



Change of Adult's Name

This document describes the legal proceeding by which an adult may seek a change of name. The accompanying forms, instructions, and Virginia statute may enable you to do the job yourself, without a lawyer. This information is not guaranteed to work in your particular situation, and it is not intended as legal advice to you. Virginia Legal Aid Society is not representing you by giving you this information.

In general, you may ask the court for a change of your name for any reason, as long as it's not for fraudulent purposes or intended to infringe on the rights of other persons. Also, the court will not usually approve applications for name change by anyone who is in jail or prison, or on probation.

You must first complete an Application for Change of Name (Adult). This is the form that asks the judge to legally change your name. You must supply all the information as indicated. You must sign the completed Application in front of a notary public, and attach a copy of your birth certificate. If you do not have a copy of your birth certificate, your local Health Department will have forms you may use to get a copy.

You must also complete an Order for Change of Name. This is the paper the judge will sign if your application is approved.

Once you have completed the forms, you should take the Application and Order to the clerk of the Circuit Court in the city or county in which you live. You should check with the clerk's office before going there to learn what hours they are open, how many copies you need to bring, and how much it will cost to file.

The court may require you to come to a hearing --- ask the clerk about local practice. If there is a hearing the judge will probably sign the Order on the spot. If not, check back with the clerk in two weeks to see if the judge signed the Order to change your name. If so, get a certified copy of the signed Order from the clerk. This will serve as proof to any agency that your name has

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indeed been changed. You should contact the Social Security Administration, the Department of Motor Vehicles, and any other agencies that are serving you now and may serve you in the future to make sure that they have your proper name. The clerk will send a copy of the Order to the State Registrar of Vital Records and to the Central Criminal Records Exchange. After a few weeks you can get a revised birth certificate from the State Registrar of Vital Records (local health departments have the application forms).

THIS INFORMATION IS NOT LEGAL ADVICE. *Legal advice is dependent upon the specific circumstances of each situation. Therefore, the information contained in this pamphlet cannot replace the advice of competent legal counsel.*

Free Legal information by Web and Phone: www.vlas.org and
1-866-LegalAid (534-5243)

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§ 8.01-217 CIVIL REMEDIES AND PROCEDURE § 8.01-217

§ 8.01-217. How name of person may be changed.

- A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. Applications of probationers and incarcerated persons may be accepted if the court finds that good cause exists for such application. An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing evidence that such notice would present a serious threat to the health and safety of the applicant, the court may waive such notice.
- B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the maiden name of his mother, the date and place of birth of the applicant, the applicant's felony conviction record, if any, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant has previously changed his name, his former name or names.
- C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a change of name. The order shall contain no identifying information other than the applicant's former name or names, new name, and current address. The clerk of the court shall spread the order upon the current deed book in his office, index it in both the old and new names, and transmit a certified copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange. Transmittal of a copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange shall not be required of a person who changed his or her former name by reason of marriage and who makes application to resume a former name pursuant to § 20-121.4.
- D. If the applicant shall show cause to believe that in the event his change of name should become a public record, a serious threat to the health or safety of the applicant or his immediate family would exist, the chief judge of the circuit court may waive the requirement that the application

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be under oath or the court may order the record sealed and direct the clerk not to spread and index any orders entered in the cause, and shall not transmit a certified copy to the State Registrar of Vital Records or the Central Criminal Records Exchange. Upon receipt of such order by the State Registrar of Vital Records, for a person born in this Commonwealth, together with a proper request and payment of required fees, the Registrar shall issue certifications of the amended birth record which do not reveal the former name or names of the applicant unless so ordered by a court of competent jurisdiction. Such certifications shall not be marked "amended" and show the effective date as provided in § 32.1-272. Such order shall set forth the date and place of birth of the person whose name is changed, the full names of his parents, including the maiden name of the mother and, if such person has previously changed his name, his former name or names.

(Code 1950, § 8-577.1; 1956, c. 402; 1973, c. 401; 1976, c. 115; 1977, cc. 457, 617; 1979, cc. 599, 603, 612; 1980, cc. 448, 455; 1981, c. 297; 1983, c. 335; 1985, c. 483; 1991, c. 144; 2003, c. 258; 2005, c. 579

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