

未成年子女從姓（姓氏變更）約定書

(Agreement on (Change of) Surname of Minor)

立約定書人於民國_____年__月__日所生之____男(女)_____ (姓名)
(The child, _____ (Name), was born on _____ (Year, Month, Day) to the
Undersigned, in _____ (birth order- son/daughter.) The Undersign agree that:)

依民法第 1059 條第 1 項規定（新生兒出生），經雙方約定從父姓母姓
為_____。

(The child (newborn) assumes the father's surname, _____, or the
mother's surname, _____, in accordance with Paragraph 1, Article 1059 of the
Civil Code.)

依民法第 1059 條第 2 項規定（未成年子女），經雙方約定變更為父姓
母姓為_____。

(The child's surname (minor) is changed to the father's surname, _____,
or the mother's surname, _____, in accordance with Paragraph 2, Article
1059 of the Civil Code.)

依民法第 1059 條之 1 規定（非婚生未成年子女），經雙方約定變更為父
姓母姓為_____。

(The child's surname (minor born out of wedlock) is changed to the father's
surname, _____, or the mother's surname, _____, in
accordance with Article 1059-1 of the Civil Code.)

特立此約定書，並據以申請戶籍登記。

(The Undersigned hereby execute this agreement for the application for household registration.)

此致(To)

_____戶政事務所 (Household Registration Office)

立約定書人 (Signed by)

父 (Signature of father) :

(簽章)

國民身分證統一編號 (National ID Card No.) :

電 話 (Telephone No.) :

母 (Signature of mother) :

(簽章)

國民身分證統一編號 (National ID Card No.) :

電 話 (Telephone No.) :

中 華 民 國 年 月 日

(Year, Month, Day)

說明 (Note) :

一、約定事項請於□中打「V」。(1)Select the matters to be agreed on (V).)

二、民法第 1059 條規定 (2)Article 1059 of the Civil Code stipulates the following) :

父母於子女出生登記前，應以書面約定子女從父姓或母姓。未約定或約定不成者，於戶政事務所抽籤決定之。(第 1 項)

(Parents should agree in writing before filing the child's birth registration regarding if the child assumes the father's or mother's surname. Without such an agreement or when the agreement cannot be made, the surname should be determined by drawing lots at the Household Registration Office.) (Paragraph 1)

子女經出生登記後，於未成年前，得由父母以書面約定變更為父姓或母姓。(第 2 項)

(After filing the child's birth registration and prior to the child reaching maturity, the parents may in writing change the child's surname to either the father's or mother's.) (Paragraph 2)

子女已成年者，得變更為父姓或母姓。(第 3 項)

(Where the child reached his/her maturity, he/she may change his/her surname to either the father's or mother's surname.) (Paragraph 3)

前 2 項之變更，以 1 次為限。(第 4 項)

(Changing the surname pursuant to the preceding two Paragraphs can be done only once.) (Paragraph 4)

三、民法第 1059 條之 1 規定：(3)Article 1059-1 of the Civil Code stipulates the following:)

非婚生子女從母姓。經生父認領者，適用前條第 2 項至第 4 項之規定。

(A child born out of wedlock shall assume the mother's surname. Paragraph 2 through 4 of the preceding Article should be applicable to a child born out of wedlock who is acknowledged by the biological father.)

非婚生子女經生父認領，而有下列各款情形之一，法院得依父母之一方或子女之請求，為子女之利益，宣告變更子女之姓氏為父姓或母姓：

(Where a child born out of wedlock who is acknowledged by the biological father meets one of the following conditions, one of the parents or the child may petition in the interest of the child for a judicial declaration to change the child's surname to either the father's or mother's surname:)

一、父母之一方或雙方死亡者。(1) Where one or both of parents are deceased;)

二、父母之一方或雙方生死不明滿 3 年者。(2) Where one or both of parents' lives have been uncertain for three years;)

三、子女之姓氏與任權利義務行使或負擔之父或母不一致者。(3) Where the child's surname is not the same as the parent who performs the rights and duties of the child; or)

四、父母之一方顯有未盡保護或教養義務之情事者。(4) One of parents has obviously not fulfilled his/her obligation of care-giving.)