



Last name taken after marriage
Oregon Application, License, and Record of Marriage
Effective January 1, 2008
Revised December 26, 2008

Effective January 1, 2008, both the bride and the groom can document the legal name each will use after they are married on the Oregon Application, License, and Record of Marriage. The Oregon State Legislature passed House Bill 3120, which establishes the possible name combinations, and the right of the bride, as well as the groom, 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 of legal name change.

Who can change his or her name?

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.

How is the last name changed?

The name(s) selected are reported under items 11 and 22 on the Application, License and Record of Marriage form (Form 45-4). The law limits the options for the surname to:

- retaining the surname prior to the marriage;
- changing the surname to the other party's surname; or,
- changing the surname to a hyphenated combination of the bride's and groom's surnames, in either order.

How is the middle name changed?

The middle name may only be changed if a new surname is selected. The middle name may only be changed to the person's current surname (last name) at the time of marriage. In some cases, this may be the "maiden" name or name at birth. However, if the name at the time of the marriage is a previous married name, then

the previous married name must be used as a middle name, not the maiden name. Be sure the middle name of the legal name taken after marriage is consistent with the legal name before marriage. Make sure that John Michael Doe is not becoming John M Doe after marriage. In this case, M would become the new legal middle name; this change is not an allowable option under ORS 106.220.

What if the name isn't changed?

If Item 11 and/or Item 22 is left blank on the Application, License and Record of Marriage, it will be presumed that party is retaining his or her current legal name listed on the form. The name listed in Items 1 or 12a of the marriage form will continue to be the sole legal name for the bride and/or groom, respectively. Any later change will require a court approval pursuant to Oregon Revised Statutes 33.410.

What should happen with suffixes?

Spouses of parties whose legal names have suffixes (like Jr. and III) should not be appending the suffix to their own legal name. For example, when Mary Jones marries John Doe Jr. she does not become Mary Doe Jr.

What happens if a marriage record is filed at the county and sent to the state with a name change that does not follow the law?

Marriage licenses issued by the county after February 1, 2009 with a name change that does not follow the law will not be registered at the state. The records will be returned to the county with the standard letter indicating what items need to be corrected before the records will be registered at the state.

What happens when one of the spouses wants to change his/her name on the marriage record after the state has registered the marriage record? Must the marriage record be amended? To protect the integrity of the vital records system, we recommend that the marriage records filed at the county match those filed at the state. Therefore, if the county amends the name on the marriage record, we recommend that the record at the state be amended as well. Counties should follow the current amendment process by notifying the state of the changes. It is up to the county to require specific evidence and review that evidence. Please remember, according to ORS 106.220(2) a court order is required to change the legal name after it has been changed on the marriage record. The state does not have the statutory authority to require the county to get a court order name change. If the county does accept a court order, please include a copy with the amendment letter. Please note: the state does have the authority to request evidence if there are significant changes in the name.

Oregon Revised Statute 106.220 was amended to read:

- (1) 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.
- (2) 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

1) Bride's pre-marriage name: **Mary Ann Smith**

Name taken at marriage may only be one of the following:

<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	Jones-Smith

Groom's pre-marriage name: **Mark Samuel Jones**

Name taken at marriage may only be one of the following:

<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	Jones-Smith

*When no new names are entered (Items 11 and 22 are blank on the Application, License and Record of Marriage), the pre-marriage name will remain the same.

**The middle name may be changed to the pre-marriage surname only if a new surname is taken.

2) Bride's pre-marriage name: **Maria Alejandra Sanchez Garcia**

Name taken at marriage may only be one of the following:

<u>First</u>	<u>Middle</u>	<u>Surname (last name)</u>
Maria	Alejandra	Sanchez Garcia*
Maria	Alejandra	Jimenez Gonzales
Maria	Sanchez Garcia	Jimenez Gonzales **
Maria	Alejandra	Sanchez Garcia - Jimenez Gonzales
Maria	Alejandra	Jimenez Gonzales - Sanchez Garcia

Groom's pre-marriage name: **Miguel Sergio Jimenez Gonzales**

Name taken at marriage may only be one of the following:

<u>First</u>	<u>Middle</u>	<u>Surname (last name)</u>
Miguel	Sergio	Jimenez Gonzales*
Miguel	Sergio	Sanchez Garcia
Miguel	Jimenez Gonzales	Sanchez Garcia**
Miguel	Sergio	Sanchez Garcia – Jimenez Gonzales
Miguel	Sergio	Jimenez Gonzales – Sanchez Garcia

*When no new names are entered (Items 11 and 22 are blank on the Application, License and Record of Marriage), the pre-marriage name will remain the same.

**The middle name may be changed to the pre-marriage surname only if a new surname is taken.