



Changing Your Child's Surname

How do I change my child's surname?

If you and the other parent agree to change your child's surname you can go to your local Births, Deaths and Marriages Office and apply to have your child's surname changed or you can download the form from the Births, Deaths and Marriages website at www.bdm.nsw.gov.au.

If you are the only parent listed on your child's birth certificate or if the other parent is deceased then you can change your child's surname as above without the consent of the other parent.

In most circumstances a child aged twelve years or older must also agree to their name change.

What if the other parent will not agree?

If the other parent on the birth certificate will not agree to change your child's surname or that parent can not be found then the only way to change your child's surname officially (on the Government Registry) is to apply to the Court for an order that allows your child's surname to be changed.

A Court application can be filed with the Local Court, Federal Magistrates Court or Family Court. The Court will not make an Order allowing your child's surname to be changed unless it believes that the name change will be in the best interests of the child.

If you apply to the Court to get an order you must have a good reason for wanting to change your

child's last name. It is unlikely that separating from the child's other parent will be considered a good reason on its own. The Court must find that it is in the best interests of the child to change their surname NOT that it is in your best interests.

You can download the necessary forms for an Application to the Court from www.familylawcourts.gov.au.

You should get legal advice before you apply to the Court for an order allowing or stopping your child's name being changed.

What if I just start using a new surname for my child?

If you simply start using a new surname for your child then:

- Financial institutions will require the new and old surname
- The new name might not be accepted for purposes such as taxation and passport and driver's licence applications
- The other parent might seek a Court Order to stop you using the new surname for the child

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