

What You Should Know About The Name Equality Act of 2007

(AB 102 Ch 567, Statutes of 2007)

The Name Equality Act of 2007 (AB 102, Chapter 567, Statutes of 2007) gives specific rights to parties at the time they are applying for a California marriage license to choose and list on the marriage license the new name that each party will go by after marriage. The new law pertains to marriage licenses issued **on or after 01/01/09**. It does not apply to marriage licenses issued prior to 01/01/09.

Parties are not required to have the same name, nor are they required to change their name.

If one or both of the parties want to have their new name(s) shown on the marriage license, the new name must be entered on the marriage license application **at the time they are applying for the marriage license**. The parties may choose any of the following **middle or last names** as the name they wish to be known as after marriage [FC § 306.5(b)(2)]:



Current last name of the other spouse



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 last name of either spouse given at birth



A hyphenated combination of last names

NOTE: You may **not** change your **first name** using this process. **IMPORTANT:** You **may not amend the marriage license after it has been issued to add or change the name you wish to be known as after you are married. The name you indicate on the marriage license application will be your name on the marriage license/certificate and cannot be changed by the County Clerk.**

A certified copy of the marriage certificate containing the new name, or retaining the former name, shall constitute proof that the use of the new name or retention of the former name is lawful [FC § 306.5(b)(3)(a)].

The marriage certificate is used by multiple local, state, federal and private agencies, each of which have different rules and/or regulations regarding what documents are acceptable to change your name on their records following marriage. It is recommended that you contact these agencies to verify their requirements prior to applying for your marriage license.

It is unlawful for our employees to answer questions of a legal nature. County Clerk staff cannot advise you how to complete the marriage license application as it relates to your entry of a new name or retention of your former name on the marriage license application. For your protection, if you have **any** questions regarding whether you should or should not list your new name on the marriage license application, and/or how the Name Equality Act of 2007 may affect you, please consult an attorney **prior to applying for your marriage license**

Disclaimer: This is an informational alert about new legislation; it is not intended to be legal advice. Any person with legal questions about this new legislation should consult with your attorney.