

# 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 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* (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 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* (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 the Friday Motions Day at 9:00 a.m.; this form is available at 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**      **\$30.00** [effective 07/01/2021]

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 **\$30.00** 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  
TTY 771 (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

**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, Maiden (if applicable), Last

\_\_\_\_\_

First, Middle, Maiden (if applicable), Last

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)

**VIRGINIA**

**FAIRFAX CIRCUIT COURT**

IN THE MATTER OF THE CHANGE OF NAME OF: CL No. \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_  
First, Middle, Last  
to \_\_\_\_\_  
First, Middle, Last

**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, Maiden (if applicable), Last

\_\_\_\_\_  
First, Middle, Maiden (if applicable), Last

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: **CHRISTOPHER J. FALCON, CLERK**

BY:

\_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
Signature of Petitioner or Counsel for Petitioner

Address: \_\_\_\_\_

\_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

CCR A-190