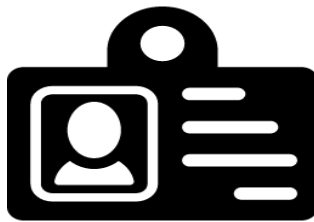




Type of law:
CIVIL LAW

A 2018 Alberta Guide to the Law

Change of Name



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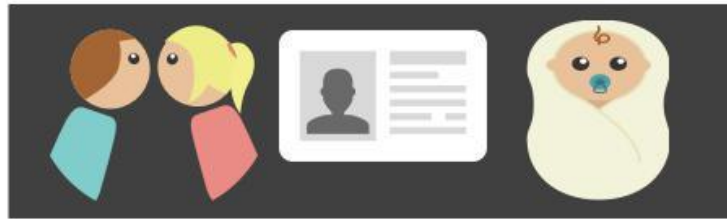
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CHANGE OF NAME

The laws involved in changing your name are different in each province. This information is regarding the law in Alberta.



To legally change your name in Alberta you must be 18 years old and be a resident of Alberta. You will have to give your fingerprints and pay the required fees.



Naming/ Changing the Name of a Child

- ☐ Married parents can choose to give their child the mother's last name, the father's last name or a combination of the two last names.
- ☐ For unmarried parents the child will be given the mother's last name, unless the father signs a document saying that he is the father and both parents agree that the child will have the father's last name or a combination of both parents' last name.
- ☐ To change a child's name after a divorce, both parents must consent to the change and the step parent if that is the name that is being used. The child must also agree if she/he is over 12

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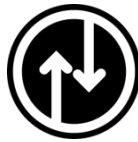
It is important for you to know that laws involved in changing your name are different in each province. The information in this pamphlet will tell you what the law is in Alberta.



YOUR LEGAL NAME

Your legal name is the name that was put on your birth certificate when you were born or, if you were born outside Canada, it is the name on your admission papers. Your legal name is your first and last names, and your middle names if you have any. There are legal rules about what and how to change names. Know the rules before you change your name, name your children, or change your children's names.

CHANGING YOUR NAME



How Do You Change Your Name?

To have people call you by a name other than the ones your birth name, such as a nickname, you do not necessarily need to have a legal name change. Obtaining a legal name change would only be necessary if you want your legal documents to reflect the name you want to have.

To legally change your name in Alberta, you must be an Alberta resident and generally be over the age of 18 years old. If a person is under the age of 18 and married, in an adult interdependent relationship, or the parent/guardian of a child they would be able to change their name or their child's name. You can only apply to change your name or the name of a child to whom you are either a parent or guardian. You may also be able to apply to change the name of your spouse or adult interdependent partner if they are consenting to this change. Changing a child's name is subject to a number of conditions, which is discussed in the "Naming Your Child's Name" section below.

An amendment is different from a formal name change and could be an alternative to a formal name change. A person can apply to have their first name **amended** to a different name than the one on their birth certificate, as long as they were born in Alberta and were known by that different name before they were ten years old. You may also amend your name if there is an error on your birth certificate.

Changing a last name is considered a legal name change, not just an amendment. To do this, you will need to file an application under the *Vital Statistics Act* with the Registrar to change your name. This application will include a required affidavit as well as any required consents, depending on the circumstances of the name change.

Both an amendment or an application to change your name will require that you fill out the required forms, provide the appropriate documents, and bring the completed package to a registry office. The registry will take a fee of \$120 for the name change. Also, a person must provide a copy of their fingerprint for a name change, and a local law enforcement agency will collect a fee for fingerprinting for this service.



Fingerprint Requirements

The Vital Statistics Act requires every Albertan over the age of 12 to submit their fingerprints when they apply for a legal name change. The registry will require fingerprints from the person changing their name. Fingerprinting services are offered at local law enforcement agencies. Children under the age of 12 do not need to provide their fingerprints when you apply to have their names changed. You will also require identification to begin the process.



GETTING MARRIED

In Alberta, a person does not have to change their last name to their spouse's last name when they get married. Most people who change their names when they get married do not legally change their names; instead, the name is simply adopted through common usage. Note that another province may require a legal name change to recognize a married name.

Both men and women have many options on what to do with their names when they get married:

1. A person can decide not to make any changes to his or her name.
2. Either the husband or the wife can choose to change his or her surname to the other person's surname.
3. Either the husband or the wife, or both, can decide to combine their two last names and/or hyphenate them. For example, Janell Cook and Moose Moonbeam could become Janell and Moose Cook-Moonbeam.
4. Married people can also decide to use the last name that they had at birth for legal purposes and a different last name for social purposes. For example, after Janell Cook marries Moose Moonbeam, she can keep using Cook as her legal name, but her friends might call her Mrs. Moonbeam.

Changing Your Name Back After You Get Married

Married, separated or divorced people who changed their names through common usage when they got married, can go back to their original name at any time. A person cannot apply to legally change their name back because they never legally changed it in the first place.

INHERITANCE RIGHTS

Changing your name does not in any way affect your inheritance rights. Having someone's last name does not give you more rights than anyone else, because other methods are used to determine entitlement to someone's estate.



NAMING YOUR CHILD



Unmarried Parents

When an unmarried woman has a baby, the baby is given the mother's last name unless:

- The father is willing to register himself on the child's birth certificate saying that he is the father and both parents agree that the baby should have the father's last name.

OR

- Both parents request that the baby have both of their last names. For example, if the baby's father is John Smith and the mother is Jane Doe, the baby could be Biff Smith-Doe or Biff Doe-Smith.

These rules apply even if the parents live in a common law relationship because they are legally unmarried.

Married Parents



Married people can choose to register their children under the father's last name, the mother's last name or a combination of the two. Both parents must agree on the last name for their children, even if the parents are separated. If the parents cannot agree, the child will be given a hyphenated name with the two names listed in alphabetical order, or, if the parents have the same name, the child will be given that name. A child cannot have more than two names hyphenated together.

If the husband in a marriage is not the biological father of the child, he will still be presumed to be the father unless:

- The mother swears an affidavit saying that she was separated from her husband when she became pregnant and that the husband is not the father;

OR

- The biological father swears an affidavit that he is the father and both he and the mother ask that the child is given the father's last name or a hyphenated name that includes the father's last name.

Possible Names for Your Child

A child's name can only be changed to:

- The mother or father's name before they were married;
- The mother or father's name after they were married; or
- A hyphenated version of the parents' names
- Or any other name that the parents agree to

Children can request to change their names to anything that they want once they are 18.

Changing a Child's Name

A change of name of a child requires the consent of both parents, the consent of the child if the child is over 12, and the consent of any other court-appointed guardian. If one of the parties refuses to consent, the requesting party can make an application in court to change the child's name anyway, but they will have to prove that it is in the best interests of the child to change the child's name.



Adoption

When a child is adopted, the child gets a new birth certificate reflecting the names of their new legal parents. The child must consent if he/she is 12 years old or older.

WHERE CAN I GO FOR MORE INFORMATION?

Government of Alberta – Vital Statistics Office 3 rd Floor, 10365 – 97 Street Edmonton, AB T5J 4W7	Ph: 780-427-7013 Fax: 780-423-2567
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Responsible for gathering current and accurate data on various events in the provinces including certain forms of deaths, births, and marriages.

Student Legal Services – Civil Law Project 11036 88 Ave NW Edmonton, AB T6G 0Z2	Ph: 780-492-8244 Admin: 780-492-2226 Fax: 780-492-7574
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Law student caseworkers can provide basic legal information on various topics in civil law, as well as information on various resources for more-in-depth assistance. The caseworkers are also able to act as an agent in certain civil law matters.

Lawyer Referral Service	Ph: 1-800-661-1095
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This service can help you find out contact information for practicing lawyers who may be able to help you with your matter. When you call, you will speak to an operator and you will describe the nature of your problem to them. The operator will then provide you with the contact information for up to three lawyers who may be able to assist you. When contacting these referred lawyers, make sure you let them know that you were given their information by the Lawyer Referral Service. The first half hour of your conversation with a referred lawyer will be free and you can discuss your situation and explore options (this time is not intended for the lawyer to provide free work).

Legal Aid Society of Alberta Revillon Building Suite 600 – 10320 102 Avenue Edmonton, AB T5J 4A1	Ph: 1-866-845-3425 Web: www.legalaid.ab.ca
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Assists low-income Albertans with certain types of legal matters through information, referrals, advice, and/or representation, depending on what your matter is and eligibility guidelines.

Edmonton Community Legal Centre Telus House, South Tower Second Floor, 10020 – 100 Street Edmonton, AB T5J 0N3	Ph: 780-702-1725 Website: www.eclc.ca
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Provides legal services for low-income Albertans in certain areas of family and civil law. These services include free legal information, referral, and legal education. ECLC may also be able to provide legal advice if you fall within their eligibility criteria