

Changing a Child's Surname? Talk to Watts McCray



Family solicitors Watts McCray can help clients who need assistance with the issue of changing names for their children. Couples who do not agree on the use of a specific name for the child, more commonly the child's surname, should consider legal advice.

A change to a child's name is considered a major long-term issue under the Family Law Act 1975 meaning parents must consult with each other before making a decision to change a child's name, including any hyphenation. In New South Wales, if it is agreed by the parents, to implement a change of name, they each must complete and register an "Application for a Change of Name" with the Registry of Births Deaths and Marriages and a child's name can not be changed without agreement between the parents or a Court Order

If required, the Court can make orders to stop a parent from using a specific name for a child and/or require a parent to ensure that the child is known only by a specific name. All change of name applications are decided on a case by case basis. However, if an application to change a child's name comes before the Court, the primary consideration is whether the proposed change of name will be in the child's best interests.

Before applying to the Court for such an order, the parents are required to attend a registered Family Dispute Resolution Practitioner in an attempt to try and resolve the dispute. If agreement is not reached, a certificate pursuant to Section 60I of the Family Law Act 1975 will be provided and an application can then be made to the Court. There are exceptions to the requirement that the parties attend upon a Family Dispute Resolution Practitioner which includes cases involving family violence, child abuse or urgency. These exceptions are set out in full at Section 60I(9) of the Family Law Act 1975.

Watts McCray has over 40 years of experience in the field of family law, with expertise in relationship property matters and care of children. The team has sound knowledge and experience in collaborative law and other alternative dispute resolution methods. The firm also specialises in commercial, corporate, property and estate law.

From dispute resolution, separation and division of assets, spousal maintenance, care of children and relocation Watts McCray can provide sensible and accurate advice. Their large team of family law experts are available nationally and internationally.

For questions about changing a child's name, call Watts McCray to speak to one of their experienced family law lawyers.

Watts McCray Lawyers, with offices located in Sydney, Canberra, Central Coast, Parramatta, Norwest, Brookvale and Frenchs Forest, are a leading specialist family law firm. For more information on de facto property settlement, family and divorce lawyer, family court lawyers, child custody lawyers and the services offered: www.wattsmccray.com.au. To contact: <https://www.wattsmccray.com.au/contact-us>

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