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LawTalk Blog



Changing a child's name

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Clients commonly ask about having their child's name changed to include both parents' surnames after separation. It is generally the mother who seeks the name change so that her surname can be added to the child's surname.

On 9 June 2016 I released a blog regarding the [process of applying for a child's surname to be changed](#). Since that time the process involved has changed.

How to change a child's name?

In order to have a child's name (Christian name and/or surname) changed in South Australia, an application needs to be made to [Births, Deaths and Marriages](#). The Application must be made with the consent of the child and both parents.

If the child is too young to be able to comprehend the effect of the name change, a change of name can still be applied for, however there are some extra steps involved in the process.

How to find out whether your child is too young to consent to have their name changed?

To find out whether your child is of the age in which consent is not required, you need to seek advice from a 'qualified person'. A qualified person includes a solicitor, a Justice of the Peace, a Police Officer or a staff member from Births, Deaths and Marriages.

As long as both parents and the child consents, or an exemption is given due to the child's age, the application can be lodged and processed.

Changing a child's name when a parent has passed away?

If one of the child's parents has passed away, then the sole surviving parent can make a sole application for the change of the child's surname.

What happens when one parent won't consent to change a child's name?

If a parent will not consent to the change of name, the parent seeking the change of name will need to either:

1. Make an application to the [South Australian Civil and Administrative Tribunal](#) (SACAT) seeking for the tribunal to resolve the dispute in relation to a child's name and/or approve a proposed change of a child's name; or
2. If there are already proceedings for parenting orders regarding the child in the [Federal Circuit Court or Family Court](#), then the party seeking the change can apply to that court to make a determination about the child's name being changed.

When making a determination, the best interests of the child, and whether a change of name will be in accord with the child's best interests will need to be considered.

Do you want to change a child's name?

If you are in a situation where you want to change your child's name you should contact [Andersons Solicitors' Family Law Team](#).

At [Andersons](#) we can assist you with completing the application for the change of name to Births, Deaths and Marriages, and we can assist you with making an application to SACAT or the family law courts if the other parent won't provide their consent.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.