

Changing a child's surname

The Children's Legal Centre is a unique, independent national charity concerned with law and policy affecting children and young people.



Can I change my child's surname?

A parent is able to change a child's name by a 'deed of change of name' (i.e. deed poll) providing all those with parental responsibility consent to the name change.

What is a deed poll?

By applying for a change of name a person is agreeing to:

- abandon their former name;
- use their new name only at all times;
- have people address them with their new name only.

A parent would agree to this on behalf of their child.

Will the birth certificate be changed?

It is unlikely that the original birth certificate will change; the reason for this is that the birth certificate is considered to be a historical record, correct at the time of birth. To change a name legally a parent will have to do this by deed poll.

What will happen once I change my child's surname by deed poll?

Once an application for a deed poll certificate has been completed all the official documents and records can be changed to the new name.

To change the name on official documents and records, the deed poll document will need to be shown as evidence of the name change.

What if I need to show the birth certificate as proof of identification?

If a person is asked to provide proof of identity and they have changed their name by deed poll, they will have to show their birth certificate and deed poll document. The new name on the deed poll document overrides the name on the birth certificate.

How do I make an application to the court to change my child's surname?

If parents are in dispute about changing the child's surname and they really cannot agree, then one parent can make an application to the court for a specific issue order. Both parents will be able to explain their reasons.

Is it possible to change the child's surname without the consent of the other parent with parental responsibility?

If a parent with parental responsibility will not consent to the child's surname being changed then the other parent can apply to the court to ask for permission. The change of the child's surname would have to be in the child's best interests before the court will grant permission. It is something that is taken very seriously by the courts as it is the child's identity.

This information is correct at the time of writing [January 2007] The law in this area is subject to change. The Children's Legal Centre cannot be held responsible if changes to the law outdate this publication.

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What happens if the father has parental responsibility for the child but has no contact and is an absent parent?

It may be possible for a parent to change the child's surname by deed poll without the other parent's consent if the other parent's whereabouts are not known. The parent must have taken reasonable steps to contact the other parent before making an application for a name change, as the deed poll service will want to see evidence that the parent has reasonably tried to make contact.

There may be some restrictions with using the surname if the deed poll service has allowed a change of name without the consent of the absent parent, such as problems at the passport office. If one parent is absent from the child's life, the other parent has a stronger case of being able to change their surname through the court system anyway so this would be the better approach to take.

What can I do if I do not have parental responsibility for my child and the mother has changed the child's surname?

If a father without parental responsibility has a strong relationship and regular contact with his child then he can make an application to the courts to have the change of name reversed. It would also be advisable to apply for a parental responsibility order at the same time.

If the father without parental responsibility does not have contact with his child he is unlikely to succeed in such an application.

If the child is under a care order the local authority will have parental responsibility and therefore need to consent

Are there any restrictions on names?

The deed poll service will not accept an order for a change of name if:

- it is impossible to pronounce;
- it includes numbers or symbols;
- it includes punctuation marks - although you can have a hyphen and an apostrophe;
- the deed poll service consider it to be vulgar, offensive, blasphemous or unsuitable;
- it may result in others believing you have a conferred or inherited honour, title or rank;
- it does not include at least one forename and one surname.

What happens if the child is looked after by the local authority?

If the child is looked after by the local authority, the local authority will have parental responsibility for that child if he or she is under a care order. This will mean that the local authority will also have to consent to the child's change of name, and if it refuses, the person wishing to change the child's name will have to obtain the courts permission.

If a child is voluntarily accommodated by the local authority, the local authority will not have parental responsibility for the child and therefore will not need to consent to a name change. It is only if the child is under a care order that the local authority will have parental responsibility.



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Can a child under the age of 16 change their surname?

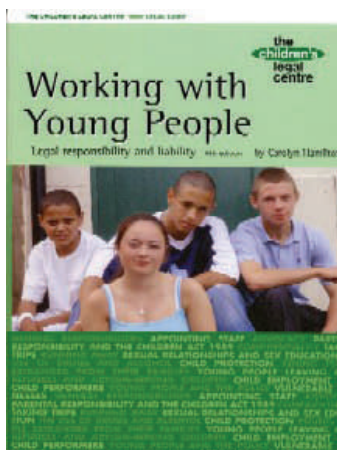
If a child or young person under the age of 16 wishes to change his or her surname they will have to obtain the permission of all those with parental responsibility. If one or more of the parental responsibility holders refuse, the child, if granted permission from the courts, can make a further application to ask for the courts permission to change his or her name.



How old does a child have to be before they can decide to change their name?

At the age of 16 a young person is considered competent to be able to change his or her name by deed poll. This can be done without parental consent.

The Children's Legal Centre produces a number of publications including childRIGHT, a monthly publication and Working with Young People: Legal Responsibility and Liability. For further information about our publications please contact us.



It is possible to stop a 16 year old from changing their name by deed poll?

There is little that a parent or anyone else can do to stop a child changing their name once they have reached the age of 16. At 16 they are considered mature enough to be able to make such a decision without parental involvement. A parent may attempt to make an application to the court; however, the application is highly likely to be rejected as the courts would recognise that the young person is competent to be able to change their name.

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