

# NORFOLK CIRCUIT COURT

**George E. Schaefer, Clerk**



## NAME CHANGE BROCHURE

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Users of these forms are instructed to consult personally Va. Code § 8.01-217 and any other applicable Code sections. These forms are not provided as or intended to replace legal assistance. *No guarantee of any kind is given regarding their application to any particular case. No warranties are given, and the user waives all warranties, including but not limited to the implied warranty of merchantability.*

You are advised to consult an attorney in this matter. To locate an attorney available to assist you, please call Virginia Lawyer's Referral Service (1-800-552-7977) or The Norfolk and Portsmouth Bar Association Lawyer Referral Service (757-623-0132). If you decide to proceed on your own, you will be expected to follow the same procedures as an attorney. Please **DO NOT** ask Court personnel for legal advice. Court personnel are prohibited by state law to give you legal advice or assistance.

### **STEP ONE:**

1. A name change may not be sought for any fraudulent purpose or if it will infringe upon the rights of another.
2. You must submit the Name Change to the Circuit Court of the City/County in which you live.
3. Read the description page and choose the section of sample forms which applies to your situation. If none of the descriptions apply to you, then you should not use these forms.

### ***STEP TWO:***

#### **Preparing and Filing your Name Change Documents**

1. The Petition and Order must be typed double space and submitted on separate 8 1/2" by 11" white paper; *they may NOT be typed onto one piece of paper (the clerk's office has forms available).*

2. To file your Name Change you must have the following:
  - A. A notarized original Petition plus two copies of the notarized Petition.
  - B. An original Order. The order shall contain no identifying information other than the applicant's former name or names, new name, current address and date of birth.
  - C. \$39.00 Filing Fee\* - The Filing fee may be paid by cash, credit card, check or money order payable to: \_\_\_\_\_  
Clerk of the Circuit Court  
100 St Paul's Boulevard  
Norfolk VA 23510
3. Name Change documentation may be submitted by mail or in person.

**In person:** Bring your notarized Petition and two copies, the Order, a self-addressed, stamped envelope and filing fee to the Norfolk Circuit Court Clerk's Office, Civil Division Monday through Friday from 8:45am until 4:45pm.

**By mail:** Send your notarized Petition and two copies, the Order, a certified check or money order for the filing fee, and two self-addressed, stamped envelopes to the address listed above. A date stamped copy of the Petition will be returned to you for your records.
4. Upon filing, the court will assign a Civil Number to your specific case. This is the number by which the Court references your case. The number should appear on all documents regarding your case, and should be used when contacting our office for information.
5. In approximately 3 weeks, if the Judge grants your Order requesting a Name Change, you will receive 2 certified copies of the Order.

\*filing fees are subject to change.

***INFORMATION FOR PETITIONERS WHO DESIRE TO CHANGE THE NAME  
OF THEIR CHILD OR WARD.***

1. The consent of BOTH parents must be obtained to change a child's name.
2. If one of the parents does not consent by joining in the Petition, the Petitioner must place the case on the Courts Friday Motions Day Docket at 9:00 a.m. The Petitioner must serve the non-joining parent in accordance with Virginia Code Section § 8.01-296. The non-joining parent must be served with a copy of the Petition, the proposed Order, and the Notice setting the hearing date.
3. If the location of one of the parents is unknown, then an Affidavit and Order of Publication must be submitted. A publication can be done in any Newspaper where the Newspaper has been authorized by this Court to print legal notices and publications in accordance with §8.01-324. An Order of Publication shall be published in a newspaper prescribed by the court pursuant to §8.01-317. The Order must be published for four consecutive weeks. The amount of times that the publication is in the newspaper is prescribed by statute. The Court currently utilizes Inside Business.

At time of filing the name change forms, submit the following documentation:

- Affidavit for Order of Publication
- Order of Publication
- A copy of the petition for Name Change to be served by Publication
- An envelope addressed to the individual being served by publication at their last known address.

You will be assigned a hearing date approximately 54 days from the date of filing of your petition. Following the publication, the newspaper will provide you with a "proof of publication" which you must present at your hearing.

If the couple was married at the time of birth and the mother did not place the father's name on the Birth Certificate (falsifying records) then a Petition and Order must be submitted to the Court.

***We strongly suggest that you contact an attorney or complete research at the Norfolk Law Library located at 999 Waterside Drive. Norfolk VA.***