

Changing the Last Name of a Child

Parenting After Separation

The purpose of this series of fact sheets is to provide information on some issues related to parenting after separation. This particular fact sheet offers information about **changing the surname of a child**.



When a child is born, parents must choose a last name (also called a surname) for the child and register the birth. The child's surname may be the mother's, the father's or a combination of the parents' names. For various reasons, such as remarriage or separation, one or both parents may wonder about changing the child's name. This fact sheet discusses how to change a child's name, and the implications of such a change.

Can I change my child's surname?

A parent or guardian with legal custody of a child can apply to have a child's name changed if the child has resided in New Brunswick for a minimum of three months. The consent of both biological parents is normally required. If the child is 12 years of age or older, the child must also give written consent to a change of his or her name.

How do I apply to change my child's name?

You must submit an application to the Registrar General of Vital Statistics. To request an application, and the necessary consent forms, contact the Vital Statistics Office by calling (506) 453-2385. The information you need to include in your application is:

- Your child's registered name and proposed name,
- A certified copy of the child's birth registration

- Your name and the date and place of your birth,
- The names and addresses of the child's other parent(s)
- All addresses for yourself and the child in the last 12 months
- A statement that sets out your relationship to the child
- The reason you are making the application,
- A declaration by a sponsor who has known you at least two years and can identify both you and the child
- If the child is 12 years or more, a written consent to the application witnessed by a lawyer or authorized cleric
- A consent form signed by the child's other parent(s)

If you do not include the proper consent forms signed by the child's other parent(s) with your application, the Registrar General can refuse your application.

Is there any way I can change my child's name without the child's other parent's consent? What can I do if the Registrar General won't proceed with my application to change my child's name because I couldn't get consent?

If a parent of the child does not consent to the name change, the Registrar General cannot proceed with the application.

You must file a [Notice of Application](#) to the court for the change of name within 90 days of receiving notice that the Registrar General was unable to proceed with your application. You must also serve the Notice of Application on the Registrar General and the child's other parent(s).

You will have to go to court. After both parents have an opportunity to be heard, a judge will decide if the name change is in the best interest of the child.

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What can I do if my application to change my child's name is refused by the Registrar General for a reason other than consent?

The Registrar may also refuse an application for name change for other reasons, such as the chosen name does not comply with requirements or a decision that the name change is not in the best interest of the child.

If the Registrar refuses your application, you can make an appeal to the courts within 30 days and ask a judge to decide.



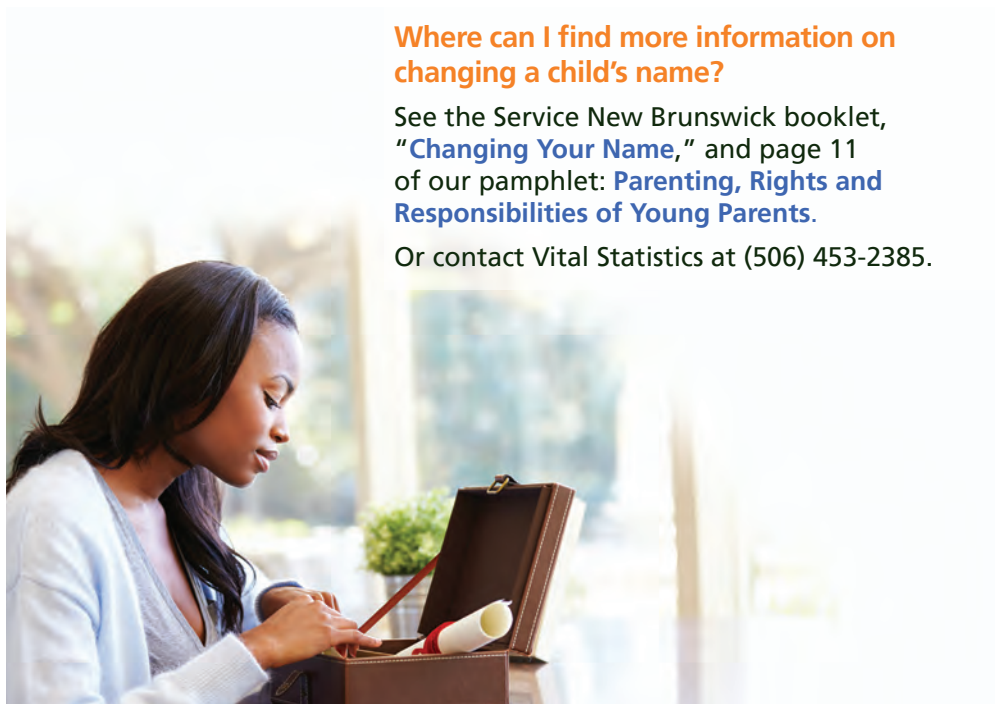
Can I stop my child's other parent from changing our child's name?

If your name is on the child's birth certificate...

If your name is on the child's birth certificate, the Registrar General requires your consent before changing the name of the child.

If your child's other parent does not have your consent, he or she will have to serve you a **Notice of Application**. You have 30 days from the time you are served notice to object to the change of name in writing to the Registrar General.

Once you have made your objection, the Registrar General cannot go through with the change of name, and the parent requesting to change the name of the child will have to file the application with the court. If the other parent does apply to the court, you will be given an opportunity to explain to the judge why you don't think the change of name is in the best interest of the child.



Where can I find more information on changing a child's name?

See the Service New Brunswick booklet, "**Changing Your Name**," and page 11 of our pamphlet: **Parenting, Rights and Responsibilities of Young Parents**.

Or contact Vital Statistics at (506) 453-2385.

If your name is not on the child's birth certificate...

If your name is not on the child's birth certificate, your child's birth parent can apply to change the child's name without your consent.

If the birth parent excluded you from signing the birth certificate when the child was born, you can ask the Court for an order to register your name and particulars on the birth registry. A paternity test may be required. Your name would be registered on the birth certificate as soon as the Court sends a certified copy of the order to the Register General.

If your name is not yet on the birth certificate, but you know an application to change the child's name has already been filed, you can object to the application in writing within **14 days** of the application being filed. You must establish to the satisfaction of the Registrar General that you have a substantial interest in the application to change the registered surname of the child.

My child's custodial parent has changed our child's last name. Does that change my parental rights and obligations?

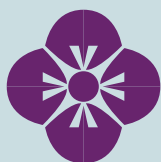
No. Your child's change of name does not affect your parental rights and obligations. Your obligation to pay child support and your access and custody arrangement will continue in the same way as before the name change. For more information, see our fact sheet "**Ending Parental Obligations**."



This is general information about the law and laws change from time to time. Anyone requiring advice on their specific situation should consult a lawyer. If you have questions on your options call the toll-free **Family Law Information Line** at:

1-888-236-2444

info@familylawnb.ca



**Public Legal Education
and Information Service
of New Brunswick**

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