
Practice Memorandum No. 9

Change of Name on Divorce

The **Change of Name Act**, R.S.N.S. 1989, c. 66, sets out the means of change of names in divorce proceedings of petitioners, respondents and children in the lawful custody of either of them.

1. Change of Name - Spouse
 - (a) When the request for change of name is only for a spouse, the affidavit pursuant to Civil Procedure Rules 57.18 and 57.19 could include a request for the person's name to be changed from A.B. to C.D. upon dissolution of the marriage.
 - (b) Where the request is made as set out in (a) above, the Divorce Judgment shall then contain paragraphs as follows:
 - (i) The petitioner's/respondent's name shall be changed from A.B. to C.D.;
 - (ii) Adequate particulars of the petitioner's/respondent's birth;
 - (iii) That unless appealed this judgment is to take effect on the thirty-first (31st) day after the date of pronouncement.
2. Children's Names
 - (a) The name of the child may be changed where the parties to the divorce consent to that change or when the court dispenses with consent for one for more of the reasons set out in s. 10 of the **Change of Name Act**. Where consent is available, the procedure recommended for undefended divorces should be followed and the consent filed with the application. The divorce judgment should recite that consent.
 - (b) When a consent of the parties is not available, an application on ten (10) days notice for the change of name of a child in the lawful custody of the applicant may be made separate from the divorce petition or answer. The application may be heard at the same time as the divorce hearing and the notice of application should specify the date of the hearing.
 - (c) The prothonotary will forward to the Director of Registration Services and Deputy Registrar General any order changing a name and a copy of the certificate of marriage which is required to be produced with the petition for divorce.

3. The application for change of name must comply with the provisions of s.7 of the **Change of Name Act**. Forms of applications or for inclusion in divorce pleadings will be available at the prothonotary's offices, if required.