

NAME CHANGE PACKAGE

If you are unsure if you need to change your name when you apply for a divorce or after the granting of your divorce or you would like to find out more information about changing your name you may wish to visit the Vital Statistics website at <https://www2.gov.bc.ca/gov/content/life-events>.

Here is some information about name changes from the Vital Statistics website;

Your Surname after Marriage

After marriage, you can choose to continue using your own surname (last name), or you can start using your spouse's surname. Assuming your spouse's surname does not constitute or require a legal change of name under the Name Act.

If after assuming a spouse's surname after marriage you decide to go back to using your own surname, you can do this at any time without a legal change of name.

Section 5 of the *Name Act* is the section dealing with name changes on dissolution of marriage. It reads as follows;

Change of name on dissolution or nullity of marriage

5 (1)If

- (a) a court in Canada has
 - (i) granted a decree absolute for dissolution of a marriage, or
 - (ii) made an order for nullity of a marriage, or
- (b) a judge or officer of a court in Canada has issued a certificate stating that a divorce granted under the *Divorce Act* (Canada) has dissolved a marriage,

the Supreme Court may, at any time, on the application of a former spouse, order that the former spouse's name be changed to the name the former spouse desires.

(2) If an applicant under subsection (1) has minor children of the marriage of whom the applicant has guardianship or custody, the applicant may also apply to the Supreme Court to change the name of those children, but the Supreme Court, before making an order under subsection (1) in respect of those children, must require the written consent of all other parents.

(3) If the Supreme Court renders a judgment granting a divorce, it may, at the same time and whether or not claimed in the petition for divorce or by motion in the divorce proceeding, order that the name of a spouse be changed to the name the spouse desires, to become effective on the same day as the judgment granting the divorce.

(4) If an application under this section is granted, the order must state the name to which the name of the spouse or children is changed.

(5) The district registrar of the court must transmit a copy of the order to the registrar general, who must register the change of name accordingly.

This package includes the documents for a name change after a divorce has already been granted. Supreme Court Family Rule 10-8 – Applications of Which Notice is not Required sets out the procedures for making this type of application. The filing fee for this application is \$80.00.

Rule 10-8 — Applications of Which Notice Is Not Required

Application of which notice is not required

(1) An application of which notice is not required may be made by filing

- (a) a requisition in Form F29,
- (b) a draft of the proposed order in Form F34, and
- (c) subject to Rule 15-2.1, affidavit or other evidence in support of the application.

[If an order is sought to appoint a person as the guardian of one or more children, the affidavit referred to in Rule 15-

2.1 must be provided to the court with the other application materials.]

Included in this package are the following documents:

- 1) Form F29 – Requisition
- 2) Form F34 – Order Made Without Notice
- 3) Form F30 – Affidavit
- 4) VSA 512 – Identification Particulars of Applicant (Vital Statistics document)

In the Supreme Court of British Columbia

Claimant:

Respondent:

REQUISITION FOR CONSENT ORDER OR FOR ORDER WITHOUT NOTICE

Filed by:
[party(ies)]

Required: ☐ An order by consent

[OR]

☐ An order without notice

1. The rule or other enactment relied on is Rule 10-8 of the Supreme Court Family Rules and section 5 of the *Name Act*.

2. Attached to this requisition is a draft of the order required.

[Check whichever one of the following boxes is correct and complete any required information.]

3. ☐ Each party affected has consented to the order.

☐ The evidence in support of the application is contained in the following documents that are filed with this requisition:

[Check whichever one of the following boxes is correct and complete any required information.]

4. ☐ No party is under a legal disability.

☐ is under a legal disability, namely
[name of party]

.....
[set out legal disability]

Date:

.....
Signature of
☐ filing party ☐ lawyer for filing party(ies)

.....
[type or print name]

Respondent:

.....day, the

BEFORE) □ A JUDGE OF THE COURT)
 } }
))

day of ,
20.....

Last Updated 09-SEPT-2024

This is the affidavit
of..... in this case
and was made on.....

Court File No.:
Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT

I,, of ,
[name] [address]

....., SWEAR (OR AFFIRM) THAT:
[occupation]

1. I am the claimant/respondent.
2. I wish to make application for a name change pursuant to section 5 of the *Name Act*.
3. This application for a name change relates only to myself.
4. On the day of, 20....., a Judge of the Court rendered a judgment granting a divorce.
5. A copy of the divorce order is marked Exhibit "A" to this my Affidavit.
6. I request to change my name from
..... to.....

[The following paragraphs must be included if the affidavit was sworn or affirmed by video conference:]

[#] "I acknowledge the solemnity of making a sworn statement/solemn declaration and acknowledge the consequences of making an untrue statement." *and*

[##] "I was not physically present before the person before whom this affidavit was sworn or affirmed but was in that person's presence using video conferencing."]

SWORN (OR AFFIRMED) BEFORE ME)
at[*commissioner's city/town*].....,)
British Columbia on[*date*].....)
)
)
.....)
A commissioner for taking)
affidavits for British Columbia)

.....

[*print name or affix stamp of commissioner*].



Court Registry No. _____

Supreme Court Registry _____

**IN THE SUPREME COURT OF BRITISH COLUMBIA
- AND -
IN THE MATTER OF THE *NAME ACT*, SECTION 5**

IDENTIFICATION PARTICULARS OF APPLICANT

Current Surname _____

Current Given Names _____

Address: Street _____

City _____ Postal Code _____

Birthdate _____

Birth City _____ Province _____ Country _____

New Surname _____

New Given Names _____

Does new name differ from name on applicant's Birth Registration? ☐ Yes ☐ No

If Yes, give name on Birth Registration

Surname _____

Given Names _____

IDENTIFICATION PARTICULARS OF CHILDREN

Current Surname _____

Current Given Names _____

New Surname _____

New Given Names _____

Birthdate _____ Sex _____

Birth City _____ Province _____ Country _____

Current Surname _____

Current Given Names _____

New Surname _____

New Given Names _____

Birthdate _____ Sex _____

Birth City _____ Province _____ Country _____

I certify that the particulars contained herein are in accordance with the information on record in this Court Registry.

Dated at _____, BC, this _____ day of _____, A.D. _____

Order Effective _____

(DATE MMM/DD/YYYY)

(SIGNATURE OF COURT REGISTRAR)