

Name Change | New Parliamentary Developments and a Reminder for Cohabiting Couples

The question of family names has once again come to the forefront of debates in Switzerland. Since 2013, married couples have no longer been able to bear a double surname officially: they must either each keep their birth name or choose a single family name. This rule has been widely criticized, as it tends to disadvantage women, who still most often give up their own name in favor of their husband's.

The Return of the Double Name for Married Couples

Federal Parliament has recently approved a reform allowing spouses to once again adopt a double surname. Each partner may combine their birth name with that of their spouse, with or without a hyphen, and in the order of their choice. However, the reform does not go as far as some had hoped: children are excluded from this possibility and must continue to bear a single name chosen by the parents.

What About Cohabiting Couples?

For unmarried partners, the situation remains unchanged. A child of unmarried parents takes the name of the parent who has sole parental authority, or, in the case of joint custody, the name is chosen from one of the parents' birth names. If the parents later marry and adopt a common family name, the child will automatically acquire that name - provided the child is over 12 years old, their consent is required.

Striking a Balance

These developments show that lawmakers are seeking to balance individual freedom, gender equality, and family coherence. Yet, cohabiting couples remain subject to stricter rules, reflecting the absence of a specific legal status for their union.

Should you require any further information on this subject, please do not hesitate to contact the author or your usual contact person at Borel & Barbey. Our specialists will be pleased to assist you.



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