

## Life After Love Gone Wrong – A Fox Rothschild Family Law Podcast Series

### Episode Seven: Say My Name

Featuring Sandra Fava and Katherine Nunziata

**Sandra Fava:** Hi everyone, welcome to Life After Love Gone Wrong. We are Sandra Fava and Katherine Nunziata, Two family Law attorneys from Fox Rothschild, an *AmLaw* 100 firm with offices all over the country, in New Jersey and beyond. We are here to ask and answer the tough questions about Family Law topics like divorce, custody, prenups and all sorts of other Family Law issues, which may come up in your life that you need to be informed about.

**Katherine Nunziata:** We recognize that if you are involved with a family law issue, your life doesn't begin or end with the law. We are bringing you this legal lifestyle podcast to answer your questions about a difficult process, while helping you live your life to the fullest along the way.

**Sandra Fava:** Family law matters are no laughing matter, but we hope to bring some levity, transparency and, dare I say, fun to these difficult topics. We hope you enjoy this podcast designed to help you through life after love gone wrong.

**Katherine Nunziata:** Hi there, and welcome back to the Life After Love podcast. We're so glad you tuned in for this episode where we're going to discuss an issue that comes up in so many divorces, but often isn't one of the first things that you think about. It's one of the more practical aspects of divorce, but it can have a real impact on your day-to-day life. The topic we're going to discuss on today's episode is: when you get divorced, should you go back to using your maiden name? If that's something you want to do, how do you go about doing it?

**Sandra Fava:** Anyone who changed their name when they got married knows how frustrating it can be to complete that process. There are so many different agencies and companies to contact and it seems like when you think you've switched them all, you find another credit card you forgot about, or another person that gives you a hard time when your ID cards don't match their records.

**Katherine Nunziata:** So the first question to ask is, if you changed your name when you got married, do you want to change it back now that you're getting divorced?

**Sandra Fava:** This is obviously a very personal choice and there are a number of things to consider. If you have children with your former's spouse and they have your spouse's last name, how would you feel if you no longer share a last name with your children? On the other hand, if you had a particularly tough divorce, maybe the idea of continuing to share a last name with

your former spouse feels unbearable. Regardless of your choice, I can tell you that, in my experience, there are great reasons for and against changing your name back.

**Katherine Nunziata:** So, when do you have to make a decision? It's actually, sooner than you might think. In New Jersey, when you file your complaint for divorce, or answer if your spouse was the first one to file, you need to include your request to resume the use of your maiden name as a prayer for relief in your first pleadings. This is because you have to tell the court everything that you wanted to do at the outset of your case, in your complaint or your answer. So it's kind of like you use it, or you lose it.

**Sandra Fava:** That's technically true, but there are ways around this if you're really torn. And because one of the first things you do in divorce is file your complaint, or answer, this decision may feel hasty and maybe you need more time to think about it. You can always amend your complaint or answer if you change your mind later. I've also seen some judges be flexible about allowing a name change at the end of a case, even if it wasn't in the pleadings. However, it's best to include it in your pleadings, if you think changing your name is a possibility.

**Katherine Nunziata:** And remember that just because you asked for it in your pleadings, doesn't mean you have to actually change your name when your divorce is finalized. You can always change your mind before the case is over. That's why it's probably best to include the request if there is even a small chance you may want to change your name.

**Sandra Fava:** Okay, so generally speaking, when you want to change your name in New Jersey, whether you are going through a divorce or not, in order to do that, you have to file a petition with the court seeking permission to change your name. There is a formal procedure in place to make sure that you are not doing it for some malicious purpose, like trying to avoid prosecution of a crime, or evade creditors. However, if you are getting divorced, you don't have to file that separate application. You can do it as part of your divorce. When your divorce is finalized, the judge includes the permission to change your name in your actual judgement of divorce. That is the legal document, which permits you to then take the steps necessary to change your name back.

**Katherine Nunziata:** So what this means is that your judgement of divorce is a very important document. You will get a copy of the judgement with a gold seal on it when your divorce is finalized in court. You should keep this copy in a safe place, as you might need it from time to time to provide proof of your divorce. The first time you'll need that is to change your name, if you want to do that. However, if any agency asks for a copy of the judgement, you should never give them the original gold seal copy. Keep that one for yourself and just make copies. The agency should accept that as valid proof because even the copy will show that it has a seal on it. And if you should lose it and you ever need another copy of your gold seal judgement of divorce, you can get one in New Jersey from the county where your divorce was finalized. But

you'll have to physically go to the courthouse and pay a small fee, so it's best not to lose the original.

**Sandra Fava:** Alright, so let's say you've made the decision that you want to change your name. You've made it all the way through your divorce and you are finally divorced from your spouse.

**Katherine Nunziata:** Woohoo!

**Sandra Fava:** Now, how do you actually do it? This is where the fun starts.

**Katherine Nunziata:** And by fun, Sandra means frustration, because I won't mince words, there are a lot of different agencies and companies you'll need to contact. But once you get it over with, you'll be done.

**Sandra Fava:** The first agency to contact is the social security administration. They will ask for certain documentation, including your judgement of divorce, and then will issue you a new social security card with your name. As an aside, I have to mention how important it is to be precise when deciding what your new name will be. Your judgement of divorce will state the name you are going to use after your divorce. It should reflect your name exactly as you want it to appear on your new forms of identification, bank accounts, etc. It can be very confusing if you use a middle name in some contexts, a middle initial in others, or only a first and last name in others still. I recommend picking one legal name and sticking with it across the board, then you'll never have to guess which version of your name you've used with a specific institution.

**Katherine Nunziata:** Yes, that's a great point. One time I was traveling with a group and one person got held up at the airport because the name on their driver's license didn't exactly match the name on their travel documents. Nobody wants to be that person, or deal with that level of bureaucratic frustration. Just keep it simple and always use the same name.

**Sandra Fava:** Right. So once you have a new social security card, you should go to your DMV and get an updated driver's license. For every agency, I recommend going online and doing some research about what exact documents they will require because they change their rules from time to time, and the last thing you want to do is take multiple trips to the DMV, or any other agency, if you can avoid it.

**Katherine Nunziata:** So, from there, your ID cards will be changed, and the next step is to change your financial records. This includes changing your name of record on all bank accounts, investment accounts and credit cards. You will also need to update your voter registration card, and your name that you have on file with the post office. You want to make sure you're getting your mail.

**Sandra Fava:** If possible, you should make a list and do this all at once to save yourself the endless frustration of going through this process each time you use an account. You'll also probably need a lot of the same documentation to support your name change for each account. So by doing it all at once, you will probably save time and repeated efforts to gather the same documents. Also, this is a good practice to keep your identity safe. With ever increasing identify theft, having the same name across all of your accounts and record will help keep those things safe.

**Katherine Nunziata:** If you work, you'll also want to update your employment records so that your paychecks are issued to the correct name. Otherwise, your bank may not accept them. You should update your personal records, and any other place where you hold an account, like your gym membership, for example. And if you have kids, you should also update your contact information at their schools, daycares or wherever they have extracurricular activities. The last thing you want to do is have trouble picking up your kids because your name doesn't match the records.

**Sandra Fava:** The process of changing your name back is going to be frustrating at times, as it will require a lot of paperwork and time spent on the phone, in line at various offices. But just remember how worth it will feel to reclaim your identity. Your name change is a symbolic start to the next chapter of your life. And, in my opinion, that's worth all the bureaucratic red tape in the world.

**Katherine Nunziata:** We hope this podcast was useful if you're thinking about changing your name. Thank you so much for tuning in today. If you have any feedback about what we discussed, or have ideas for future topics that you'd like us to cover, please email us at [lifefterlovepodcast@foxrothschild.com](mailto:lifefterlovepodcast@foxrothschild.com).

**Sandra Fava:** Until next time, we're Sandra and Katherine, here to help you through life after love.