STATE OF NEW YORK

2505

2019-2020 Regular Sessions

IN SENATE

January 25, 2019
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Introduced by Sen. KAPLAN -- read twice and ordered printed, and when
  printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law and the civil rights law, in
  relation to name changes upon marriage

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1   Section 1. Short title. This act shall be known and may be cited as
2 "Jillian's Law".
3   § 2. Paragraph (b) of subdivision 1 of section 15 of the domestic
4 relations law, as added by chapter 583 of the laws of 1985, is amended
5 to read as follows:
6   (b) Every application for a marriage license shall contain a statement
7 to the following effect:
8   NOTICE TO APPLICANTS
9   (1) Every person has the right to adopt any name by which he or she
10 wishes to be known simply by using that name consistently and without
11 intent to defraud.
12   (2) A person's last name (surname) does not automatically change upon
13 marriage, and neither party to the marriage must change his or her last
14 name. Parties to a marriage need not have the same last name.
15   (3) One or both parties to a marriage may elect to change the surname
16 by which he or she wishes to be known after the solemnization of the
17 marriage by entering the new name in the space below. Such entry shall
18 consist of one of the following surnames:
19   (i) the surname of the other spouse; or
20   (ii) any former surname of either spouse; or
21   (iii) a name combining into a single surname all or a segment of the
22 premarriage surname or any former surname of each spouse; or
23   (iv) a combination name separated by a hyphen, provided that each part
24 of such combination surname is the premarriage surname, or any former
25 surname, of each of the spouses.

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets
[—] is old law to be omitted.

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1 (4) **One or both parties to a marriage may elect to change the middle**
2 **name by which he or she wishes to be known after the solemnization of**
3 **the marriage by entering the new name in the space below. Such entry**
4 **shall consist of one of the following options:**
5 **(i) the current surname of the spouse electing to change his or her**
6 **name; or**
7 **(ii) any former surname of the spouse electing to change his or her**
8 **name; or**
9 **(iii) the surname of the other spouse.**
10 **(5)** The use of this option will have the effect of providing a record
11 of the change of name. The marriage certificate, containing the new
12 name, if any, constitutes proof that the use of the new name, or the
13 retention of the former name, is lawful.
14 [~~(5)~~] **(6)** Neither the use of, nor the failure to use, this option of
15 selecting a new surname **or middle name** by means of this application
16 abrogates the right of each person to adopt a different name through
17 usage at some future date.
18   ....
19   (Optional -- Enter new surname above)
20 § 3. Subdivision 1 of section 14-a of the domestic relations law, as
21 amended by chapter 583 of the laws of 1985, is amended to read as
22 follows:
23 1. Upon receipt of the return of the marriage license, properly
24 endorsed and completed by the person who shall have solemnized a
25 marriage as provided in this article, the town and city clerks of each
26 and every town or city in the state shall, after abstracting, recording
27 and indexing the statement of performance of solemnization, issue to the
28 couple within fifteen days after such receipt or return of the completed
29 marriage license a certificate of marriage, which certificate shall be
30 substantially in the following form and contain the following facts:

31 Record No...........of Year.......

32   THIS IS TO CERTIFY

33 that .... ,
34   first name, premarriage **middle and** surname,
35   new **middle and/or** surname (if applicable)
36 residing at .... ,
37 who was born on ...., at .... ,
38   date
39 and .... ,
40   first name, premarriage **middle and**
41   surname, new **middle and/or**
42   surname (if applicable)
43 residing at .... ,
44 who was born ...., at .... ,
45   date
46 were married on.......................at .... ,
47   date
48 as shown by the duly registered license and certificate of
49 marriage of said persons on file in this office.

50 (SEAL)   ....
51   Town or City Clerk

1 Dated at.................., N. Y.
2 ....

3 No other facts contained in the affidavits, statements, consents or
4 licenses shall be certified by such town and city clerks, unless
5 expressly requested in writing by the man or woman named in such affida-
6 vit, license, statement or record.
7   § 4. Section 65 of the civil rights law, as added by chapter 583 of
8 the laws of 1985 and subdivision 5 as added by chapter 417 of the laws
9 of 1999, is amended to read as follows:
10   § 65. Optional change of name upon marriage, divorce or annulment. 1.
11 Any person may, upon marriage, elect to assume a new name according to
12 the provisions of paragraph (b) of subdivision one of section fifteen of
13 the domestic relations law.
14   2. Any person may, upon divorce or annulment, elect to resume the use
15 of a former surname **or middle name** according to the provisions of
16 section two hundred forty-a of the domestic relations law.
17   3. The effect of the name changes accomplished in the manner
18 prescribed in subdivisions one and two of this section shall be as set
19 forth in section sixty-four of this [~~chapter~~] **article**.
20   4. Nothing in this article shall be construed to abrogate or alter the
21 common law right of every person, whether married or single, to retain
22 his or her name or to assume a new one so long as the new name is used
23 consistently and without intent to defraud.
24   5. Notwithstanding any inconsistent provision of law, the state shall
25 not impose any fee, charge, surcharge or assessment solely to change the
26 surname **or middle name** contained on a license, permit, registration or
27 other identifying document for a person who, because of a change in
28 marital status, has assumed a new name or reassumes use of a former
29 surname as provided for in this section.
30   § 5. This act shall take effect immediately.