

## CHANGE OF A CHILD'S NAME AND MARRIED PERSON'S NAME

A married person can change his or her name. This involves the completion of simple form at the Registry of Births, Deaths and Marriages. This form can then be used as evidence of change of name for Drivers Licenses etc.

A person can then proceed to use the name assumed. A person can then apply to alter the provisions in a birth certificate by providing at least three different sources of information showing the person has adopted the new name. A deed poll may be one of those sources.

A child's name can be changed without the consent of all persons entitled to the care and control of that child. Often it also frequently occurs that a mother remarries or changes her name to that of her de facto spouse. She may want to change her children's surname too.

In these circumstances fathers can seek orders from the Family Court restraining the mother from changing the child's name or seeking a reversal of the change of name.

Principles have been establishing in cases governing change of a child's surname. These are as follows:

The Family Court will not intervene to prevent a parent from changing the surname of a child in the custody of that parent or direct a name be restored after it has been changed unless the Court is satisfied that the change was made without the consent of the other parent and that it does not promote the welfare of the child. The welfare of the child is a paramount consideration.

The factors to take into account in determining whether there should be a change of a child's surname are:

- (i) welfare of the child is the paramount consideration;
- (ii) short and long-term advantages of a child's change of name or remaining with his or her current surname;

- (iii) embarrassment likely to be experienced by the child if its name is different from the parent having its care and control;
- (iv) confusion of identity that may arise for the child if its name is or isn't changed;
- (v) the effect any change of surname may have on the relationship between the child and the parent whose name the child bore during the marriage;
- (vi) the effect of frequent or random changes of name;
- (vii) the degree of identification the children have with the mother and the stepfather and the degree of identification the children have with the natural father;
- (viii) the contact the natural father has had and is likely to have with the children in the future.

On any application to the Family Court in respect of a change of name the Family Court should either make a declaration to the effect that it is in the child's best interest for its name to be henceforth changed or restrain a party from changing the name of a child.