

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Medeiros v. Davidson, 2009 NSSC 227

**Date:** 20090717

**Docket:** SFHMCA-058538

**Registry:** Halifax

**Between:**

Angelina Maria Medeiros

Applicant

v.

Shane Anthony Davidson

Respondent

**Judge:**

The Honourable Justice Deborah Gass

**Heard:**

July 9, 2009, in Halifax, Nova Scotia

**Counsel:**

Lola Gilmer, for the applicant

**By the Court:**

[1] The mother applies for an order dispensing with the father's consent to change the name of their son. She proposes to change his name from Cain Eugenio Deken Medeiros-Davidson to Cain Eugenio Medeiros, eliminating the child's paternal grandfather's nickname Deken, and Davidson from the child's hyphenated surname.

[2] She argues that she did not agree to it in the first place and was pressured into it by the respondent. She says that it is a question of honouring her family and her father, who has spent considerable time with Cain and has a very strong bond with him, and is a person who has acted as a father figure.

[3] The parties were never married and had a tumultuous relationship which ended when the child was an infant. He is now 17 months old.

[4] The father opposes the change of name, being of the view that it is the mother's attempt to obliterate him from her son's life.

[5] The father is under a court order to pay child support.

[6] The mother applied for an order for no access to the father, but the court was not satisfied that the circumstances warranted such an order as being in the best interests of the child. The court ordered supervised access with a provision for review.

[7] Care must be taken in these matters, where the change being sought by one parent to the exclusion of the other parent, for a child who is not old enough to have input into, or decide for himself, by what name he wishes to be known.

[8] There is a difference between a legal change of name and an informal adoption of a name which is permissible without legal proceedings providing there is no improper purpose for its use. There is no reason why the child cannot informally use the shortened version of his name for most purposes.

[9] Considering the above factors, there is no harm to the child by refusing her application at this time. The circumstances as they presently exist do not warrant dispensing with the father's consent. I am therefore dismissing the application.

J.