



Changing a child's name

A child acquires their name when it is registered shortly after their birth by their mother or father, or someone else with parental responsibility. The birth certificate is the official record of the child's name, as well as their date of birth and who their parents are.

It is possible to change a child's forename or surname or add more names. There are some restrictions on names that can be used, based on public policy.

The rules regarding children provide that:

- If only one parent or person has parental responsibility for the child, that person can lawfully change the child's name;
- If two or more people have parental responsibility for a child, all of them must agree to change the child's name—an agreement does not have to be in writing, but it is very helpful if it is; if they do not agree then an application must be made for the court's permission to allow a change of name;
- If a child arrangements order is in force that regulates the arrangements relating to with whom the child is to live and when the child is to live with any person, the child's name cannot be changed without the written agreement of everyone with parental responsibility or the permission of the court.

A child's name can be changed at any time so long as it is not done with the intention of deceiving someone else.

HOW DOES IT WORK?

There is no set legal procedure that has to be followed in order to change a child's name, provided all the people who need to give their consent have done so. Everyone simply starts using the new name.

However, many official organisations require evidence

that a name has been changed so it is a good idea to draw up a change of name deed to provide evidence of the name change. Everyone with parental responsibility for the child needs to sign the deed and those signatures need to be witnessed.

If a child has attained the age of 16 and is not, and has never been married or a civil partner they should indorse the deed with their consent signed in both their old and new names.

In the case of a child who has attained the age of 16 and is or has been married or a civil partner they should complete an adult form of deed. A deed poll may then be enrolled in the Central Office, Filing Department of the Supreme Court. There is no requirement to enrol the deed, but enrolment will provide a public record of the execution of the deed and a person's change of name.

If you cannot obtain consent of other people with parental responsibility to a name change, you can make an application to the court asking for an order giving permission for the change. If a name has been changed without your consent, you can ask the court to change it back. The court will consider what is best for the child when deciding whether to allow or undo a name change.

This factsheet provides general guidance. Your Wills and Trust lawyer will be able to provide specific advice based on your circumstances. Wolferstans has taken all reasonable care to ensure that this factsheet was accurate on the stated date of publication or last modification.

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