

Last name taken after marriage
Oregon Application, License, and Record of Marriage
Effective June 7, 2013
Revised June 5, 2013

Since 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. In 2007, the Oregon State Legislature passed House Bill 3120, which established 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*. **In 2013, the Oregon State Legislature passed Senate Bill 406 that expands the possible name combinations.** 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 middle names and surnames (last names) 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 surname (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 combination, hyphenated or not, of the bride's and groom's surnames, in either order. When surnames include more than one name, one name from the surname can be used in combination with the other party's surname (or one name from the other party's surname).

If bride has a legal surname from another marriage, she may not revert to her surname prior to first marriage (maiden name), nor use it in combination with

her husband's surname. In this situation, the surname prior to first marriage can only be used as a middle name.

How is the middle name changed?

The middle name can only be changed to the person's surname at birth or the current surname (last name) at the time of marriage by either replacing the middle name or adding the surname at birth or current surname to the middle name. Be sure the middle name of the legal name taken after marriage is consistent with the legal name before marriage or the surname at birth. 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. The suffix, although appearing after the last name, is not considered part of the last name.

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 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(3) a court order is required to change the legal name after it has been established 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 amends the marriage record based on 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 has been amended to read:

- (1) Upon entering into marriage, either party may:
 - (a) Retain the party's middle name, if any, and surname prior to the marriage;
 - (b) Retain the party's middle name, if any, and change the party's surname to the surname of the other party;
 - (c) Either retain or remove the party's middle name, if any, and change the party's surname to a combination of one or more of the surnames, or names within the surnames, of either or both parties, with or without a hyphen;
 - (d) Change the party's middle name, if any, to the party's surname at birth or prior to the marriage; or
 - (e) Add to the party's middle name, if any, the party's surname at birth or prior to the marriage and change the party's surname to the surname of the other party.
- (2) Each party must indicate on the application, license and record of marriage the party's name after marriage.
- (3) 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.
- (4) As used in this section, "middle name" and "surname" mean a name that may consist of one or more different names.

Examples of Possible Combinations of Names

**() indicates middle name may be retained or removed*

Single name in surname

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

Bride's surname at birth: **Wilson**

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

Groom's surname at birth: **Jones**

Bride's name taken at marriage can only be one of the following:

First	Middle	Surname (last name)	ORS 106.220(1) section
Mary	Ann	Smith	(a)
Mary	Ann	Jones	(b)
Mary	*(Ann)	Smith Jones or Smith-Jones	(c)
Mary	*(Ann)	Jones Smith or Jones-Smith	(c)
Mary	Wilson	Smith	(d)
Mary	Smith	Jones	(d)
Mary	Ann Wilson	Jones	(e)
Mary	Ann Smith	Jones	(e)

Groom's name taken at marriage can only be one of the following:

First	Middle	Surname (last name)	ORS 106.220(1) section
Mark	Samuel	Jones	(a)
Mark	Samuel	Smith	(b)
Mark	*(Samuel)	Smith Jones or Smith-Jones	(c)
Mark	*(Samuel)	Jones Smith or Jones-Smith	(c)
Mark	Jones	Smith	(d)
Mark	Samuel Jones	Smith	(e)

More than one name in surnames

**() indicates middle name may be retained or removed*

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

Bride's surname at birth: **Sanchez Garcia**

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

Bride's name taken at marriage can only be one of the following:

<u>First</u>	<u>Middle</u>	<u>Surname (last name)</u>	<u>ORS 106.220(1) section</u>
Maria	Alejandra	Sanchez Garcia	(a)
Maria	Alejandra	Jimenez Gonzales	(b)
Maria	*(Alejandra)	Sanchez Garcia Jimenez Gonzales or Sanchez Garcia-Jimenez Gonzales	(c)
Maria	*(Alejandra)	Jimenez Gonzales Sanchez Garcia or Jimenez Gonzales-Sanchez Garcia	(c)
Maria	*(Alejandra)	Garcia Gonzales or Garcia-Gonzales	(c)
Maria	*(Alejandra)	Gonzales Garcia or Gonzales-Garcia	(c)
Maria	*(Alejandra)	Garcia Jimenez or Garcia-Jimenez	(c)
Maria	*(Alejandra)	Jimenez Garcia or Jimenez-Garcia	(c)
Maria	*(Alejandra)	Sanchez Gonzales or Sanchez-Gonzales	(c)
Maria	*(Alejandra)	Gonzales Sanchez or Gonzales-Sanchez	(c)
Maria	*(Alejandra)	Sanchez Jimenez or Sanchez-Jimenez	(c)
Maria	*(Alejandra)	Jimenez Sanchez or Jimenez-Sanchez	(c)
Maria	*(Alejandra)	Sanchez Jimenez Gonzales or Sanchez Jimenez-Gonzales	(c)
Maria	*(Alejandra)	Garcia Jimenez Gonzales or Garcia Jimenez-Gonzales	(c)
Maria	*(Alejandra)	Sanchez Garcia Jimenez or Sanchez Garcia-Jimenez	(c)
Maria	*(Alejandra)	Sanchez Garcia Gonzales or Sanchez Garcia-Gonzales	(c)
Maria	Sanchez Garcia	Jimenez Gonzales	(d)
Maria	Alejandra Sanchez Garcia	Jimenez Gonzales	(e)

Groom's name taken at marriage can only be one of the following:

<u>First</u>	<u>Middle</u>	<u>Surname (last name)</u>	<u>ORS 106.220(1) section</u>
Miguel	Sergio	Jimenez Gonzales	(a)
Miguel	Sergio	Sanchez Garcia	(b)
Miguel	*(Sergio)	Sanchez Garcia Jimenez Gonzales or Sanchez Garcia- Jimenez Gonzales	(c)
Miguel	*(Sergio)	Jimenez Gonzales Sanchez Garcia or Jimenez Gonzales- Sanchez Garcia	(c)
Miguel	*(Sergio)	Garcia Gonzales or Garcia- Gonzales	(c)
Miguel	*(Sergio)	Gonzales Garcia or Gonzales- Garcia	(c)
Miguel	*(Sergio)	Garcia Jimenez or Garcia- Jimenez	(c)
Miguel	*(Sergio)	Jimenez Garcia or Jimenez- Garcia	(c)
Miguel	*(Sergio)	Sanchez Gonzales or Sanchez- Gonzales	(c)
Miguel	*(Sergio)	Gonzales Sanchez or Gonzales- Sanchez	(c)
Miguel	*(Sergio)	Sanchez Jimenez or Sanchez- Jimenez	(c)
Miguel	*(Sergio)	Jimenez Sanchez or Jimenez- Sanchez	(c)
Miguel	*(Sergio)	Sanchez Jimenez Gonzales or Sanchez Jimenez-Gonzales	(c)
Miguel	*(Sergio)	Garcia Jimenez Gonzales or Garcia Jimenez-Gonzales	(c)
Miguel	*(Sergio)	Sanchez Garcia Jimenez or Sanchez Garcia-Jimenez	(c)
Miguel	*(Sergio)	Sanchez Garcia Gonzales or Sanchez Garcia-Gonzales	(c)
Miguel	Jimenez Gonzales	Sanchez Garcia	(d)
Miguel	Sergio Jimenez Gonzales	Sanchez Garcia	(e)