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Contact: Elizabeth Brennan or Michael Soller
(213) 977-5252

Make California Marriage Law Equal for Husbands Who Take Their Wives' Last Name

ACLU/SC Will Represent Couple Who Faced \$300 Name-Change Fee

LOS ANGELES – Diana Bijon knew she was taking a chance when she asked her fiancé, Michael Buday, to take her last name when they married last year. It turns out that was the easy part.

The ACLU of Southern California today will ask a federal court to bring marriage in California up to date by making the rules for a husband who wants to take his wife's last name the same as for a wife taking her husband's. Men must now pay court fees of more than \$300 and advertise the name change in a newspaper. Women who choose to take their husband's name when they wed pay only a \$50-\$80 marriage license fee.

Buday, 29, and Bijon, 28, made the decision to recognize her father's importance in his life. The couple also hopes to extend the Bijon family name into another generation as an expression of her French-American ancestry. Rebuffed twice by county clerks, they approached the ACLU/SC to seek to change the way state marriage laws are administered.

"It's not about the money, it's about the principle of families being able to make their own decisions," said Michael. "Diana's dad has become my father figure, and I want to honor that."

"Thirty years ago many women did not have a choice to keep their own name," said Diana (pronounced Dee-ah-na). "We've come a long way, and it's time to recognize men's equal rights to make important family choices."

Only six states recognize a statutory right for men to take their wives' last name. They are: Georgia, Hawaii, Iowa, Massachusetts, New York, and North Dakota. No data exists on how common the practice is.

In recent years, many couples have chosen to combine their last names or take hyphenated names. For instance, Los Angeles Mayor Antonio Villaraigosa was born Antonio Villar, and his wife Corina Raigosa. They combined their names when they were married in 1987. The six states that allow men to take their wives' last name on the marriage application also allow couples to combine their last names (with a hyphen or without).

"California has the perfect marriage application for the 17th century, and this relic belongs in the trash with laws that forced women to change their names when they married," said ACLU/SC legal director Mark Rosenbaum.

The case names the California Department of Health Services and Director Sandra Shewry. The law firm Milbank, Tweed, Hadley & McCloy is co-counsel with the ACLU/SC.

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