

## **CHANGING YOUR NAME OR THE NAME OF YOUR CHILD**

### **HOW DO I CHANGE MY NAME?**

If you are an adult you can change your name at any time by assuming that name and informing others of your wish to be known by that name. There is no need for any formalities. If you would like evidence that you have changed your surname and that you will be using it from now on, we can prepare a document, known as a Change of Name Deed for you. The Deed needs to be signed by you and witnessed by an independent person. You can then produce this as evidence that you have changed your name if asked to do so by authorities for example the Benefits Agency or your Bank.

### **HOW DO I CHANGE THE NAME OF MY CHILD?**

This is more complex depending upon whether you have Parental Responsibility for your child or whether any orders exist in relation to the child.

### **WHO HAS PARENTAL RESPONSIBILITY?**

Please refer to our Parental Responsibility leaflet which explains who has Parental Responsibility for a child.

### **WHO CAN CHANGE A CHILD'S NAME?**

If you do not have Parental Responsibility then you should not change a child's informally, for example by registering the child with a GP or at school with a different name.

### **WHAT IF A RESIDENCE (FORMERLY CUSTODY) OR CARE ORDER IS IN FORCE IN RELATION TO YOUR CHILD?**

If either of these Orders are in force the child's surname cannot be changed without either the written consent of every person with Parental Responsibility or an order of the Court.

### **WHAT DO I DO IF AN ORDER IS IN FORCE?**

You can contact the other person who has Parental Responsibility to see if he or she will consent in writing to the change of name. If they refuse you will need to apply to the Court which made the Order. In deciding whether to make an order the Court will have regard to a number of factors in deciding what would be in the best interests of the child concerned.

### **WHAT IS THE POSITION IF NO RESIDENCE OR CARE ORDER EXISTS?**

If you have sole Parental Responsibility (for example, a mother who has never married the child's father) then you should always try to get consent of the father or a Court Order. If you do not obtain the father's consent and he objects he can apply to the Court for an Order stopping you from changing the child's name. If you have already changed the child's name he can apply to the Court for an

Order that it is changed back. If an application is made to the Court the onus will be on you to satisfy the Court that it is in the child's best interests to change his or her name.

If two or more people share Parental Responsibility, for example, where the mother and father are married and agree to the child's name being changed then this can be carried out straight away. A problem may arise if 2 or more people who share Parental Responsibility disagree over changing a child's name. If this happens no change of name should be carried out without permission of the court.

### **HOW MUCH WILL A CHANGE OF NAME DEED COST?**

#### **Adult Name Change**

Legal Aid is not available for preparing an Adult Change of Name Deed. We charge a fixed fee of £75 including VAT for advising you, preparing a Change of Name Deed for you and providing you with certified copies.

#### **Changing your Child's Name**

Legal Help is available for advising you in relation to changing your child's name and for preparing a Child Change of Name Deed. We will assess whether you are eligible for Legal Aid. If so, the cost of advising you and drafting a Child Change of Name Deed will be met by the Legal Services Commission. If you are not eligible for Legal Help we will give you an estimate of our costs as the amount of work needed will depend on your circumstances.

The family department are:

Mary Shaw	Partner
Clare Routledge	Partner
Lesley Monkhouse	Partner
Elsbeth Thomson	Partner
Lucy McGivern	Solicitor
Jane Wilkinson	Solicitor
Helen Holmes	Solicitor
Nicky Hunter	Solicitor
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## Changing Your Name

Justice is not **black**  
or

**white** It's **Gray**