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PLease HELP!! (Surname Issue)

Thread Title: PLease HELP!! (Surname Issue)

Created On: Tue February 12, 2008 4:13 PM

Tagged: question for others

Worried1sttimer

Tue February 12, 2008 4:13 PM



Member

Posts: 1

Joined: Feb 2008

Me and my partner have recently split, currently she is 25 weeks pregnant with my first child. My partner was previously married and had a child by her husband, their marriage lasted a year and she has been split (but has not divorced) from him for over a year before we met.

Due to her getting pregnant so early on in our relationship, the stress and worry consequently split us up!

I have recently found out that my ex is now getting back with her husband and planning to move in together in the former material home. My ex is now informing me that my child will not take my surname but will take her married surname, the surname of her husband. Does anyone know where I stand with this? My rights? Can she do this? I feel she is undermining me as the biological father, and ruining my relationship with my son before its even began, this is very important to me, does anyone have any ideas?

Cheers!

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The Godmother

☐ Tue February 12, 2008 4:22 PM



Member

Posts: 12937

Joined: Mar 2007

you have rights to access and to have your name on the birth certificate but she has the right to name the child and chose its surname to get your name on the B/C you would have to go through court and for contact - and you would have no legal rights to attend the birth or go to the hospital to see the child

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mozzie

☐ Tue February 12, 2008 4:28 PM



Member

Posts: 999

Joined: Feb 2008

although this isnt a very good situation think about the unborn child, if he/she/ has a different name to everyone else in the house it wouldnt be very nice for him/her. It cant be very nice for you either, but you are an adult and can get over it...hopefully you will have access to your child when he/she arrives and wont have any contact issues....Just be the best daddy you can be and it wont matter what the baby is called.

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rabbits

☐ Fri February 15, 2008 12:32 PM



Member
Posts: 19
Joined: Feb 2008

If you wish to have any rights as a father it is important to have parental responsibility (PR) for your son. You can get this by making sure that you are named as the father on the birth certificate when the birth is registered.

If you do get PR you at least have a right to be involved in decisions concerning the child's future such as changing his name . Have a look at the link below to see how not having PR can take away your right to be consulted before major decisions concerning your son are made.

<http://www.ukdp.co.uk/pages/parentalresponsibility.php>

Reply

DestroyingAngel

☐ Fri February 15, 2008 5:20 PM



Member
Posts: 763
Joined: Nov 2006

Quote

*Originally posted by: **Worried1sttimer***
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Cheers!

Hi Worried1sttimer,

If you were not married to your ex, the mother-to-be of your as-yet unborn child, then she has every right to choose the baby's name and decide on its surname. If you are not present at the birth registration, you can not be named on the birth certificate as the father. As to whether the baby can have your ex's husband's surname - it's unethical, but not illegal - she IS married to him, after all, and nobody is going to question the baby's paternity at the registration office. I wonder what her husband's opinion is of this, though...It could be that she intends the baby to be brought up as her husband's, and never tell it the truth - which is most unfortunate for you if that happens to be true, but perhaps best for the child in the long run.

If you look at it from her point of view, it would be best for the child to have the same surname as everyone under the same roof, rather than have your surname that's different from everyone else. Imagine the poor confused child asking its mother "why are you and Daddy Mr & Mrs Smith, but I am Master/Miss Jones?"

If you are not named on the birth certificate, you have no parental responsibility, though you are still financially liable to pay Child Support should your ex pursue you for it. Hopefully, she won't, now that she's back with her husband. Unfortunately, if she means to give your child her married surname, it probably means she intends to distance you from the child.

This is something you have to weigh up in your mind. Do you want this child to have your surname but live in another man's household and possibly be confused, having 2 different men playing a major part in its life? And having to spend part of the time with you and part with its mother? Or could you see it in your heart to let the child have your ex's husband's surname and call him Daddy, and have a happy and innocent childhood, as all children deserve? Of course you're entitled to want to play your parental role too, but you really have to consider what's best for the child and not for yourself.

Should you be "frozen" out of your child's life but wish to contest your ex's decision, you would have to apply to the Court for Parental Responsibility and Contact, and possibly take a paternity DNA test to prove that you are the biological father and therefore have a right to apply for PR and Contact.

Now that you know where you stand, you should discuss with your ex what role she intends you to play in the child's life. If she asks you for Child Support, you should insist on a paternity DNA test, and apply for PR and Contact as well - that's the only leverage you have if you really wish to play a role in your child's upbringing.

Good luck.

DA

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