

Procedure for changing a child's name at adoption.

A review of Adoption Orders for children within one region in Wales over a 5-year period has shown on average **53%** of children had a change of first name when placed with adopters. This figure is higher than had been anticipated and whilst it includes what may be viewed as minor changes (e.g., alternative spelling, removal of a hyphenated part of the name) there are many children who have had a more substantive change of name. In any event, the significance for a child of the name they were given by their birth family should never be underestimated and any change should be given careful consideration.

The legal context was reviewed which reiterates the necessity for a child to be known by their birth name until the making of an Adoption Order and that the principle of the child's identity should be prioritised unless in circumstances where it is necessary for their welfare for a change of name. Research evidence is limited but reflects the potential issues around identity, loss and the risk of names being changed due to the wishes of adopters rather than the needs of a child. There is a new study being undertaken at present which may further inform decision-making.

It was clear that practice around name changes across local authorities varies widely and varies between individual workers. Whilst there are some workers who are clear about the circumstances in which a name should be changed and are clear in taking this through management for a decision, there have been many examples where name changes have been agreed by a child's social worker during a visit to adopters and once this has been put in the minds of adopters it is very difficult to reverse. Feedback has been that perhaps we have become more complacent in accepting these decisions and the rationale for them. Learning from post-adoption support re-emphasised the long-term implications for children, adopted adults and birth relatives when name changes occur.

Early information given to adopters as well as preparation training and the assessment process all emphasise that children's names will only be changed in exceptional circumstances, however feedback has been that if any indication is given that a name change is possible, many adopters will quickly latch onto this idea. There are examples where they have been asked by the child's social worker what they think of the name and whether they want to change it and when name changes have been recommended directly by the child's social worker or manager. Often these discussions have not taken place in conjunction with the adoption team beforehand to consider the risks and how else they may be managed. With a gradual move towards greater openness within adoption too, the necessity of safeguarding the child's identity through a name change lessens.

We are proposing a more robust process which reflects the lifelong significance of changing a child's name. This includes a written record of the decision which is based on views of all parties and is taken by someone within the L.A. with delegated parental responsibility. We recommend given the significance of permanently changing a child's name that this should be taken by the same level of delegation for serious health procedures within the LA as outlined in the procedure below.

It is imperative that we increase awareness of the challenges of name changes and to reiterate to adopters and professionals that these should only be in exceptional circumstances and therefore we do not anticipate requests for name changes continuing at the same high level as currently observed.

Procedure on changing a child's name

1. Introduction

This procedure details the legal context, value base and practice considerations regarding name changes for children placed for adoption in Wales. This procedure has relevance for regional and VAA adoption social workers, local authority childcare teams, prospective adopters, foster carers, fostering teams, independent reviewing officers, adoption panel members and legal services. Under no circumstances should practitioners and carers agree, condone or act in any way to change a child's name without following this procedure.

2. Legal context and value base

The following legislation and statutory guidance underpin this policy:

- Article 7 United Nations Conventions on the Rights of the Child.
- Section 28 Adoption and Children Act 2002

Key Principles:

Every child has the right to a/their name, and this is enshrined within the United Nations Conventions on the Rights of the Child which states:

"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents." (Article 7)

Section 28 Adoption and Children Act 2002 states that whilst a child is subject to a Placement Order, a child's name should not be changed: *"...unless the court gives leave, or each parent or guardian gives written consent."*

A child's recognition of their name is dependent upon their age and stage of development. However, it is also intrinsically linked to their roots and sense of identity. It will have significance for them as they grow older and for them as adopted adults. It can be argued that maintaining the child's name acknowledges an acceptance and positive recognition and respect for the child's past history and provides the child with continuity. Changing a child's name can have lifelong implications and is inherently linked to ongoing contact arrangements, life journey work and sense of identity.

The Local Authority shares parental responsibility with birth parents before an Adoption Order and can limit Parental Responsibility (including the right to name the child) but only *"if it is necessary to do so in order to safeguard or promote a child's welfare"*. (Children Act 1989.)

Relevant Case Law:

In the Court of Appeal in *Re D, L and LA (change of forename)* 2003, Butler-Sloss stated:

“To change a child’s name is to take a significant step in a child’s life. Forename or surname, it seems to me, the principles are the same, in general. A child has roots. A child has names given to him or her by parents. The child has a right to those names and retains that right, as indeed the parents have rights to retention of the name of the child which they chose. These rights should not be set to one side, other than for good reasons”.

Butler–Sloss considered adopters’ rights to change the name of a child placed in their care for the purpose of adoption. The judgement firmly concluded that adopters should not change the child’s name prior to the granting of the Adoption Order. Emphasis was placed on the priority of the “identity principle” unless in exceptional circumstances in which the justification of the “welfare principle” may be applied, that is that it is necessary for the child’s welfare and ultimately their safety.

In the Court of appeal, *Re C (children)* 2016, Lady Justice King stated:

“If a baby cannot be brought up by his or her parents, often the forename given to him or her by their mother is the only lasting gift they have from her. It may be the first, and only, act of parental responsibility by his or her mother. It is likely, therefore, to be of infinite value to that child as part of his or her identity. That remains the case, even if the name used in his or her new family and thereafter throughout their lives, is different from that given to him or her by their birth mother”.

The National Adoption Service supports both these positions from both a legal and best practice perspective.

Adoption Order (Adoption and Children Act 2002, Section 46):

It is usual for the child to take their adoptive parents’ surname when the Adoption Order is made however no change to the child’s first name will be supported unless the circumstances set out in this procedure are met.

Prospective adopters must be informed of and understand the legal requirement for a child to be registered with agencies such as the GP and school in their birth name (forename and surname) prior to the Adoption Order.

When making an application for an Adoption Order, prospective adopters are asked to stipulate the name that their child will have following adoption. Whilst it is possible for adopters to select a name of their choosing, they must be mindful that the local authority may not be in agreement with the application should a change of name be proposed which has not previously been agreed. It is recognised that a child’s name may be legally changed by the adopters after the Adoption Order by

deed poll however adopters would be strongly advised against doing so and asked to consider the importance of retaining their child's name.

3. Practice Considerations

The child's name should not be changed prior to the making of an Adoption Order unless everyone with parental responsibility has consented to this. The child's first names have usually been given by their birth parents and are therefore an important part of their identity and have enormous emotional significance. This should be taken into consideration and any changes to the child's name should not underestimate the lifelong seriousness of any changes.

Early information, preparation training and the adoption assessment process should include exploring the reasons for, and the importance of retaining the child's name(s) and a clear expectation that adopters will not change a child's first name. The child's name should be considered as significant as other aspects of their needs when considering whether prospective adopters are a suitable match. A match may not proceed if the prospective adopters do not feel able to support the child's identity needs in retaining their name.

It is important that the child's name is **checked against their birth certificate** to ensure accuracy of the full name and spelling and for this to be checked at stages during case transfer between teams to avoid errors and mistakes. The expectations of retaining the first name of a child will include retaining original spelling and retaining both parts of a hyphenated first name.

There will always be exceptions and in those circumstances careful consideration should be given to the issues by the professionals involved. Exceptional reasons for the agency to consider a name change are:

- To ensure the continued safety and protection of the child in extremely risky situations. This would be where the birth family may use this to trace them in their adoptive family and this tracing would bring identifiable risk. Consideration would need to be given to any evidence to suggest that the birth family will seek out the child or that there is a threat of disruption or aggression. Alternative actions that the adoptive family can take to safeguard the child's confidentiality without changing the child's forename must also be considered.
- The name is more identifiable due to its non-traditional spelling, which would increase a known risk as outlined above. In these instances, the name may be changed to the more traditional spelling.
- In circumstances where the identified risks relate to the child being placed within the local geographical area and they are the only prospective adopters who can adopt the child. The reasons why this placement is the only suitable placement should be outlined in the matching

document including any evidence that not proceeding would cause significant delay in achieving permanence for the child

- Where the adoption household has a child already at home with the same name and they are the only prospective adopters who can adopt the child. The reasons for this must be identified in the matching document.
- If the name given causes ridicule or potential emotional harm.
- For the child's cultural or religious reasons where the name change would service to integrate the child within the family and wider community.
- Dependent upon the child's age, wishes and feelings where a direct request has been made by the child to change their name.

Support will not be given to changing the name of a child aged over two years unless significant risks associated with the name being identifiable can be demonstrated.

Relinquished baby:

In circumstances where a child has been relinquished, a name change will still not be agreed unless any of the reasons outlined above apply. Where a child has been named by someone other than their birth parent this still remains an important part of their identity and often clear reasons have been given for the choice of name which may be linked to their birth family or early history. It will also be one which the child will have been called during the period pre-placement for adoption.

Foster Carers:

Foster carers are to refer to the child by their given name and to avoid using 'nicknames' instead. This is important both for if the child returns to birth family or if they go on to have a plan of adoption. The foster carer may call the child by a different name if agreement has been given in-line with the reasons outlined above, including where a name change has been agreed prior to a transition to adoption.

4. Decision-Making Process

A name change cannot be agreed by a child's social worker or informally between any parties and the following process must be followed.

Where there are significant risks identified in relation to birth relatives seeking to trace the child, or where the name given causes ridicule or potential emotional harm **the proposal to change the child's name should be raised at the 'Should be Adopted' decision stage** and the ADM can give a preliminary view on the necessity for a change of name.

Any matters relating to the changing of the child's name must also be addressed at the Matching Meeting. Proposed name changes not initially considered at the 'Should be Adopted' stage will need to outline the rationale as to why a change of name is being proposed at the time of Matching.

Where a name change is proposed, a formal request to change the child's name should be presented to the person with delegated parental responsibility within the child's local authority using the request form **(Appendix 1)**.

In line with delegated parental responsibility for significant medical decisions, within the region that role would be delegated to:

[Insert list of Local Authorities and titles of persons with delegated authority].

The impact on the child must be fully considered, including the lifelong nature of adoption and the reasons and motivation for seeking to change the child's name should be fully explored. The request should include the views of the child's social worker, prospective adopters and adoption agency. Commentary can also be provided on the views of birth relatives and foster carers although they do not need to be formally consulted in this process.

The form once completed should be sent by the child's social worker to the relevant decision maker. Once a decision has been made the signed request form should be saved on the child's electronic file and be included with the matching paperwork and presented to Panel. **Where a name change is proposed, the match should not proceed to Panel without this signed decision.**

The issue of the child's name should be specifically addressed at the Adoption Panel considering recommendation of placement for adoption. Where there is agreement in principle for the child's name to be changed, the Adoption Panel can take this into account when making its recommendation.

An agreed change of name cannot start to be used until after the match is agreed. It will be helpful to the child during the transition if the new name is one they have been accustomed to as a second name or sounds similar to the name they know themselves by. Careful consideration and planning is needed in deciding how and when the child's new name will be introduced and used – particularly as they will have other transitions and losses operating alongside this. Foster carers should be given time prior to the transition to become familiar with a new name and begin to use it within their household.

In rare circumstances a new risk may be identified following the child's placement for adoption which may necessitate consideration of a name change. In that circumstance the same decision-making process should be followed.

5. Additional considerations:

The signed record of the decision regarding a change of name should be retained on the child's file alongside other key documents so that it is accessible in the future should the adopted person wish to access their records.

It is recognised that for adopters, name making can help them to claim a child and increase their sense of belonging within the adoptive family and wider community. However, this must be balanced with prioritising the child's identity needs which ultimately must take precedence over the personal wishes of adopters unless there is a clear welfare need. Adopters are often encouraged to add a middle-name of their choosing as their part in the naming process for the child and the child will also take on their surname at adoption.

Children may have a middle name or multiple middle names given by the birth family and consideration should be given to the significance of each name when determining whether to retain them post-adoption. Often birth parents may have provided reasons or significance behind name choices and these should be acknowledged regardless of whether the name is retained or not.

Appendix 2 outlines the considerations that should be given by prospective adopters and other parties to the long-term implications of a change of name. This should be included within the preparation stage for prospective adopters.

Appendix 1: Request to change a child's name

1. Full Name of child	
2. Date of birth	
3. Proposed name (in full wherever possible)	
4. Reason for proposed change	Choose an item.

	Please outline the identified risks and reasons for the proposed change and whether alternative safeguards/arrangements have been considered:
5. Any relevant discussion from 'Should be Adopted' decision record	
6. Views of Child's Social Worker and Manager	
7. Views of Adoption Team	
8. Views of Prospective Adopter(s)	
9. Known views of birth family in relation to the child's existing name	
10. Views of the Foster Carer	
11. Proposals for managing the change for the child, including: <ul style="list-style-type: none"> ○ Life Journey Work ○ Transitions Work 	
Date of submission	
Decision Maker Designation (Team Manager, Operational Manager etc.)	
Decision	Choose an item.
Decision Maker's comments:	
Date of decision	

Appendix 2: Changing names, looking ahead.

The National Adoption Service is clear that a change of first name for a child being adopted should only be made in exceptional circumstances. It is an intrinsic part of their identity and unless there are clear, identified risks it should be retained.

Where a name change does need to be proposed this requires careful consideration and will need to be agreed by a decision maker within the local authority who holds parental responsibility. Part of

this decision making must take into account the lifelong nature of adoption and therefore the long-term implications for a child and their family of a change to their name.

These considerations include:

- In the pre-Adoption Order stage (after a child is placed for adoption, but before the Adoption Order has been made) the child must legally be known by their birth name and registered with agencies such as GP, school etc. under this name even if they are known day to day by another name. Once there has been a change of legal name at Adoption Order the process of changing names registered with agencies is also not immediate.
- During the transition between birth and new name there can be confusion for the child, and it may be necessary to still use their birth name at times during this process. That may mean that family members and friends may be aware of the child's birth name as well as their new name and will need guidance from adopters on maintaining confidentiality if the name has been changed for safety reasons, as well as guidance on managing information sharing with the child.
- Letterbox contact usually commences prior to the Adoption Order and from the outset adopters will be communicating using the child's birth name for all correspondence and this continues throughout their childhood.
- Involvement of the child in letterbox contact can become more challenging where there is a change of name. Adopted children have reported struggling to know how to sign letterbox contact and to have important communication to them from their birth family addressed to a name that they don't know themselves by.
- Relationships with birth siblings and ongoing contact can be more challenging where name changes have occurred. Either this creates secrecy between birth siblings in not sharing the child's new name, or siblings have to adjust to knowing them by a new name. Where there may be ongoing indirect or direct contact between siblings and other birth relatives a change of name may not always protect the child's identity if siblings are aware of the change.
- In the longer term many adopted children go on to seek information about their birth family and potentially have contact with them as adults. Where a name change has taken place, this can create difficulties for the adopted adult who doesn't identify with their former name and for birth relatives who have held the child in mind under their birth name for a long time. This can add further challenges to an already emotive and complex process for all involved.
- Often names may be changed because of perceived risks to placement stability and security and social media is identified as one of these risk factors. However, whilst the perceived risk may be from birth relatives seeking out the child often it has been adopted young people who have used their knowledge of birth family names themselves to seek out contact and a name change for the child doesn't reduce that risk.
- Throughout the child's childhood and into adulthood their understanding of their life journey and identity will be affected by making sense of having two names. There can be confusion between

having two identities and belonging to two different worlds and children can suffer the loss of part of their original identity which they didn't get to make a choice about. Adopted children experience many losses and a name change can add further complexity in addition to the unavoidable difficulties that arise through their adoption journey.

- Often adopters want to choose a name for the child that helps to claim them within the adoptive family, however in doing so it can deny them part of their birth heritage, particularly where their name may be one of the only lasting links, they may have to their birth family. Just as adopters may want to choose a name of significance to their family, many children have names given to them that are significant to their birth family. Sometimes there isn't always the opportunity to reconnect to birth family members in the future and the loss of a name significant to their birth family can further compound their sense of loss of connection. Alternative ways of adopters claiming the child through naming can include the choice of a middle name.
- Importantly, adopters will have to answer the child's questions during their childhood and into adulthood about why a name change (or a change in spelling of the name) was necessary and how their new name was chosen. Adopters will need to think about the explanation that they will give and whether this was a matter of personal preference or linked to a tangible risk. Adopted children may wish to know if they had been adopted by another family would they have still needed to have their name changed, they may also want to know what their adopters thought of their birth name. Changing a birth name due to personal preference could be seen by the child as a rejection of some part of them as a person. They may also not agree with your reasons and seek in the future to use their birth name.

Ultimately, there are many factors that must be weighed up for a child when contemplating a name change, especially when they are too young to contribute to those decisions. Whilst immediate family-making and claiming is important within their adoptive family, the long-term and lifelong implications of taking on a new identity through a name change should not be underestimated.