



Last name taken following a Declaration of Oregon Registered Domestic Partnership after January 1, 2010

Effective January 1, 2010, Oregon Registered Domestic Partners can document the legal name each will use after the Declaration of Oregon Registered Domestic Partnership form is filed. The Oregon State Legislature passed House Bill 2839, giving the right of both partners to change their legal name *at the time their partnership becomes registered*. The partnership is considered registered when it is filed with the county clerk. Having this information on the Oregon Registered Domestic Partnership record will provide evidence of the legal name change for either party when updating Oregon DMV, bank, or other records. **The legal name(s) reported on the Declaration of Oregon Registered Domestic Partnership form then become the sole legal name(s).**

When does the law go into effect?

Partners who register their domestic partnerships after January 1, 2010 can document the legal name each will use on the Declaration of Oregon Registered Domestic Partnership form 45-6 (01/10). The partnership becomes registered the date the form is filed with the county clerk. Couples who register their partnership prior to January 1, 2010 must use the old forms. Only the new forms can be used for any Oregon Registered Domestic Partnership filed with the county clerk after Jan. 1, 2010. Old forms 45-6 (01/08) will not be accepted by the county clerk for filing after Jan. 1, 2010. The new forms 45-6 (01/10) can be completed and signed by partners and notarized prior to January 1, 2010 as long as the partnership is registered at the county clerks office after January 1, 2010.

Can we use the old Declaration of Oregon Registered Domestic Partnership 45-6 (01/08) forms after Jan. 1, 2010?

No, all Oregon Registered Domestic Partnerships filed with the county clerk after January 1, 2010 must be on the new form **Declaration of Oregon Registered Domestic Partnership** (form 45-6 (01/10)).

What form do we use if we sign and get it notarized before Jan. 1, 2010, but filed it with the county clerk after Jan. 1, 2010?

The new form.

Can we use the new form prior to Jan. 1, 2010?

Only if you are planning on filing the form with the county clerk after Jan. 1, 2010.

Who can change their name?

Either partner, or both, can legally change their surnames within limited choices, outlined below, by reporting the new name on the Declaration of Oregon Registered Domestic Partnership form. 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 10 and 20 on the Declaration of Oregon Registered Domestic Partnership (Form 45-6 (01/10)). The law limits the options for the surname to:

- retaining the surname prior to the partnership;
- changing the surname to the other party's surname; or,
- changing the surname to a hyphenated combination of the partner A's and partner B's surnames, in either order.

How is the middle name changed?

The middle name may only be changed if a new surname (last name) is selected. In that situation, the middle name may only be changed to the person's current surname (last name) at the time of partnership. In some cases, this may be the "maiden" name or name at birth. However, if the surname at the time of the partnership is a previous married name or previous Oregon Registered Domestic Partnership name, then the previous surname must be used as a middle name; the person can not revert to the maiden name. Be sure the middle name of the legal name taken after the partnership is consistent with the legal surname before partnership. Make sure that John Michael Doe is not becoming John M. Doe after partnership. In this case, M would appear to be the new legal middle name; this change is not an allowable option.

What if the name isn't changed?

If Item 10 and/or Item 20 are left blank on the Declaration of Oregon Registered Domestic Partnership, it will be presumed that the party is retaining his or her current legal name listed on the form. The name listed in Item 1 on the form will continue to be the sole legal name for partner A and the name listed in Item 11 will continue to be the sole legal name for partner B. Any later change will require a court order pursuant to Oregon Revised Statutes 33.410.

What should happen with suffixes?

Partners 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 Jeffery Jones registers a domestic partnership with John Doe Jr., Jeffery does not become Jeffery Doe Jr.

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

An Oregon Registered Domestic Partnership registered at the county that does not follow the law will not be registered at the state. The records will be returned to the county with a standard letter indicating what items need to be corrected before the record will be registered at the state.

What happens when one of the partners wants to change their name on the Oregon Registered Domestic Partnership record after the state has registered the record? Must the Oregon Registered Domestic Partnership record be amended?

To protect the integrity of the vital records system, we recommend that the domestic partnership records filed at the county match those filed at the state. Therefore, if the county amends the name on the Oregon Registered Domestic Partnership record, we recommend that the county notify the state so that the record at the state can be amended as well. Counties should follow the current amendment process. It is up to the county to determine the specific evidence required and review that evidence. Please remember, according to House Bill 2389 a court order is required to change the legal name after it has been changed on the Oregon registered domestic partnership record. The state does not have the statutory authority to require the county to get a court order name change; however the county should follow the law. 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.

What is the new law?

House Bill 2389 amends Section 8, chapter 99, Oregon Laws 2007, to read:

Sec. 8. (1) Upon entering into a domestic partnership, either party to the domestic partnership may retain the party's surname prior to the domestic partnership 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 domestic partnership. Each party must indicate on the Declaration of Domestic Partnership the party's name after domestic partnership.

(2) The name of each party after domestic partnership as indicated on the Declaration of Domestic Partnership shall become the sole legal name of each party after domestic partnership. 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) Partner A's pre-domestic partnership name: **Mary Ann Smith**

Name taken at registration of domestic partnership 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

Partner B's pre-domestic partnership name: **Jessica Sue Jones**

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

<u>First</u>	<u>Middle</u>	<u>Surname (last name)</u>
Jessica	Sue	Jones*
Jessica	Sue	Smith
Jessica	Jones	Smith**
Jessica	Sue	Smith-Jones
Jessica	Sue	Jones-Smith

*When no new name(s) are entered (Item 10 and/or Item 20 are blank on the Declaration of Oregon Registered Domestic Partnership form) the pre-domestic partnership name(s) will remain the same.

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

2) Partner A's pre-domestic partnership name: **David John Sanchez Garcia**

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

First	Middle	Surname (last name)
David	John	Sanchez Garcia*
David	John	Jimenez Gonzales
David	Sanchez Garcia	Jimenez Gonzales **
David	John	Sanchez Garcia - Jimenez Gonzales
David	John	Jimenez Gonzales - Sanchez Garcia

Partner B's pre-partnership name: **Miguel Sergio Jimenez Gonzales**

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

First	Middle	Surname (last name)
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 (Item 10 and/or Item 20 are blank on the Declaration of Oregon Registered Domestic Partnership form) the pre-domestic partnership name(s) will remain the same.

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