name(s) selected are reported under items 11 and 22 on the Application, License and Record of Marriage form. The law limits the options for the surname to:

- retaining the surname prior to the marriage or
- change the surname to the other party's surname or
- change the surname to a combination of the bride's and groom's surnames, with or without a hyphen.

### **What if the name isn't changed?**

If Item 11 and/or Item 22 are left blank on the Application, License and Record of Marriage, it will be presumed that the party is retaining their current legal name listed on the form. The name list in Items 1 and 12a to marriage will continue to be the sole legal name for the bride and/or groom. Any later change will require a court order.

### **Oregon Revised Statute 106.220 was amended to read:**

Upon entering into marriage, either party may retain the party's surname prior to the marriage or change the party's surname to the surname of the other party or to a hyphenated combination of the surnames of both parties. If a party requests a surname change under this section, that party may also change the party's middle name to the party's surname prior to the marriage.

Each party must indicate on the application, license and record of marriage the party's name after marriage.

The name of each party after marriage as indicated on the application, license and record of marriage shall become the sole legal name of each party after marriage. If a party indicates a name change other than as described in subsection (1) of this section, the party shall request approval of the court pursuant to ORS 33.410

### **Examples of possible combinations of names**

Bride pre-marriage name: Mary Ann Smith

Name taken at marriage

<u>First</u>	<u>Middle</u>	<u>Surname (last name)</u>
Mary	Ann	Smith*
Mary	Ann	Jones
Mary	Smith	Jones
Mary	Ann	Smith Jones
Mary	Ann	Smith-Jones
Mary	Ann	Jones Smith
Mary	Ann	Jones-Smith

Groom pre-marriage name: Mark Samuel Jones

Name taken at marriage

<u>First</u>	<u>Middle</u>	<u>Surname (last name)</u>
Mark	Samuel	Jones*
Mark	Samuel	Smith
Mark	Jones	Smith
Mark	Samuel	Smith Jones
Mark	Samuel	Smith-Jones
Mark	Samuel	Jones Smith
Mark	Samuel	Jones-Smith

\*Only this combination may be used if Items 11 and 22 are blank when the application, license and record of marriage is filed. All other options must be specified on the record to establish a new legal name.

### **Limitations**

Parties cannot add a current legal surname to an existing middle name (i.e. Mary Jo Doe can't become Mary Jo-Doe Jones). The surname must replace the current middle name (i.e. Mary Doe Jones).

Parties cannot use parts of compound names to create a new surname (e.g. Jane Sue Doe-Smith can't become Jane Sue Jackson-Doe).