



## Application for 'Change of Name' for Children in Permanent Care Families

### Application for 'Change of Name' for children in permanent care families

*If you are a permanent care parent in Victoria, you have a right to apply to change the name of the child who is in your family subject to a Permanent Care Order (PCO). This information sheet outlines the rationale, legal basis and process for applying.*

#### Rationale for a change of name

For many reasons children in permanent care families wish to use their permanent care family surname wherever possible, rather than the birth family surname. However, although a child can use any surname informally, in legal documents for things such as school enrolment, application for Centrelink payments, and passport applications, authorities will only recognise the legal name that appears on a person's birth certificate.

For example, permanent care families find that when they enrol their child in school the child must be enrolled using the birth family name, without the option to enrol using the permanent care family name. For some children and families this can be confusing or distressing; they may feel it does not recognise the child's status as a full member of the permanent care family or it may raise other issues of concern. For these reasons and others, permanent care families may seek to change their child's surname.

Before making any decision about a change of name, it is essential that parents consider the wishes and interests of their child; a child 12 years and older must give their consent in order to submit an application for name change.

It is essential to remember that a change to your child's surname does not affect any other conditions that might apply to your PCO, including the level or nature of contact or access that the child has with their birth family. The intent of the change of name is *not* to exclude or erase the birth family from the child's life; permanent care parents recognise how important this can be for the child in their family.

#### Applying for a change of name with consent

Children who have entered their family through permanent care may have their name changed with the consent of the birth parents. This is done through application to the Victorian Registry of Births, Deaths and Marriages (BDM) by completion of the [Application to register a name change \(child under 18 years\)](#) form and submitting it with payment to BDM. In addition to the proof of identity documents required you need to include a copy of the permanent care order.

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## Applying for a change of name without consent

Some permanent care parents may have been advised that it is not possible to change the surname of children in their families subject to a PCO. In fact, birth parent consent is not required for permanent care parents to *submit* an application for name change. There is no assurance that any application will be granted but permanent care parents are eligible to apply.

Under section 321 of the *Children, Youth and Families Act 2005* permanent care parents become the child's legal guardians once a PCO is finalised in the Victorian Children's Court. The Act itself states that:

"a permanent care order grants custody and guardianship to the person(s) named in the order to the exclusion of all others".

Under section 26 of the *Victorian Births, Deaths and Marriages Act 1996*, guardians are eligible to apply for a change of name where the birth parents have not been able to exercise their parental responsibilities, as follows:

"Application to register change of child's name ... If the parents of a child are dead, cannot be found, or for some other reason ...cannot exercise their parental responsibilities to a child, the child's guardian may apply for registration of a change of the child's name".

Thus, permanent care parents are *eligible* to apply for a change of name to children under 18, with the consent of their child; all such applications are granted at the discretion of BDM.

## The application and afterwards

As with applications for change of name with consent, application is through completion of the [Application to register a name change \(child under 18 years\)](#) form and submitting it with payment to BDM. Applications must be submitted with:

- a complete copy of the PCO (not the certificate)
- a letter outlining the reasons for the request for change.

Your application will not be accepted without the PCO as this is proof of your eligibility to apply for a change of name as your child's permanent care parent.

It is preferred that you submit your application via mail but if you prefer to submit these to the BDM in person, by visiting their customer service centre at ground floor, 595 Collins Street Melbourne prior to 10.00am and after 2.00pm (between 10.00am-2.00pm you may experience a long wait). You may even wish to take this fact sheet with you. Your application will be assessed by BDM and a decision made at its discretion.

If your application is successful, a revised birth certificate will issued by BDM. This does not remove the birth parents' names from the certificate but simply adds the child's permanent care family name as their current, legal name. This permanent care family name can then be used for all legal forms and applications.

