

# Changing Children's Names

In some cases, carers of children affected by parental imprisonment may wish to change the child's name. This can be for a variety of reasons, and may seem a daunting procedure to undertake, with many assuming they must seek a court order. The following information is designed to help guide carers through the process and outline the necessary steps to take.

## Who has parental responsibility?

Parental responsibility is a legal term that means you are responsible for and must be consulted about, amongst other things, the child's health and welfare. Usually to change a child's name, all with parental responsibility must consent.

**Mothers automatically acquire parental responsibility at birth.** A father will automatically acquire parental responsibility if:

- he is married to the mother at the time of the child's birth or if he subsequently marries the mother.
- he is named on the birth certificate.

Step-fathers, adoptive parents and foster carers may also have parental responsibility if they have been awarded this by a court, including by a Parental Responsibility Agreement.

It is important to find out if the parent of the child you are caring for has parental responsibility. **Parental responsibility is not removed when a parent goes to prison.**

If you are the sole person with parental responsibility, you can apply to change your child's name through Deed Poll. You will need to fill in a letter of consent, a template of which, is available here: <https://www.deedpoll.org.uk/example-letters-of-consent/>

## What if the person in prison has parental responsibility?

If the person in prison has parental responsibility, you may not need to acquire their consent in order to change the child's name. Examples of situations where a Deed Poll application will be accepted without the parent in prison's consent are where:

- The mother has fled the family home to escape violence or abuse from the father and is at risk or fearful of being located.
- The mother is fearful of contacting the father because of past abuse (physical or mental) towards her or her children.
- The father is in prison for a serious offence such as murder, rape or other sexual offence and the mother and children do not wish to be associated by name to the father.
- Where a court has issued a No Contact order or a Non-molestation order.

If any of these situations apply to you, you can submit an application to Deed Poll without a court order, or absent parent's consent.

When completing the application form you will need to select the option Joint PR (father/mother is absent).

You will also need to attach an additional letter of consent. Examples of which are available here: <https://www.deedpoll.org.uk/example-letters-of-consent/>

**Children Heard and Seen can help you in drafting this letter and also provide an additional letter of support.**

## Passport Office, School, Doctors

Unfortunately, each official record holder (eg. School, doctor, passport office ect.) will need to be individually satisfied about the name change. In practice, this is usually only problematic, if at all, with the passport office. If there is any contestation, Children Heard and Seen can support you through the additional steps and process of changing a child's name on his passport should you need to.

## Useful Resources

<https://www.deedpoll.org.uk/can-i-change-my-childs-name>

<https://www.deedpoll.org.uk/example-letters-of-consent/>