



How to Change Your Child's Surname



Changing a child's surname

When the birth of a child is registered, the child is given the surname of either the father or the mother, depending on the circumstances. The surname is listed on the child's birth certificate.

However, sometimes a child is known by a surname that is different to the surname he or she was given at birth. For example, a child may have been registered with the father's surname whilst using the mother's surname in practice.

If your child uses a surname that is different to the surname given on the birth certificate, you can apply to the Ministry of Home Affairs and Immigration to change your child's surname. It is important that the surname actually used by the child is written on the birth certificate to prove the child's identity and to avoid any confusion.

What is a birth certificate?

A birth certificate is an official document that proves a child's identity, date of birth, place of birth, and the name of one or both parents. The Ministry of Home Affairs and Immigration issues a birth certificate when a child's birth is registered. (See page 7 of this booklet for information about birth registration.)

A birth certificate is needed for many things in life, such as enrolling in school, accessing health services and social welfare grants, and applying for an ID card and a passport. It is possible to do most of these things without a birth certificate, but it will be much harder because the certificate is the easier way to prove exact age.



This booklet will explain how to change your child's surname on his or her birth certificate.

This booklet is based on the Births, Marriages and Deaths Registration Act 81 of 1963, with additional information provided by the Ministry of Home Affairs and Immigration.

When can a child's surname be changed?

The surname of the child can be formally changed in the birth register and on the child's birth certificate if the child is a minor (under the age of 21) and the child is known by a surname other than the surname on the child's birth certificate in any of the following circumstances:

- ▶ The child was born outside marriage and was registered with the surname of the father but is known by the surname of the mother.
- ▶ The child was born outside marriage and is known by the surname of the mother or the surname of the mother's husband (the child's stepfather) and not the surname listed on the birth certificate.
- ▶ The child was born inside marriage and is known by the surname of the mother or the surname of the mother's husband (the child's stepfather) after the death of the child's father or the divorce of the child's parents.
- ▶ The child is known by the surname of the child's guardian (for example if both parents have died).

The Ministry of Home Affairs and Immigration will also sometimes allow changes to the birth certificate in other circumstances where a child is known by a surname other than the one listed on the birth certificate.

It is also possible for a child who was born outside marriage and registered with the surname of the mother to change his or her surname to the surname of the father, if the father has acknowledged the child.



There are some special requirements for changing a child's surname in some of the circumstances listed on the previous page. The chart below shows what is required in each case.

Surname given to child on birth certificate	Surname child uses in practice and wishes to adopt	Requirements
Father's (parents were married)	Mother's or stepfather's	<p>If the child's parents were married, the father must be deceased or the parents divorced before a child can apply to have the surname of the mother or the stepfather.</p> <p>The stepfather must consent in writing to the use of his surname (if he is still alive).</p>
Father's (child born outside marriage)	Mother's or stepfather's	<p>The stepfather must consent in writing to the use of his surname (if he is still alive).</p>
Mother's (child born outside marriage)	Father's	<p>The father must make a sworn statement acknowledging that he is the father.</p> <p>The mother's consent to the name change is required.</p>
Either parent	Guardian's	<p>The guardian must consent in writing to the use of his or her surname (if the guardian is still alive).</p>

Who can apply to change a child's surname?

If the child is under the age of 21, the child's parent or guardian must make the application.

Who is a guardian?

For the purpose of changing a child's surname, the term "guardian" means any person who is responsible for caring for the child, whether by law (for example, because the child's parents are dead and the person was named as the guardian by a court or in a will) or in practice (for example, where a grandmother cares for a grandchild who lives with her). The term "guardian" has different meanings in other laws.

If the child is age 21 or older, he or she must make the application.

There is one exception to this general rule:

Where a child born outside marriage is registered in the surname of the mother and wants to change to the father's surname, the application must be made by the child while the child is still under age 21.

It is not clear why the rule for changing from mother's surname to father's is different from the rule for changing from father's surname to mother's. This might not be consistent with the Constitution, but the rule must still be followed until the law is changed by a court or by Parliament.

I am going to the Ministry of Home Affairs and Immigration to change Samuel's surname. Both his parents died when he was 6 months old and everyone knows him by my surname.



Can you do that? You are not his parent.

I am his guardian. The law says he can take the surname of his guardian if that is the surname he is known by in practice.

How do I apply to change my child's surname?

You must apply in person to the Registrar of Births at the nearest office of the Ministry of Home Affairs and Immigration. The staff will assist you with the application.

You must bring the following documents with you:

- ▶ Your child's birth certificate or baptismal card
- ▶ The ID, birth certificate or passport of the person whose surname the child will be taking. (If this person does not have an ID card or birth certificate, the Ministry will accept a school certificate, baptismal certificate or marriage certificate that confirms the person's name.)
- ▶ Written consent of the stepfather or guardian allowing the child to adopt his or her surname (if the surname being adopted is the stepfather's or guardian's)
- ▶ A sworn statement from the father acknowledging the child as his own (if the surname being adopted is that of the father of a child born outside marriage)
- ▶ A sworn statement indicating the reasons for the change of surname and the applicant's contact details (residential address, postal address, email and telephone number).

When you change the child's surname, the child's old surname will not be removed from the birth certificate. The altered birth certificate will show both the old surname and the new surname.

Is there a fee for applying to change my child's surname?

Yes. As of 2011, the fee is N\$80 if the application is made by the parent or guardian of a child under the age of 21, and N\$220 if the application is made by a person aged 21 or older on his or her own behalf.

There is no charge for changing the surname of a child born outside marriage from the mother's surname to the father's surname.

To find the nearest office of the Ministry of Home Affairs and Immigration, contact the Ministry of Home Affairs and Immigration at 061-2922111.

Birth registration

A child's birth should be registered within the first year of the child's life. This standard registration process is called "**Notification of Birth**". It is also possible to register the birth later in the child's life – at any age. This process is called "**Late Registration of Birth**". (The birth certificate will be the same either way.) The chart below summarises the requirements for both types of birth registration.

NOTIFICATION OF BIRTH

When	At the child's birth, or anytime up until the child is one year old
Where	At the hospital where your child was born, if it offers this service, or at the nearest regional Ministry of Home Affairs and Immigration office. Some magistrates' courts also register births.

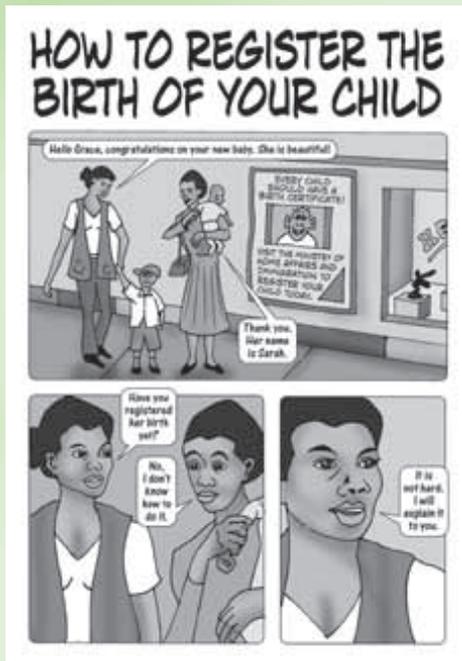
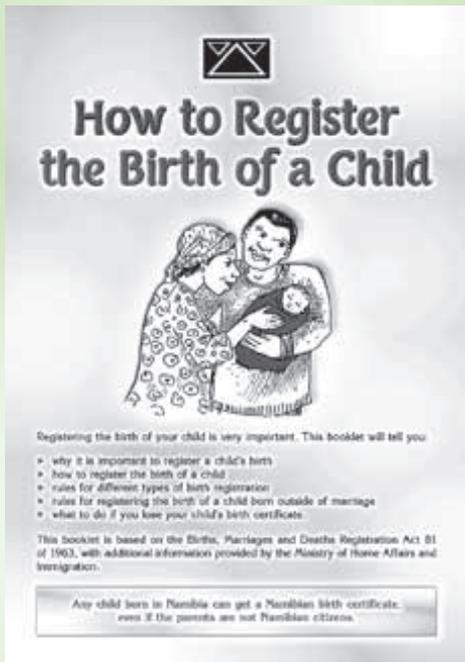
LATE REGISTRATION OF BIRTH

When	Anytime after the child is one year old
Where	Nearest regional Ministry of Home Affairs and Immigration office. <i>A late registration is not possible in any hospital.</i>

WHAT TO BRING FOR BOTH TYPES OF REGISTRATION

1. Your child's health passport (baptismal certificate will be accepted for late registration if the health passport is missing)
2. ID card and birth certificate or passport for one or both parents
3. If the child's parents are married: Marriage certificate or statement from the village headman/woman if the parents are married under customary law

If you would like more information about birth registration, see the Legal Assistance Centre's booklet and comic pictured below. Printed copies are available at the Legal Assistance Centre office (4 Körner Street, Windhoek), and digital versions are available on the Legal Assistance Centre website (www.lac.org.na).



For more information about changing your child's surname, contact the nearest office of the Ministry of Home Affairs and Immigration.



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