

CHANGING A CHILD'S NAME

CLIENT GUIDE

WHO CAN CHANGE A CHILD'S NAME?

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

It is possible to change a child's forename or surname, or add more names, but only with the consent of each person who has parental responsibility for the child. Additionally there are some restrictions on names which can be used, based on public policy.

If a child is under 16 the following criteria should be met:

- 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. Confirmation of agreement does not have to be in writing, but it is very helpful if it is. However, the consent of all the people with the parental responsibility must be clear and capable of being verified.
- 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 under 16 cannot change their own name without their parents' consent. The child's consent is not needed to change their name but if they do object, they can ask the court to prevent the name change.

A child's name can be changed at any time so long as it is not done with the intention of deceiving someone else. When the child reaches the age of 16, they can change their name themselves.

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 such as the Passport Agency and Examination Boards require evidence that a name has been changed and in the circumstances a change of name should be prepared to provide evidence of the name change. One of the parents or person with parental responsibility can sign the document on behalf of the child, providing clear evidence is provided that all persons with parental responsibility consent. At the point of signing the deed it should be signed before a witness.

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, there is strict criteria which would need to be met in order for the court to make an order granting permission to change a child's name, but the court would consider each case on its merits.

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