

Change of Name

Court of Queen's Bench

Application to
Dispense with Consent to Change a Child's
Name

Instructions

Dispensing With Consent to Change a Child's Name

Before you Begin:

- You will use the forms in this package if you want to make an application to the Court for an order dispensing with the consent of a person whose consent is required for you to change your child's name.
- The Court cannot grant an order changing your child's name, but can grant you an order stating that a person's consent is not required for you to apply to change the child's name. The actual change of name application is made through an Alberta Registry Office. You can discuss the paperwork and fees to make a change of name application with the staff at the Alberta Registries Office.
- You cannot use this package to get an order changing information about a parent on a child's birth registration or birth certificate. If you want to change information about a parent on the child's birth registration, and the other parent is not consenting you will need to make a different Court application.
- In order to change a child's name, you must have the consent of both parents named on the child's birth registration and any other guardians of the child, unless the court orders that a person's consent is not required. Before starting your court application you should speak to the staff at an Alberta Registries office to confirm whether or not you require an order dispensing with someone's consent.

Making Your Court Application:

- See our booklet, "**Making a Court Application in the Court of Queen's Bench (With an Application Form)**" for more information about how to prepare, file and serve court forms and how to present your case in court. Specifically, the booklet will provide you with information on how to fill out the Originating Application and Affidavit.
- The Affidavit has been prepared with the information that the Court is likely to want to see. You can, if you wish, change the content of the Affidavit to set out the information in a way that you think is best.
- Any documents that you want the judge to see must be explained in and attached as exhibits to your Affidavit. If you have questions about how to do this, ask the staff at the Family Law Information Centre to explain the process to you.



Tip:

The Affidavit includes paragraphs to use if you do not want to advertise the change of name in the Alberta Gazette. Fill these paragraphs in only if you have a reason not to advertise (e.g. safety).

Note:

- When you file your application with the Court of Queen's Bench Chamber's Clerks, they will charge you a **\$200.00 filing fee** for filing this application.
- You must give the Respondent(s) and the Registrar of Vital Statistics **10 or more days notice of your application**. If you are serving the Registrar of Vital Statistics by recorded mail, the documents are not considered to be served until someone signs to acknowledge receipt of the documents or until 7 days after the recorded mail is sent, whichever occurs first. Keep this in mind when you are selecting your Court date.

You are required to serve the other parent and guardian(s) and the Registrar of Vital Statistics with copies of your Originating Application and Affidavit

- The Registrar of Vital Statistics can be served either by dropping off the documents at their office, or by sending the documents by recorded mail (registered mail). Their address is:

If delivered:

Vital Statistics
Brownlee Building
Ground Floor, Document Reception
10365 – 97 Street
Edmonton

If sent by recorded mail:

Vital Statistics
P.O. Box 2023
Edmonton, AB
T5J 9Z9

After the Registrar of Vital Statistics and the other parties have been served, fill in the Affidavit of Service forms

- Follow the instructions on the form and in the "Making a Court Application" booklet.

These instructions have been prepared for you by Family Justice Services / Family Law Information Centre. Contact us at:

Calgary

Family Justice Services
7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Grande Prairie

Law Information Centre
Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Red Deer

Family Justice Services
Main Floor, Court House
4909 - 48 Ave
Phone: 403-755-1468

Edmonton

Family Law Information Centre
Main Floor, Law Courts
1A Sir Winston Churchill Square
97 Street & 102A Avenue
Phone 780-415-0404

Lethbridge

Family Justice Services
1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Medicine Hat

Family Justice Services
Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

Outside these centres, contact us toll free at 310-0000

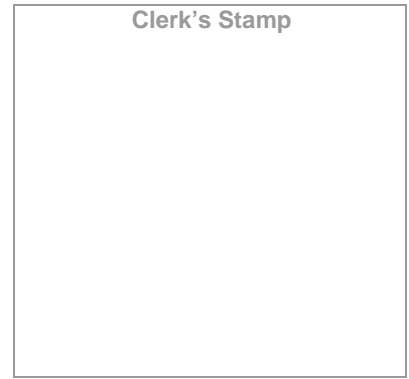
COURT FILE NUMBER _____

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT(S) _____



DOCUMENT **Originating Application -
Dispense with Consent to
Change Name**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Applicant's Name

Full address

() _____

NOTICE TO THE RESPONDENT

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: _____, _____, 20____.
Weekday Month Day Year

TIME: _____
Time of Day

WHERE: _____
Courtroom (if known), Street address of court location

BEFORE WHOM: **Justice in Family Chambers** _____

Go to the end of this document to see what else you must do and when you must do it.

TYPE OF CLAIM MADE

1. (Choose all that apply)

- To dispense with the consent of a person whose consent is required to change the name of a child under the *Vital Statistics Act*.
- To dispense with the necessity of publishing notice of the change of name in the Alberta Gazette as required by the *Vital Statistics Act*.
- Other claims: (Describe)

BASIS FOR THIS CLAIM

2. The Applicant relies on the following grounds or reasons for making this application:

- (a) The Applicant relies on the grounds or reasons set out in the Affidavit sworn / affirmed on _____, 20____
(date) (year)
for making this application.

REMEDY SOUGHT

3. (Choose all that apply)

- An order dispensing with the consent of _____
(name of person who does not or cannot consent)
to change the name of a child.
- An order dispensing with the necessity of publishing notice of the change of name in the Alberta Gazette as required by the *Vital Statistics Act*.
- An order for: (Describe)

AFFIDAVIT OR OTHER EVIDENCE TO BE USED IN SUPPORT OF THIS APPLICATION

- 4. The Applicant has filed an Affidavit in support of this application, sworn/affirmed on _____, 20____
(date) (year)

5. The Applicant intends to rely on the following other evidence, copies of which are served with this originating application:

APPLICABLE ACTS AND REGULATIONS

6. (Choose all that apply)

- Rule 3.8 of the *Alberta Rules of Court*
(Commencing application by Originating Application)
- Rule 13.5 of the *Alberta Rules of Court* (Variation of Time)
- Vital Statistics Act*
- Other _____.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you.

If you want to take part in the application, you or your lawyer must attend in Court on the date and time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).

Clerk's Stamp

COURT FILE NUMBER _____

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT(S) _____

DOCUMENT: **Affidavit - Dispense with
Consent to Change Name**

SWORN / AFFIRMED BY: _____
Name of person making this Affidavit

SWORN / AFFIRMED ON: _____
Date Affidavit sworn / affirmed

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____
Name

Full address

()

I, _____, of _____, Alberta,
Your name *Name of City / Town*

SWEAR / AFFIRM AND SAY THAT:

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.

2. I want to legally change the name of my child(ren). In the chart below I set out the child(ren)'s current legal name(s), age(s), birth date(s) and the legal name(s) that I want the child(ren) to have.

Child's current legal name <i>(first, middle and last names)</i>	Child's age	Child's date of birth	The legal name that I want the child to have <i>(first, middle and last)</i>

3. I am *(choose one)*:

- The mother and guardian of the child(ren) listed in paragraph 2 above and my guardianship has not been terminated by a Court order.
(Choose one of the boxes below if you are the mother)
 - I do not have a Court Order declaring me to be the mother or guardian of the child(ren).
 - I have a Court Order declaring me to be the mother and guardian of the child(ren). Attached is Exhibit '____' to this Affidavit is a copy of the Court Order(s).

- The father and guardian of the child(ren) listed in paragraph 2 above and my guardianship has not been terminated by a Court order.
(Choose one of the boxes below if you are the father)
 - I do not have a Court Order declaring me to be the father or guardian of the child(ren).
 - I have a Court Order declaring me to be the father and guardian of the child(ren). Attached is Exhibit '____' to this Affidavit is a copy of the Court Order(s).

- A guardian who is not a parent of the child(ren).
(Choose one of the boxes below if you are a guardian but not a parent of the child(ren))
 - I was appointed as a guardian of the child under a deed or will. Attached as Exhibit '____' to this Affidavit is a copy of this document showing that I have been appointed as a guardian of the child(ren).
 - I was appointed as a guardian of the child(ren) by an order of the Court. Attached as Exhibit '____' to this Affidavit is a copy of the order(s) appointing me as a guardian of the child(ren).

4. I understand that I am required to have the consent of _____
(Name of the Respondent(s))
before I am able to legally change the child(ren)'s name. The Respondent(s) is/are:

- The mother of the child(ren).
- The father of the child(ren).
- The mother and guardian of the child(ren).
- The father and guardian of the child(ren).
- A guardian of the children who was appointed by a will or deed or appointed by an order of the Court.
- Other
(describe the persons' relationship to the child(ren))

5. My relationship to the Respondent is: *(choose one)*

- We are legally married.
- We are legally married but have been separated since _____
(date of separation)
- We are divorced. Attached as Exhibit '_____' is a copy of our Divorce Judgment.
- We live together in an adult interdependent relationship.
- We lived together in an adult interdependent relationship but have been separated since _____
(date of separation)
- We never lived together but had a child or children together.
- We share guardianship of the child(ren) after one or both of us were appointed as guardians by will, deed or Court order.
- Other
(Describe your relationship to the Respondent)

6. *(Choose one)*

- Besides the orders listed above, there are currently Court orders in place dealing with the guardianship, custody or parenting of the children of the children.

Attached as Exhibit '_____' are copies of all of my Court orders addressing guardianship, custody and parenting of the child(ren).

- Besides the orders listed above, there are no Court orders in place dealing with the guardianship, custody or parenting of the children of the children.

8. (Complete this paragraph only if you are asking for an order to dispense with the requirement of publication of the name change in the Alberta Gazette.)

I am asking for an order to dispense with the requirement of publication of the change of name in the *Alberta Gazette* for the following reasons:

(Describe)

9. I have the following other information in support of my application:

(Describe)

Sworn (OR Affirmed) before me

on _____, 20 ____

at _____, Alberta.

Commissioner for Oaths in and for the
Province of Alberta, Justice of the Peace
or Notary Public



Signature of person swearing / affirming Affidavit

ID Verified _____

Clerk's Stamp

COURT FILE NUMBER _____

COURT Court of Queen's Bench of Alberta

JUDICIAL CENTRE _____

APPLICANT _____

RESPONDENT _____



DOCUMENT **Affidavit of Personal Service**

SWORN / AFFIRMED BY _____
Name of person making this Affidavit

SWORN / AFFIRMED ON _____
Date Affidavit sworn / affirmed

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Name

Full address

 () _____

I, _____, of _____, Alberta,
(Name of person who served) (Name of City / Town)

SWEAR / AFFIRM AND SAY THAT:

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
2. I am 18 years of age or older.
3. On _____, I served the Applicant OR Respondent
(Date)

_____ with the following documents:
(Name of the Applicant or Respondent)

- Application form filed _____
(Date filed)
- Originating Application form filed _____
(Date Filed)

Affidavit filed _____
(Date Filed)

Claim filed _____
(Date Filed)

Statement filed _____
(Date Filed)

Order filed _____
(Date Filed)

Other:
(Name of document and date filed with the Court. If not filed, attach a true copy of the document as an Exhibit to this Affidavit)

4. I served the documents listed above by personal service, that is, I left the documents with the Applicant OR Respondent at:
(Complete address where you served the Applicant or Respondent)

Sworn (OR Affirmed) before me
on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths
in and for the Province of Alberta, Justice
of the Peace or Notary Public



Signature of person swearing / affirming Affidavit

I.D. Verified _____

Clerk's Stamp

COURT FILE NUMBER _____
COURT Court of Queen's Bench of Alberta
JUDICIAL CENTRE _____
APPLICANT _____
RESPONDENT _____



DOCUMENT

Affidavit of Service on Registrar of Vital Statistics

SWORN / AFFIRMED BY

Name of person making this Affidavit

SWORN / AFFIRMED ON

Date Affidavit sworn / affirmed

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Name

Full address

() _____

I, _____, of _____, Alberta,
(Name of person who served) *(Name of City / Town)*

SWEAR / AFFIRM AND SAY THAT:

- I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.
- I am 18 years of age or older.
- On _____, I served the Registrar of Vital Statistics with the
(Date)

following documents:

Originating Application form filed _____
(Date Filed)

Affidavit filed _____
(Date Filed)

Other:

(Name of document and date filed with the Court. If not filed, attach a true copy of the document as an Exhibit to this Affidavit)

4. (Choose one)

I served the Registrar of Vital Statistics by delivering the documents directly to their office, located at:

Brownlee Building
Ground Floor, Document Delivery
10365 – 97 Street
Edmonton, Alberta

I served the Registrar of Vital Statistics by recorded mail by enclosing the documents in an envelope addressed to the Registrar of Vital Statistics at the following address:

P.O. Box 2023
Edmonton, Alberta
T5J 9Z9

and mailed the envelope to the Registrar of Vital Statistics by registered mail with signature required. Attached as Exhibit '_____' to this Affidavit is the receipt from the Post Office where I mailed the envelope. Attached as Exhibit '_____' to this Affidavit is a computer printout from Canada Post showing the signature of the staff at Vital Statistics, obtained when the envelope was delivered.

Sworn (OR Affirmed) before me

on _____, 20 ____
at _____, Alberta.

Commissioner for Oaths
in and for the Province of Alberta, Justice
of the Peace or Notary Public



Signature of person swearing / affirming Affidavit

I.D. Verified _____