

**What You Should Know About the Name Equality Act of 2007**  
**FAMILY CODE §306.5(b)(2)**

This law provides a new way for parties to a marriage to choose a new name. The new law pertains to marriage licenses issued on or after 01/01/2009. It does not apply to marriage licenses issued prior to 01/01/2009. 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)]. Parties are not required to have the same last 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:

- Current or birth last name of either spouse
- A name combining into a single last name all, or a segment of, the current or birth last names of either spouse
- A hyphenated combination of the current or birth last names of either spouse (hyphenated combination names may or may not include the actual hyphen (-) between the names)
- A current or birth last name may replace or be added to an existing middle name
- A current middle name field may not be left blank if a middle name appears in the current legal name
- If a hyphenated last or birth name is being moved to a middle name both names must move to be the middle name.

**NOTE 1:** You may not change your first name using this process.

**NOTE 2:** You may not amend the marriage license after it has been issued to add or change your name. The name you indicate on the marriage license application will be your name on the marriage license/certificate and can only be changed by legal means.

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 a legal advisor prior to applying for your marriage license.