養子女姓氏約定（變更）書

(Agreement on (Change of) Surname of Adopted Child)

立約定書人之養子女_____（姓名）

(For the Undersigned's adopted child, _____:)

☐ 依民法第 1078 條第 2 項規定，約定養子女☐從養父姓 ☐從養母姓 ☐維持原姓為_____（姓名）。

(The adopted child ☐assumes the adoptive father's surname, _____, ☐assumes the adoptive mother's surname, _____, ☐ maintains the original surname, _____, in accordance with Paragraph 2, Article 1078 of the Civil Code.)

☐ 依民法第 1078 條第 3 項規定準用第 1059 條第 2 項規定，約定變更養子女☐從養父姓 ☐從養母姓為_____（姓名）。

(The adopted child's surname is changed to ☐the adoptive father's surname ☐the adoptive mother's surname in accordance with Paragraph 3, Article 1078 of the Civil Code, where Paragraph 2, Article 1059 applies mutatis mutandis, with the name as _____.)

☐ 依民法第 1078 條第 3 項規定準用第 1059 條第 3 項規定，自願變更 ☐從養父姓 ☐從養母姓為_____（姓名）。

(The adopted child changes his/her surname voluntarily to ☐the adoptive father's surname, _____, ☐the adoptive mother's surname, _____, in accordance with Paragraph 3, Article 1078 of the Civil Code, where Paragraph 3, Article 1059 applies mutatis mutandis.)

特立此書約，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)

養父 (Signature of adoptive father)：　　（簽章）

國民身分證統一編號 (National ID Card No.)：

電　　話 (Telephone No.)：

養母（Signature of adoptive mother）：　　（簽章）

國民身分證統一編號（National ID Card No.）：

電　　話（Telephone No.）：

生父（Signature of natural father）：　　（簽章）

國民身分證統一編號（National ID Card No.）：

電　　話（Telephone No.）：

生母（Signature of natural mother）：　　（簽章）

國民身分證統一編號（National ID Card No.）：

電　　話（Telephone No.）：

養子（女）（Signature of adopted child）：　　（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（變更）事項請於□中打「V」。 (1) Select the matters to be agreed (changed) on (V).)

二、民法第 1078 條規定 (2) Article 1078 of the Civil Code stipulates the following)：

養子女從收養者之姓或維持原來之姓。(An adopted child assumes the surname of the adopter or will maintain original surname.)

夫妻共同收養子女時，於收養登記前，應以書面約定養子女從養父姓、養母姓或維持原來之姓。(Where the husband and the wife co-adopt a child, before the registration of the adoption, both parties shall agree in writing regarding if the adopted child should assume the adoptive father or adoptive mother's surname or maintain the original surname.)

第 1059 條第 2 項至第 5 項之規定，於收養之情形準用之。(The second and fifth paragraphs of Article 1059 apply mutatis mutandis to the adoption.)

三、民法第 1059 條規定 (3) 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。(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 an agreement cannot be made, the surname should be determined by drawing lots at the Household Registration Office.)

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。(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.)

子女已成年者，得變更為父姓或母姓。(Where the child reached his/her maturity, he/she may change his/her surname to either the father's or mother's surname.)

前 2 項之變更，各以 1 次為限。(Changing the surname pursuant to the preceding two Paragraphs can be done only once.)

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 one of the following conditions is met, either the parents or the child can 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、父母離婚者。(1) Where the parents divorce;)

二、父母之一方或雙方死亡者。(2) Where one or both of parents are deceased;)

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