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Name Changes

As a divorcee you may wish to change your name. Often a former wife will wish to revert to their maiden name. Equally, if you have divorced and are about to remarry and the children of the previous marriage reside with you, you might be considering changing their surname to that of your new partner.

How do I change my name?

This is very simple: you just start using the new name.

What can be slightly more complex is letting everybody know that you have changed your name so that they will deal with you, e.g. your bank, utilities providers, tax office, etc... Different organisations will require different types of evidence of change of name (see below).

How do I change the name of my children?

This is not so straightforward. You must fulfil all of the following:

- In order to change the name of a child you must have parental responsibility for that child. (A birth mother and a father married to the mother will automatically have parental responsibility, as will an unmarried father registered on the birth certificate. An unmarried father not registered on the birth certificate can also get parental responsibility if he signs a parental responsibility agreement with the mother or obtains a court order. Other people can also be given parental responsibility by court order in certain circumstances.)
- You must have the written consent on all people with parental responsibility.

Your child can then be known by their new name. However you may require evidence of change of name (see below) for various purposes such as registering with a doctor, starting a new school, obtaining a passport etc...

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So what evidence do I need?

Different organisations will require varying levels of evidence. Types of evidence include:

- a letter from a professional or responsible person.

A letter from you solicitor, doctor or priest, for example, stating that they have known you under your previous name and that you now wish to be known by you new name for all purposes.

- a public announcement.

For instance a newspaper advertisement stating your old name and that you now wish to be known by your new name. A copy of the advertisement could be used as evidence.

- a statutory declaration.

This is a statement made under oath, in this case that you wish to abandon your old name and be known by your new name.

- a deed poll

This is a formal document made to prove your name change. It is the most robust form of evidence of change of name and the one that we would recommend.

To find out more talk to Tony, Rachel or Anne or visit www.gardandco.com.

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