

FAIRFAX CIRCUIT COURT CLERK'S OFFICE NAME CHANGE BROCHURE

The Fairfax Circuit Court Clerk's Office has prepared this brochure to share information with you as you seek to obtain a name change for either yourself, or your minor child. You should consult §8.01-217 of the Code of Virginia and any other applicable Code sections, as you will be responsible for preparing all of the necessary documents for your name change request. The Code of Virginia is available online, to all at <https://law.lis.virginia.gov/vacode>.

The information herein consolidates, into one place, all the information that the Clerk's Office can legally provide to you. These forms are not intended to replace legal assistance. If you have any questions or concerns, ***we strongly recommend*** that you consult an attorney in this matter. If you decide to proceed on your own, you will be expected to follow the same procedures as an attorney.

NOTE: Please do not ask Courthouse personnel for legal advice, because Virginia law prohibits them from providing legal advice to you.

Basic Requirements:

1. A name change **may not** be sought for any ***fraudulent purpose***, or if it will ***infringe upon the rights of another***.
2. If the name change is for a minor child, and a hearing is scheduled, the name change must be in the ***best interest of the child***.
3. A *Petition for Name Change* must be filed in the Circuit Court of the County where the person whose name is to be changed resides.

Preparing and Filing Name Change Documents:

1. The *Petition for Name Change* and the accompanying, proposed *Order* (for the Court's consideration) must be typed or written in neat and legible handwriting, and must be submitted on 8 ½ x 11 paper.

NOTE: Papers must be single-sided and the *Petition for Name Change* and the proposed *Order* must be on separate pages.

2. To file your Name Change with the Court, you **must have** the following:
 - A. **Signed and notarized** original "*Petition for Name Change*" **plus two (2) photocopies** of the notarized *Petition*.
 - B. An original, proposed "*Order*" that has been **signed by you**. The proposed *Order* shall contain no identifying information, other than your full former name (or names), your new name, and your current address.
 - C. A **self-addressed, stamped envelope**, so the *Order* can be sent directly to you.

D. Payment for the **Filing Fee: SEE OUR CURRENT FEE SCHEDULE** which can be found at: <https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/fees-civil-and-filing-instructions.pdf>

Personal checks are NOT accepted; The Filing fee must be paid **by cash, certified check, money order or Credit Card** (for Visa & MasterCard only, a 4% convenience fee will be assessed). The certified check or money order should be **payable to: Clerk of the Circuit Court**.

*PLEASE ALSO NOTE: Assuming your Name Change is granted, and you would like **MORE than one, certified copy of your Name Change Order**, please add an additional **\$2.50** (cash or money order) for each additional certified copy requested.*

3. The *Petition for Name Change* and proposed *Order* may be submitted by mail, or in person.

Please Note: The Petition for Name Change requires a notarization. In rare situations (including if you cannot get your Petition notarized in your current legal name) a hearing may be required. Contact the Clerk's Office for more information on how to get placed on the Friday Motions Docket.

In person: Bring your notarized, original *Petition for Name Change* and two photocopies, the proposed *Order*, a self-addressed, stamped envelope and filing fee to the third floor Circuit Court's Civil Intake Counter (Suite 319) at any time, Monday through Friday from 8:00 a.m. until 4:00 p.m.

By mail: Send your notarized, original *Petition for Name Change* and two photocopies, the proposed *Order*, a certified check or money order for the filing fee, and two (2) self-addressed, stamped envelopes to the address listed below. As a courtesy, we will send a date-stamped copy of your Petition, back to you.

**Clerk, Fairfax Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030
Attn: Civil Intake/Name Change**

Next Steps:

1. Upon filing, the Clerk will assign a Civil Case Number to your specific case. This is the number by which the Court references your case. [**Please NOTE:** *The number should appear on all documents regarding your case, and should be used, whenever you contact our office for information.*]
2. Your *Petition for Name Change* and proposed *Order* will be sent to a Judge, for review. If everything is acceptable, the Judge will sign the Order. If there are any issues, you will be notified either by email, or by mail, of the problems and you will be given the opportunity to submit corrections.
3. If the Judge grants your Petition requesting a Name Change, by signing the Order, you will receive a certified copy of that Order within three weeks (along with any additional copies you have requested).
4. The Clerk's Office will send a copy of the Name Change Order to Virginia's Registrar of Vital Statistics. If you wish to obtain a copy of a new birth certificate or make other changes to a birth certificate, you should contact the Virginia's Department of Vital Records for further instructions.

To check the status of your Name Change case, you may contact the Court's Civil Case Information Division by calling:

703-691-7320 Press #3, then Press #1, and then Press #2

Additional Information for Preparing and Filing Your Name Change for Minor Children Where *Both Parents Consent*:

1. For a Minor Child who has both parents living, the **consent of BOTH parents must be obtained** to change a Minor Child's name *without a hearing*. Both parents need to sign and notarize the *Petition for Minor Child's Name Change*. If both parents consent to the name change, the *Petition* and proposed *Order* will be submitted to a Judge for review. If everything is acceptable, the Judge will sign the *Order*. If there are any issues, you will be notified either by email, or by mail, and you will have an opportunity to make the corrections.
2. If there is only one living parent of a Minor Child seeking a name change, a death certificate of the deceased parent should be included with the *Petition*.
3. If the Judge grants your request for a Name Change for a Minor Child, you will receive a certified copy of the *Order* in **approximately three weeks** (along with any additional copies you have requested).

NOTE: In initiating this process, if you know that you would like MORE than one, certified copy of the Order, please include an extra \$2.50 (by cashier's check or money order) for each, additional certified copy you will need. As the process advances and you discover you need MORE certified copies, you are welcome to contact our office to request, and pay for, those additional copies

Additional Information for Preparing and Filing Name Change for a Minor Child, Where *Only One Parent Consents*:

1. If one of the parents **does not consent**, the Petitioning parent must request that the *Petition for Name Change* **be placed on the Friday Motions Docket**. In Fairfax, this is properly described as "*Friday Motions Docket, with a Judge, 9:00 a.m.*" The Petitioning parent must serve the non-consenting parent in accordance with Virginia Code §8.01-296.
<https://law.lis.virginia.gov/vacode/title8.01/chapter8/section8.01-296/>

[**NOTE:** If you are not represented by an attorney, the term "serve process" is a legal term of art, so please carefully read §8.01-296, which sets out your obligations to the non-consenting parent.]

The ***non-consenting parent must be served with a copy*** of:

- the *Petition for Minor Child Name Change*
- a copy of the proposed *Order* you are asking the Court to consider
- the *Praecipe*.

Note: A *Praecipe* is the court form that sets the hearing date for that Friday Motions Day 9:00 a.m. appointment; this form is available the counters of Suite 319.

If the *non-consenting parent* appears at the 9:00 a.m. hearing to contest changing the Minor Child's name, the matter may be scheduled for a later time, based on the court's docket.

2. If the location of one of the parents is unknown, or one parent cannot be found to obtain consent to the Minor Child's name change, you must submit an *Affidavit* and an *Order of Publication* with your submission of the *Petition* and proposed *Order*.

In accordance with §8.01-324, the Fairfax Circuit Court Clerk's Office uses **The Washington Times**. For serving notice a *non-consenting parent who cannot be found*, the *Order of Publication* must be published for **four (4) consecutive weeks**.

The Fairfax Circuit Court currently utilizes the following newspaper. (***Fee subject to change***)

The Washington Times **\$27.00** [effective 9/1/2019]

The following documentation must be completed and typed on the appropriate form for Publication:

- A. **Affidavit for Order of Publication.** See SAMPLE Form below
- B. **Order of Publication.** See SAMPLE Form below
- C. At time of filing the name change forms, submit the following documentation:
 - *Affidavit for Order of Publication*
 - *The Order of Publication*
 - A copy of the *Petition for Name Change* to be served by Publication
 - An envelope addressed to the non-consenting parent being served by publication **at their last known address** (if known)
 - A completed certified mail receipt, or registered mail receipt, AND appropriate fees for such mailing (Certified Mail \$5.00 Registered Letter/ \$10.00 Overseas Service) (**Fees subject to change**)
 - Certified Check/ Money Order for **\$27.00** made **payable to: *The Washington Times***
- D. Following the 4 weeks of publication, the newspaper will file a "Proof of Publication" with the Court.

Once the Publication has been completed and the newspaper's Proof of Publication has been filed with the Court, you must place this matter on the Friday Motions Docket at 9:00 a.m. *with a Judge*. In order to do so, you will need to submit a *Praecipe*, which is the court form that sets the hearing date. This form is available at the counters of Suite 319 and must be used to schedule the hearing for a Name Change for your Minor Child, on the Court's Docket. If the Judge grants the name change by signing the *Order*, you may obtain certified copies of that Order after the hearing.

FINAL NOTE:

The instructions in this document are available in printed format, upon written request. Allow 7 days for preparation of the material.

Please direct your request to:

Civil Case Management Division Manager
703-691-7320 (Press #3, Press #1, Press #1 and Press #3)
or
TDD 934-1296 (Virginia Relay 1-800-828-1120)

This is an **ADULT NAME CHANGE SAMPLE** only; our modifiable PDF form is on our website at <https://www.fairfaxcounty.gov/circuit/civil-case-information/name-change>
If you need additional help, please consult an attorney.

VIRGINIA

FAIRFAX CIRCUIT COURT

IN THE MATTER OF THE CHANGE OF NAME OF: CL No. _____ - _____

First	Middle	Last
-------	--------	------

to _____

First	Middle	Last
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PETITION FOR CHANGE OF NAME

COMES NOW the Petitioner, seeking a change of name pursuant to Virginia Code §8.01-217, and respectfully states under oath as follows:

The Petitioner currently resides in the County [] City [] of Fairfax, Virginia.
The Petitioner desires a change of name for the following reasons:

This change of name is not sought for any fraudulent purpose and will not infringe on the rights of another.

The current legal name of the Petitioner is

The current address of the Petitioner (Street Address, City, State & Zip Code)

Petitioner's Date of Birth: _____

Petitioner's Place of Birth: _____

Petitioner's Parents' Full Names:

First	Middle	Last	Maiden (if applicable)
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First	Middle	Last	Maiden (if applicable)
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Answer the following questions and provide information, if required:

1) Have you previously changed your name? Yes No
If yes, indicate all prior full names: _____

First, Middle, Last

2) Have you ever been convicted of a felony? Yes No
If yes, please provide charge(s)/dates: _____

3) Are you currently incarcerated? Yes No
If yes, please indicate facility and location: _____

4) Are you a probationer with any court(s)? Yes No
If yes, please indicate court(s) name: _____

5) Are you required to register with the Sex Offender and Crimes Against Minors Registry? Yes No
If yes, please indicate court(s) of conviction: _____

Signature of Petitioner (Current Full Name)

Printed Name of Petitioner (Current Full Name)

Email Address: _____

Daytime Phone Number: _____

IN THE COMMONWEALTH OF VIRGINIA, COUNTY OF _____:

I, the undersigned Deputy Clerk/Notary Public in and for the Commonwealth of Virginia, do hereby certify that before me appeared _____, whose name is signed to the foregoing Petition, and acknowledged the same under Oath, before me. Given under my hand and seal this _____ day of _____.

Deputy Clerk/Notary Public

My Commission expires: _____

Notary Registration #: _____

VIRGINIA

FAIRFAX CIRCUIT COURT

IN THE MATTER OF THE CHANGE OF NAME OF: CL No. _____ - _____

First	Middle	Last
-------	--------	------

to _____

First	Middle	Last
-------	--------	------

FINAL ORDER OF NAME CHANGE

This day came the Petitioner, seeking a name change, pursuant to Virginia Code §8.01-217.

IT APPEARING to the Court that:

The current address of the Petitioner (Street Address, City, State & Zip Code) is:

The Petitioner [] has not previously changed name.
[] has previously changed name from:

ADJUDGED, ORDERED and DECREED that the name of the Petitioner is hereby changed from

First	Middle	Last
-------	--------	------

to _____

First	Middle	Last
-------	--------	------

and it is further **ADJUDGED, ORDERED, and DECREED** that the Clerk of this Court, pursuant to the provisions of Virginia Code §8.01-217, shall spread this Order upon the current deed book, index it in both the old and new names, and transmit a certified copy to both the State Registrar of Vital Statistics and the Criminal Records Exchange.

Entered this _____ day of _____, _____.

JUDGE

I ASK FOR THIS:

Signature of Petitioner (Current Full Name)

This is a NAME CHANGE for a **MINOR CHILD SAMPLE only**; our modifiable PDF form is on our website at <https://www.fairfaxcounty.gov/circuit/civil-case-information/name-change>
If you need additional help, please consult an attorney

VIRGINIA

FAIRFAX CIRCUIT COURT

IN THE MATTER OF THE CHANGE OF NAME OF: CL No. _____ - _____

First	Middle	Last
-------	--------	------

to _____

First	Middle	Last
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PETITION FOR CHANGE OF NAME OF MINOR CHILD/WARD

COMES NOW the Petitioner(s) seeking a change of name for the Child/Ward pursuant to Virginia Code §8.01-217 and respectfully states under oath as follows:

The Child/Ward currently resides in the County [] City [] of Fairfax, Virginia.

The Child/Ward desires a change of name for the following reasons:

This change of name is not sought for any fraudulent purpose and will not infringe on the rights of another.

The current legal name of the Child/Ward is

The current address of the Child/Ward (Street Address, City, State & Zip Code)

Child's/Ward's Date of Birth: _____

Child's/Ward's Place of Birth: _____

Child's/Ward's Parents' Full Names:

First	Middle	Last	Maiden (if applicable)
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First	Middle	Last	Maiden (if applicable)
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Answer the following questions and provide information if required;

1) Has the Child/Ward previously had a name change? [] Yes [] No
If yes, indicate all prior full names: _____

This is an ORDER for NAME CHANGE of a **MINOR CHILD SAMPLE** only; our modifiable PDF form is on our website at <https://www.fairfaxcounty.gov/circuit/civil-case-information/name-change>
If you need additional help, please consult an attorney

VIRGINIA

FAIRFAX CIRCUIT COURT

IN THE MATTER OF THE CHANGE OF NAME OF: CL No. _____ - _____

First	Middle	Last
-------	--------	------

to _____

First	Middle	Last
-------	--------	------

FINAL ORDER OF NAME CHANGE OF MINOR CHILD/WARD

This day came the Petitioner(s), seeking to change the name of the Child/Ward, pursuant to Virginia Code §8.01-217.

IT APPEARING to the Court that:

The current address of the Child/Ward is: (Street Address, City, State, and Zip Code) is:

_____.

The Child/Ward has **not** previously had a change of name.
 has previously had a changed name from:

_____.

ADJUDGED, ORDERED and DECREED that the name of the Child/Ward is hereby changed from

First	Middle	Last
-------	--------	------

to _____

First	Middle	Last
-------	--------	------

and it is further **ADJUDGED, ORDERED, and DECREED** that the Clerk of this Court, pursuant to the provisions of Virginia Code §8.01-217, shall spread this Order upon the current deed book, index it in both the old and new names, and transmit a certified copy to both the State Registrar of Vital Statistics and the Criminal Records Exchange.

Entered this _____ day of _____, _____.

JUDGE

WE ASK FOR THIS:

Signature of Petitioner #1

Signature of Petitioner #2

VIRGINIA

FAIRFAX CIRCUIT COURT

IN RE: CHANGE OF NAME FOR MINOR CHILD

Case No. CL- _____ - _____

FROM: _____
(CURRENT LEGAL NAME OF CHILD)

TO: _____
(NEW NAME REQUESTING)

AFFIDAVIT FOR SERVICE BY PUBLICATION

Comes now _____, Petitioner herein, seeking service on _____, the natural parent by ORDER OF PUBLICATION, and who under oath deposes and states under oath that the Natural Parent in this cause,

- Is a non-resident individual, other than a non-resident individual fiduciary who has appointed a statutory agent;
- OR
- Cannot be found, and that diligence has been used without effect to ascertain the location of the party to be served;
- OR
- Cannot be served with court process, and that a return has been filed by the Sheriff which shows that the process has been in his or her hands for twenty-one (21) days and the Sheriff has been unable to make service;
- OR
- OTHER: _____

and last known mailing address of Natural Father/Mother is as follows:

NAME: _____
ADDRESS: _____

OTHER INFORMATION:

Explanation of circumstances _____

Signature of Petitioner

Counsel of Petitioner

TO BE COMPLETED BY A NOTARY PUBLIC	
In the Commonwealth/State of: _____	
In the County of: _____	
Subscribed and sworn to before me by _____ this _____ day of _____, _____.	
_____ Notary Public	My Commission Expires: _____ Registration No: _____

VIRGINIA:

FAIRFAX CIRCUIT COURT

IN RE: CHANGE OF NAME FOR MINOR CHILD

Case No. CL- _____ - _____

FROM: _____
(CURRENT LEGAL NAME OF CHILD)

TO: _____
(NEW NAME REQUESTING)

ORDER OF PUBLICATION

The reason for this cause is to obtain a name change for minor child.

An affidavit having been made and filed showing that the Natural Parent in the above-entitled cause is

Is a non-resident individual, other than a non-resident individual fiduciary who has appointed a statutory agent;

OR

Cannot be found, and that diligence has been used without effect to ascertain the location of the party to be served;

OR

Cannot be served with court process, and that a return has been filed by the Sheriff which shows that the process has been in his or her hands for twenty-one (21) days and the Sheriff has been unable to make service;

OR

OTHER: _____

and last known mailing address of Natural Father/Mother is as follows:

Name: _____

Address: _____

TO BE COMPLETED BY CLERK'S OFFICE

Upon consideration, this Order of Publication is granted, and it is ORDERED that the above named Natural Parent shall appear here on or before _____ day of _____, _____ after proper publication of this Order, to protect his/her interest in this cause.

ENTERED: _____

TESTE: JOHN T. FREY, CLERK

BY: _____

DEPUTY CLERK

Signature of Petitioner or Counsel for Petitioner

Address: _____

Daytime Phone Number: _____