

# **NORFOLK CIRCUIT COURT**

**George E. Schaefer, Clerk**



## **NAME CHANGE BROCHURE-MINOR**

Rev 04/2024

## NAME CHANGE BROCHURE

Users of these forms are instructed to personally consult 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 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.

**\*\*\*\*A name change may not be sought for any fraudulent purpose or if it will infringe upon the rights of another. \*\*\*\***

**\*\*\*\*You must submit the Application for Change of Name to the Circuit Court of the City/County in which you live. \*\*\*\* Must have proof of residency: a utility bill in your name, or current lease/mortgage or voter registration. \*\*\*\***

**The following forms are provided to assist in the filing of a name change:**

CC-1427- Application for Change of Name (Minor)

CC-1428- Order of Change of Name (Minor)

NCC-56- Due Diligence Form (Minor)

NCC-99- Notice of Hearing

CC-1435- Affidavit for Order of Publication

CC-1434- Order of Publication

To file your Child's Name Change you must have the following:

- A. An original completed and notarized original Application for Change of Name.
  - B. An original completed Order for Change of Name. 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. **\$46.00 Filing Fee** - The Filing fee may be paid by cash, credit card, check or money order payable to, Clerk of the Circuit Court, 150 St Paul's Boulevard, 7<sup>th</sup> Floor, Norfolk VA 23510.
1. The consent of BOTH parents must be obtained to change a child's name.
  2. A Copy of Child's Birth certificate.

3. Proof of paternity may be applicable.
4. If one of the parents does not consent by joining in the Application for Change of Name, the Applicant must place the case on the Court's Docket. The Applicant 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 Application for Change of Name, the proposed Order, and the Notice setting the hearing date.
5. If the location or identity of one of the parents is unknown, then statement of due diligence must be filed, 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 number of times that the publication is in the newspaper is prescribed by statute. The Court currently utilizes Inside Business and Virginia Pilot (Virginia Media). At time of filing the name change forms, submit the following documentation:
  - Due Diligence Form.
  - Affidavit for Order of Publication.
  - Order of Publication.
  - A copy of the Application Change of Name to be served by Publication.

You may email the docket clerk at [civildocket@circuitcourtva.us](mailto:civildocket@circuitcourtva.us) to schedule a hearing date after the "appear by date" on the Order of Publication. Following the publication, the newspaper will provide you with a "proof of publication" please email that to [civil710@circuitcourtva.us](mailto:civil710@circuitcourtva.us). 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 150 St. Paul's Blvd., 1<sup>st</sup> then to 2<sup>nd</sup> Floor, Norfolk, VA 23510.

# COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No. ....

(CLERK'S OFFICE USE ONLY)

Circuit Court

v./In re: .....

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☐ attorney for ☐ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

## GENERAL CIVIL

### Subsequent Actions

- ☐ Claim Impleading Third Party Defendant
  - ☐ Monetary Damages
  - ☐ No Monetary Damages
- ☐ Counterclaim
  - ☐ Monetary Damages
  - ☐ No Monetary Damages
- ☐ Cross Claim
- ☐ Interpleader
- ☐ Reinstatement (other than divorce or driving privileges)
- ☐ Removal of Case to Federal Court

### Business & Contract

- ☐ Attachment
- ☐ Confessed Judgment
- ☐ Contract Action
- ☐ Contract Specific Performance
- ☐ Detinue
- ☐ Garnishment

### Property

- ☐ Annexation
- ☐ Condemnation
- ☐ Ejectment
- ☐ Encumber/Sell Real Estate
- ☐ Enforce Vendor's Lien
- ☐ Escheatment
- ☐ Establish Boundaries
- ☐ Landlord/Tenant
  - ☐ Unlawful Detainer
- ☐ Mechanics Lien
- ☐ Partition
- ☐ Quiet Title
- ☐ Termination of Mineral Rights

### Tort

- ☐ Asbestos Litigation
- ☐ Compromise Settlement
- ☐ Intentional Tort
- ☐ Medical Malpractice
- ☐ Motor Vehicle Tort
- ☐ Product Liability
- ☐ Wrongful Death
- ☐ Other General Tort Liability

## ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
  - ☐ ABC Board
  - ☐ Board of Zoning
  - ☐ Compensation Board
  - ☐ DMV License Suspension
  - ☐ Employee Grievance Decision
  - ☐ Employment Commission
  - ☐ Local Government
  - ☐ Marine Resources Commission
  - ☐ School Board
  - ☐ Voter Registration
  - ☐ Other Administrative Appeal

## DOMESTIC/FAMILY

- ☐ Adoption
  - ☐ Adoption – Foreign
- ☐ Adult Protection
- ☐ Annulment
  - ☐ Annulment – Counterclaim/Responsive Pleading
- ☐ Child Abuse and Neglect – Unfounded Complaint
- ☐ Civil Contempt
- ☐ Divorce (select one)
  - ☐ Complaint – Contested\*
  - ☐ Complaint – Uncontested\*
  - ☐ Counterclaim/Responsive Pleading
  - ☐ Reinstatement – Custody/Visitation/Support/Equitable Distribution
- ☐ Separate Maintenance
  - ☐ Separate Maintenance Counterclaim

## WRITS

- ☐ Certiorari
- ☐ Habeas Corpus
- ☐ Mandamus
- ☐ Prohibition
- ☐ Quo Warranto

## PROBATE/WILLS AND TRUSTS

- ☐ Accounting
- ☐ Aid and Guidance
- ☐ Appointment (select one)
  - ☐ Guardian/Conservator
  - ☐ Standby Guardian/Conservator
  - ☐ Custodian/Successor Custodian (UTMA)
- ☐ Trust (select one)
  - ☐ Impress/Declare/Create
  - ☐ Reformation
- ☐ Will (select one)
  - ☐ Construe
  - ☐ Contested

## MISCELLANEOUS

- ☐ Amend Birth/Death Certificate
- ☐ Appointment (select one)
  - ☐ Church Trustee
  - ☐ Conservator of Peace
  - ☐ Marriage Celebrant
- ☐ Approval of Transfer of Structured Settlement
- ☐ Bond Forfeiture Appeal
- ☐ Declaratory Judgment
- ☐ Declare Death
- ☐ Driving Privileges (select one)
  - ☐ Reinstatement pursuant to § 46.2-427
  - ☐ Restoration – Habitual Offender or 3<sup>rd</sup> Offense
- ☐ Expungement
- ☐ Firearms Rights – Restoration
- ☐ Forfeiture of Property or Money
- ☐ Freedom of Information
- ☐ Injunction
- ☐ Interdiction
- ☐ Interrogatory
- ☐ Judgment Lien-Bill to Enforce
- ☐ Law Enforcement/Public Official Petition
- ☐ Name Change
- ☐ Referendum Elections
- ☐ Sever Order
- ☐ Taxes (select one)
  - ☐ Correct Erroneous State/Local
  - ☐ Delinquent
- ☐ Vehicle Confiscation
- ☐ Voting Rights – Restoration
- ☐ Other (please specify)

☐ Damages in the amount of \$ ..... are claimed.

DATE

☐ PLAINTIFF

☐ DEFENDANT

☐ ATTORNEY FOR

☐ PLAINTIFF  
☐ DEFENDANT

PRINT NAME

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

\*“Contested” divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An “Uncontested” divorce is filed on no fault grounds and none of the above issues are in dispute.

**APPLICATION FOR CHANGE OF NAME (MINOR)**

Case No. ....

Commonwealth of Virginia

Va. Code § 8.01-217

In the Circuit Court of the [ ] City [ ] County of .....

In re: .....  
(MINOR'S PRESENT NAME) FIRST MIDDLE LAST SUFFIX

COMES NOW, the applicant, and after being duly sworn states under oath as follows:

1. Minor's name is stated accurately above and [ ] has [ ] has not been previously changed. If so, court order is attached.

2. Applicant's Name: .....  
FIRST MIDDLE LAST SUFFIX2a. Residence Address: .....  
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

2b. Mailing Address: .....  
IF DIFFERENT FROM RESIDENCE ADDRESS

3. Relationship to minor: [ ] Parent [ ] Guardian [ ] Next Friend [ ] .....

**Provide the following information about the minor.**4. Date and Place of Birth: .....  
DATE OF BIRTH PLACE OF BIRTH

5. City or county of residence: .....

6. Address if different from applicant's: .....  
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

**7. Full Names and Addresses of Parents**7a. Full Name: .....  
FIRST MIDDLE MAIDEN (IF APPLICABLE) CURRENT LAST SUFFIXResidence Address: .....  
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

Mailing Address: .....  
IF DIFFERENT FROM RESIDENCE ADDRESS7b. Full Name: .....  
FIRST MIDDLE MAIDEN (IF APPLICABLE) CURRENT LAST SUFFIXResidence Address: .....  
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

Mailing Address: .....  
IF DIFFERENT FROM RESIDENCE ADDRESS**Answer the following questions by checking appropriate "Yes" or "No" box and providing information as requested.**

8. Has the minor ever been convicted of a felony? ..... [ ] Yes [ ] No

9. Is the minor currently incarcerated? \*\* ..... [ ] Yes [ ] No

If yes, indicate facility name: .....

Facility Location: .....

10. Is the minor a probationer with any court? \*\* ..... [ ] Yes [ ] No

If yes, indicate court name: .....

11. Is the minor a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required? \*\* ..... [ ] Yes [ ] No

If yes, indicate court where conviction occurred that resulted in the requirement to register: .....

12. Reason for name change application .....

[ ] Supplemental sheet attached

\*\* No application of a probationer, incarcerated person, or person for whom registration with the Sex Offender and Crimes Against Minors Registry is required shall be accepted unless the Court finds good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name. Attach explanatory documentation to the application.

WHEREFORE, pursuant to § 8.01-217 of the Code of Virginia, 1950, as amended, the applicant requests that the Court find that a change of name is in the best interest of the minor and order a change of the minor's name from:

.....  
FIRST MIDDLE LAST SUFFIX

to

.....  
FIRST MIDDLE LAST SUFFIX

\_\_\_\_\_  
SIGNATURE OF APPLICANT

Commonwealth/State of .....

[ ] City [ ] County of .....

The forgoing instrument was subscribed and sworn to/affirmed before me this

..... day of ....., 20 .....

by .....

NAME OF APPLICANT

\_\_\_\_\_  
[ ] CLERK [ ] DEPUTY CLERK

[ ] NOTARY PUBLIC My commission expires: .....

Registration No. ....

[ ] JOINT APPLICATION: I join in this Application for Change of Name (Minor)

Name: .....  
FIRST MIDDLE LAST SUFFIX

Residence Address: .....  
STREET ADDRESS

.....  
CITY STATE ZIP CODE COUNTRY

Mailing Address: .....  
IF DIFFERENT FROM RESIDENCE ADDRESS

Relationship to minor: .....

\_\_\_\_\_  
SIGNATURE OF PERSON JOINING APPLICATION

Commonwealth/State of .....

[ ] City [ ] County of .....

The forgoing instrument was subscribed and sworn to/affirmed before me this

..... day of ....., 20 .....

by .....

NAME OF PERSON JOINING APPLICATION

\_\_\_\_\_  
[ ] CLERK [ ] DEPUTY CLERK

[ ] NOTARY PUBLIC My commission expires: .....

Registration No. ....

ORDER FOR CHANGE OF NAME (MINOR)  
Commonwealth of Virginia VA. CODE § 8.01-217

Case No. \_\_\_\_\_

VIRGINIA: In the Circuit Court of the ☒ City ☐ County of \_\_\_\_\_ NORFOLK

IN RE:

A verified application has been filed which affirms that the applicant is the minor's

☐ mother ☐ father ☐ and the minor's other parent has joined the application ☐ guardian OR ☐ next friend,  
such application requesting the change of the minor's name from

\_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_  
ADDRESS OF APPLICANT

☐ \_\_\_\_\_  
ADDRESS OF PARENT WHO JOINED IN THE APPLICATION

The Court finds

- ☐ that notice pursuant to § 8.01-296
  - ☐ has been provided to a parent who has not joined in and has not objected to the application to change the minor's name.
  - ☐ is not required because \_\_\_\_\_
- ☐ that an answer to the application has been filed by a parent and service upon that parent is not required.
- ☐ by clear and convincing evidence that notice to a parent would present a serious threat to the health and safety of the applicant and therefore such notice is waived by the Court.
- ☐ The Court finds that the application complies with the requirements of subsection B of Virginia Code § 8.01-217, and that the requested change of name ☐ is ☐ is not in the best interest of the minor.
- ☐ The Court previously found that the minor is presently incarcerated, a probationer, or a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required but found good cause for consideration of the application and conducted a hearing on the application .
  - ☐ The Court finds that the change of name would not frustrate a legitimate law enforcement purpose, is not sought for a fraudulent purpose, and would not otherwise infringe upon the rights of others. The basis for this finding is as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Accordingly, it is ADJUDGED and ORDERED that

☐ The minor's name of \_\_\_\_\_

\_\_\_\_\_ is hereby changed, effective this date, to \_\_\_\_\_

\_\_\_\_\_ and this cause is ended.

☐ The Clerk of this Court shall forthwith spread this Order upon the current deed book, indexing the order in both the old and new names.

☐ The Clerk of this Court shall further transmit a certified copy of this Order and the application to the State Registrar of Vital Records and to the Central Criminal Records Exchange.

☐ Public recording of the name change would pose a serious threat to the health or safety of the Applicant/Applicant's family and the record of this cause is hereby Ordered sealed. The Clerk shall not spread or index this Order and shall not transmit any copy of this Order to the Registrar of Vital Records or to the Central Criminal Records Exchange.

☐ The application for change of the minor's name is hereby denied and this cause is dismissed.

Entered this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
JUDGE

STATEMENT OF DUE DILIGENCE USED TO  
REQUEST AN ORDER OF PUBLICATION OR POSTING

You have told the Clerk that the child's biological parent (father/ mother) cannot be found, and you wish to have an order of publication or posting entered. To obtain such an order you must show you have used due diligence to find him/her. The Clerk and the Court will use your answers to these questions to determine if you have used due diligence.

1. What is the father/ mother's last known address?

---

2. Have you attempted to serve process on father/ mother's last at that address?

---

3. If not, why not?

---

4. If you claim the father/ mother no longer lives at that address, what is the basis for that claim?

---

5. Do you know the father/ mother's last phone number, and, if so, what is it?

---

6. Does the father/ mother spouse use social media, such as Facebook?

---

7. If so, have you tried to contact the father/ mother through social media and what were the results?

---

8. Does the father/ mother use social media and you have not tried to contact him/her through it, please explain why.

---



9. Do you know any family members or friends of the father/ mother might know his/her address, and, if so, what are their names?

---

10. Which ones have you contacted to try to learn the father/ mother address?

---

11. If you have not contacted all of them, please explain why.

---

12. Have you learned any address for the father/ mother spouse from family, friends, or social media, and, if so, what is it?

---

13. Have you tried to serve process on the father/ mother at this address, and, if not, why not?

---

14. When and where did you last see the father/ mother and what were the circumstances?

---

15. When did you last speak to the father/ mother?

---

16. If the father/ mother's support payments directly to you, from what address are the payments mailed?

---

---

**Applicant's signature**

# NOTICE OF HEARING

Commonwealth of Virginia

Case No. \_\_\_\_\_

NORFOLK Circuit Court

150 ST. PAULS BLVD, NORFOLK VA 23510  
COURT ADDRESS

\_\_\_\_\_, plaintiff

V.

\_\_\_\_\_, defendant

TAKE NOTICE that on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ a.m., or soon thereafter  
in the Norfolk Circuit Court, the Plaintiff/Defendant will move the Court to enter an Order  
relative to the \_\_\_\_\_ filed.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

**Please Serve:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT FOR ORDER OF PUBLICATION**  
COMMONWEALTH OF VIRGINIA VA. CODE §§ 8.01-316, 20-104

Case No. ....

In the ..... Circuit Court

.....  
PLAINTIFF

v. ....

.....  
DEFENDANT

Comes now ....., a party seeking service on the below-named party by Order of Publication, and states under oath:

[ ] That the requesting party proceeds pursuant to Virginia Code § 20-104 and has been determined to be indigent;

That the party to be served (mark one or more of the reasons below):

1. [ ] is a foreign corporation; or  
[ ] is a foreign unincorporated association; or  
[ ] is a foreign unincorporated common carrier; or  
[ ] is a non-resident individual, other than a non-resident individual fiduciary who has appointed a statutory agent;

**OR**

2. [ ] cannot be found, and that diligence has been used without effect to ascertain the location of the party to be served, with the following efforts being made:

.....  
**OR**

3. [ ] cannot be served at the last known residence 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 that the sheriff has been unable to make service;

**OR**

4. [ ] is set out in the pleading as a person or persons, as defendants by the general description of "parties unknown;" are deemed interested in the subject to be divided or disposed of; and the nature of such interest is described as:

.....  
**OR**

5. [ ] are parties appearing by pleading or exhibit filed, who are defendants who represent like interests with the parties not served with process, and the number of defendants upon whom process has been served exceeds ten (10).

**NOTE:** Only the Judge may enter an ORDER OF PUBLICATION upon a claim based upon reason number 5.

☐ .....  
NAME OF PARTY AGAINST WHOM SERVICE BY ORDER OF PUBLICATION IS REQUESTED

.....  
LAST KNOWN ADDRESS

**OR**

☐ Not known.

.....  
NAME OF REQUESTING PARTY

.....  
COUNSEL FOR REQUESTING PARTY

State/Commonwealth of .....

☐ City ☐ County of .....

The foregoing instrument was subscribed and sworn to/affirmed before me this

..... day of ....., 20 .....

by .....  
PRINT NAME OF SIGNATORY

.....  
NOTARY PUBLIC

My commission expires: .....

Registration No. ....