

The Name Equality Act of 2007 – Clarifications

The Name Equality Act of 2007 (Chapter 567, Statutes of 2007 (AB 102)) became effective January 1, 2009.

Family Code, Section 306.5 provides that:

One or both parties to the marriage may elect to change the middle or last names by which that party wishes to be known after solemnization of the marriage. A person may adopt any of the following middle or last names:

- ◆ The current last name of the other spouse
- ◆ The last name of either spouse given at birth
- ◆ A name combining into a single last name all or a segment of the current last name or the last name of either spouse given at birth
- ◆ A hyphenated combination of last names

A segment is a contiguous portion of the name; it is an identifiable match of a portion of the current last name or the last name given at birth of either spouse (Fields 1C, 1D, 12C, 12D). The segment may not omit or add new letters and the letters may not be changed around to create an entirely different segment that does not match a portion of the current last name or the last name given at birth of either spouse.

For purposes of completing the marriage license, the following last names may be used to establish new middle or last names for either party:

- ◆ First Person Current Last Name (Field 1C)
- ◆ First Person Last Name at Birth (Field 1D)
- ◆ Second Person Current Last Name (Field 12C)
- ◆ Second Person Last Name at Birth (Field 12D)

NOTE: The law does not allow someone to drop their existing middle name by using the marriage certificate. They must keep their existing middle name or change it. In other words, if there is any middle name in 1B or 12 B, there **MUST BE** an entry in 30B or 31B, either the existing middle name or a new middle name.

When a party adopts a **new middle name** – the middle name shown in field 1B or 12B as applicable cannot be part of the new middle name. The new middle name is placed in either 30B or 31 B.

It is possible for the new middle name to be one letter if it's derived from a segment of a last name shown in fields 1C, 1D, 12C or 12D that only contains two letters.

When a party to a marriage adopts a new middle and/or last name, **all** name fields in the area entitled "New Names" for that party must be completed.

The new middle name field should not contain dashes (--) if a party has elected to change their name unless that party does not have a current middle name shown in field 1B or 12B, and they are not adopting a new middle name.

If a party is adopting a new middle or last name, the new middle or last name may only be taken from, or be a segment or hyphenation of, the last names shown in fields 1C, 1D, 12C or 12D.

When a party does not elect to change their name, each of the new name fields for that party must be completed with two dashes (--).

Hyphenated middle and/or last names may or may not include an actual hyphen (-) between the names. This should be decided by the party wishing to hyphenate their name.