

NAME CHANGES FOR MINORS IN Virginia



What is the process for changing a minor's name?

A parent or legal guardian needs to file a petition on the child's behalf. You should file the petition in the circuit court of the county where your child lives. § 8.01-217(A) Your child needs to have lived in Virginia for at least six months before you apply for a name change.

You may need to publish a notice of the name change in a newspaper. You may then need to schedule a hearing before a judge. If these requirements are met and the judge believes that the name change is in the child's best interest, the judge can grant the name change.

The exact process might vary from one county to another. For specific information, contact the circuit court for your county or search for "minor name change" on the circuit court's website. You can find the contact information and websites for circuit courts at <http://www.courts.state.va.us/courts/circuit.html>.

What forms should I use?

The parents should complete a name change petition and sign it in front of a notary. You can find the standard state petition at www.courts.state.va.us/forms/circuit/cc1427.pdf and instructions for filling it out at www.courts.state.va.us/forms/circuit/cc1427inst.pdf. Some counties may require county-specific forms.

Here are specific forms and guides for the largest counties:

- Fairfax County: www.fairfaxcounty.gov/circuit/civil-case-information/name-change
- Prince William County:
<http://www.pwcgov.org/government/courts/circuit/Pages/Name-Change.aspx>
- Loudoun County: <https://www.loudoun.gov/documentcenter/view/8467>

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

Will there be a Hearing?

This varies by court. In general, if both parents agree to the name change the court will enter the order without a hearing. Some courts require the parties to appear even where both parents agree. If the parents do not agree, there will be a hearing.

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If a hearing is scheduled, the judge will generally consider a variety of factors to determine the “best interests” of the minor child. The factors may include the child’s preference (taking into consideration their age and experience), the length of time a child has used that name, the difficulties, harassment, or embarrassment a child may experience from the current or proposed name, and the motives or interests of the parent. If a hearing is scheduled, you may want to bring evidence showing the judge why this is in the child’s best interest. Examples of such evidence would be letters from teachers, family, or friends confirming their use of preferred name, letters from providers confirming the child’s gender identity, etc.

Is parental consent required?

Yes. At least one parent (or guardian) needs to submit the petition on the minor’s behalf. If both parents consent to the name change, they should both sign the petition in front of a notary. Virginia law does not require that *both* parents consent to the name change, but obtaining a name change over the objections of a parent may be difficult: a judge will hold a hearing, consider the objections, and decide whether the name change is in the child’s best interests.

Is parental notice required?

If a guardian or only one parent is filing, any other person with residual parental rights is entitled to notice. The person who files is required to schedule a hearing and notify the parent that does not join in the application. Generally, the notice must be served by the sheriff. For more information about the requirements in this situation, contact your county’s district court or consult the instructions on the district court’s website.

Does the process require publication?

If the sheriff tries to serve the parent who does not join in the application but that person cannot be found, you may be required to publish a notice of the name change in a local newspaper. Consult with the circuit court in the city or county where you live to find out what newspapers are considered to be of “general circulation” in the jurisdiction and what forms should be used.

Are the records or hearing public?

The hearing is open to the public and records of the name change will be publicly available online and in the court’s land records. You may request that the court waive notice to the other parent, or that the hearing and records be kept private. A judge can grant this request if you show that making the name change public would create a serious threat to the health or safety of the child or the child’s household. § 8.01-217(A), (G)

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