

# The New Jersey Court Confirms: “You CAN take it with you”

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Recently, in a blog entitled “[What’s in a Name](#)” I discussed the law with respect to resumption of a former name upon divorce (and thereby dropping a surname taken upon marriage, usually that of a new spouse).

As I described, the spouse who has taken the surname of her spouse upon marriage can resume her former name upon [divorce](#) with relative procedural ease. I made mention that a spouse cannot force a former spouse to relinquish his last name that was taken during marital bliss now that the marriage has met its demise. The New Jersey Appellate Division recently, in an unpublished decision, *Louis v. Desforjes*, has confirmed that the New Jersey statute, NJSA 2A:34-21, which permits either spouse to resume any name used by the spouse before the marriage or to assume any surname does not authorize the Court to *compel* a name change either to that of a spouse or to drop the name of the spouse.

This is the case even upon the request of the former spouse, whose name now will be connected, perhaps indefinitely, to the former spouse with whom he is now divorced. The home may be lost, the wedding gift china may be lost, but in the wreckage of the marriage, the name survives.