

NAME & GENDER CHANGE GUIDE FOR VIRGINIA RESIDENTS

DISCLAIMER: This guide provides information about the legal and administrative steps associated with changing one's name and gender on identity documents. Please note that specific steps may have changed since this guide was printed and every individual may have unique name and gender change needs. This guide is to be used as a resource only and does not constitute legal advice.

Need further assistance? Come to the

NAME & GENDER CHANGE CLINIC

Whitman-Walker Health Legal Services Program and Trans Legal Advocates of Washington (TransLAW) hold monthly Name & Gender Change Clinics to assist clients navigating the name and gender change process. For more information or to find out about the next clinic, please visit www.translawdc.org or call (202) 939-7627.



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INTRODUCTION

This guide provides an outline for Virginia Residents who wish to change their name and/or gender marker on identity documents and other records. Listed below are the most common steps taken to make these changes in Virginia. For most clients, we recommend pursuing these steps in the order listed. We understand, however, that some clients may have unique needs and/or goals which require a different approach to pursuing name/gender changes on their identity documents.

We encourage clients to make an appointment with staff from the Whitman-Walker Legal Services Program to discuss their specific situation and goals. We know this can be a daunting process and we are happy to guide clients through the name and gender change steps. Together, we can create a name/gender change strategy that fits each client’s unique needs. Call us at (202) 939-7627 or visit our main office at 1701 14th Street, NW, Washington DC 20009.

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STEPS TO COMPLETE THE NAME/GENDER CHANGE PROCESS IN VIRGINIA

- ___(Step 1) **File the Application for Change of Name with the Court**
- File in person, or by mail if allowed in your county
 - Request at least 4 extra certified copies of court order and pay related fee
- ___(Step 2) **Receive signed Order for Name Change in the mail**
- If the court schedules a hearing or contacts you to request additional information, contact Whitman-Walker
- ___(Step 3) **Obtain doctor signature on DMV gender change form**
- Your doctor must fax this form to the DMV
 - You will receive a gender change approval letter from the DMV central office
- ___(Step 4) **Go to Social Security Administration to change name and gender**
- Bring original copy of court order for name change
 - Bring letter signed by doctor for gender marker change
 - Request new SSA card
 - Ask SSA agent for a printout showing correct name
- ___(Step 5) **Go to DMV local office to get new ID or License with correct name and gender**
- Bring original copy of court order for name change
 - Bring proof of name change with Social Security
 - Bring gender change approval letter from DMV
 - Request new card and pay related fee
- ___(Step 6) **Change your information with your bank, creditor, school, employer, insurers, etc.**

I. COURT ORDER FOR CHANGE OF NAME

You have a right to change your name so long as you are not doing so for fraudulent purposes (i.e. to evade creditors or to escape criminal charges) or in a way that interferes with the rights of others.

You must obtain a court order recognizing your new name to legally change your name in Virginia. The first step toward receiving the court order is to file an Application for Change of Name with the circuit court of the county or city in which you live.¹ Once you have successfully filed the application, the court will either mail you the original signed court order recognizing your new legal name or if the court chooses to schedule a hearing, present it to you in person after the hearing.

Many cities/counties in VA have distinct requirements for individuals wishing to change their name, including a city/county specific application and court order that the client must complete in a very particular way. **YOU MUST check the website for the civil circuit court in the county or city where you live for specific instructions.** If none is provided, call the civil clerk's office for your city or county and ask what you must do. A list of circuit courts and their addresses is available online at <http://www.courts.state.va.us/courts/circuit.html>.

A. What To File / Where to File:

1. File a completed and notarized Application for Change of Name.

The general state form and instructions can be found online at <http://www.courts.state.va.us/forms/circuit/cc1411.pdf>; the application should be typed – which you can do on the website before you print the document. Arlington and the City of Alexandria use the state form.

Some counties, such as Fairfax and Prince William, require that you use their local version of this form:

- Fairfax forms and detailed filing instructions (for both in-person and by mail) can be found online here: <http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-160.PDF>.
- Prince William County's requirements can be found here: <http://www.pwcgov.org/government/courts/circuit/Pages/Name-Change.aspx> This county requires that the petition be prepared from scratch and does not accept pre-filled forms.

¹ Va. Code § 8.01-217.

If you live in another county, you should call the clerk to confirm which form is required.

In all cases, you must sign the Application for Change of Name in the presence of a notary public. Whitman-Walker Legal Services offers this service for free at the NW office located at 1701 14th Street NW. Notary public services may be available for a small fee at a courthouse or bank. You should call in advance to confirm.

*Make sure to sign your application for name change with your *current* legal name.

2. Submit a proposed (unsigned) Court Order.

The Virginia State Court website does not provide a Court Order form online. Some counties/cities have their own Court Order forms and you should check the website of your local court or call the clerk to confirm which form to use. If your county form is not available on-line, you may be able to pick up and complete the form when you go to the court to file your application for a name change.

3. Publication.

Only minors seeking a name change must fulfill a publication requirement. There is **no publication requirement for adults** seeking a name change in Virginia.

4. Fees.

When you file the application, the clerk will collect the required fee. The filing fee will vary depending on the city or county where you live. Check the website of your local circuit court for filing fee information. Note that certain jurisdictions only accept cash or money order. See the attached fee schedule for more information.

Depending on your income, you may qualify for a waiver of the filing fee. Complete the “Petition for Proceeding in Civil Case without Payment of Fees or Costs” form (CC-1414):

<http://www.courts.state.va.us/forms/circuit/cc1414.pdf>, and attach any financial statements or other information supporting your need for the fee waiver.

5. Double check that you have fulfilled all of the filing requirements in your city/county.

Before filing your application, you should double check the filing rules applicable in your county and make sure you have complied with all of

them – this includes the **number of copies you must file** with the Court, whether to include a proposed court order or a self-addressed, stamped-envelope, the amount of the filing fee, whether you may submit your filing by mail, and how to obtain additional certified copies of the court order. This information is often available online, but you may also consider calling the civil circuit clerk in the city/county where you live for more information.

Note: As part of the application process, a certified copy of your existing birth certificate may be required. If born in Virginia, this can be obtained from the Virginia Dep't of Health for a fee of \$12.

6. Pay in advance for additional certified copies of your court order.

Unless you request additional copies of the order, you will usually receive only one original court order signed by the judge. **You must request several certified copies of the court order as these will be needed to support later name and gender changes with other agencies.** We suggest you request at least 3 certified copies. It may be most convenient for you to arrange for these copies at the time you submit your filing. Ask the clerk if you can pay in advance to have additional copies of the signed order sent to you. Courts charge a small fee for each additional copy requested and you must submit this fee in advance. See the attached Fee Schedule for more information.

7. Requests for Medical Documentation. Several judges in Virginia have recently **scheduled a hearing** and asked clients to provide a letter from a medical or mental health provider stating something about the client's transition at that hearing; the request has always been vague. Clients have successfully submitted letters similar to the letters used for a gender marker change on a passport or Social Security record, although clients concerned about their privacy should consider submitting a letter with less detail. This is a sample letter which has been successful. This letter should be submitted to the Court as soon as requested. If the court elects to schedule a hearing, the letter can be submitted to the court in advance and the court will likely cancel the hearing and send you the signed court order.

[on official letterhead]

[date]

Dear Sir/Madam:

I, [therapist name], am a licensed _____ at [clinic/office] in [Washington, D.C.], and I have counseled [Mr/Ms]. _____ (whose current legal name is _____, DOB 02/02/19xx) to support [him/her] with the emotional and psychological aspects of [his/her] transition from [fe/male to fe/male].

While [Mr/Ms]. ____ was identified as [fe/male] at birth, [s/he] has been presenting as [fe/male] for more than __ years. I expect that [Mr/Ms]. ____'s transgender treatment will be successful, and I fully support [his/her] efforts to change [his/her] name and to obtain valid identification that accurately reflects [his/her fe/male] gender which is central to [his/her] personal identity.

If you have any additional questions, I can be reached at (202) xxx-xxxx.

[full signature block with license number]

8. Note for Minors.

If you are a minor and wish to obtain a court order for a name change, you must have the consent of both of your parents/legal guardians. There is a separate name change petition that minors and their parents/legal guardians must complete and submit to the courthouse in the city or county where they live. Both parents/legal guardians are required to sign and approve a minor's name change petition. The judge may require a parent to publish the name change in a local newspaper if one parent is unknown or unaccounted for, or not present to sign petition. This decision is based solely on the judge's discretion. We encourage minors and their parents/legal guardians to speak to an attorney before pursuing the name change of a transgender minor as special legal issues surround this decision, especially if the parents/legal guardians of the minor share legal or physical custody of the minor with another parent/legal guardian.

The general state application for name change for a minor can be found here: <http://www.courts.state.va.us/forms/circuit/cc1427.pdf>, but some counties may have a specific county form.

B. Next Steps

After you have filed the application, paid the required fee, and filed all other required documentation, if any, the court will process your application. Processing time will vary depending on the court. Arlington and Fairfax County each estimate that the order will be mailed to you in approximately 3 weeks. Prince William County estimates a wait time of 4-6 weeks.

In some cases, the court will choose to schedule a **hearing**, which you must attend in order to receive your court order for a name change. (See item 7 above discussing hearings and requests for medical documentation.) If the court chooses to schedule a hearing, you should receive a copy of the court order immediately following your hearing if the judge grants the order.

If you did not arrange in advance for the delivery of additional certified copies of the court order, you may go to the courthouse at any time during business hours to request (and pay for) additional certified copies.

Recently, Fairfax County has been mailing the signed name change court order to the department of vital records of the state where the client was born. Please be aware that this action may result in the client receiving a notice from the (birth) state explaining that the birth record cannot be updated until the state receives a written request and/or a small fee from the client; in other states, the notice may explain what other steps are required to update the birth record. In some instances, the client will not receive any notice from the (birth) state.

II. CHANGING YOUR NAME AND GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

A. Name Change

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (SSA). You must change your name with SSA before updating the name on your VA ID.

While at the SSA office, we recommend that you REQUEST A PRINTOUT reflecting the change to your name, because you will need this printout to change your name on your VA driver's license or ID card. Otherwise, you will have to wait for your new social security card to arrive by mail approximately 2 weeks later.

Following your visit to SSA, you will receive a new Social Security card in the mail with your changed name and the same social security number.

To apply for a name change with SSA, you will need:²

1. Application for a Social Security Card; (Form SS-5) (<http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;
2. Certified copy of the Court Order for Change of Name;
3. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport card (it is okay if your ID document includes your former name). If you have questions about acceptable documents see: <http://www.socialsecurity.gov/pubs/EN-05-10513.pdf>; and

² Changing a name on a Social Security Card FAQ, http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std_adp.php?p_faqid=315.

4. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation.

You should take these documents in person to your nearest Social Security office during normal business hours. You may also mail these materials to your nearest SSA office. You may find your nearest Social Security office here:

<https://secure.ssa.gov/ICON/main.jsp>.

Selected Virginia offices include:

Arlington: 1401 Wilson Blvd, Suite 200, Arlington 22209
Alexandria: 6295 Edsall Road, Plaza 500, Suite 190, Alexandria 22312
Fairfax: 11212 Waples Mill Rd., Suite 105, Fairfax 22030
Manassas: 9500 Center St., Manassas 20110

B. Gender Change

Although no gender marker is listed on your Social Security card, other government agencies look to your Social Security records to verify your gender. Changing your gender marker with SSA will help avoid any discrepancies.

To apply to change your gender on your Social Security record, you will need three items:

1. A completed application for a Social Security Card (Form SS-5);
2. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport (it is okay if your ID document includes your former name/gender).
3. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation.; and
4. **One** of the following items to prove your transition:
 - a. Passport: A valid, 10-year U.S. passport with the updated gender marker (NOTE: passports with less than 10 years of validity will not be accepted), or
 - b. Birth Certificate: An original, state-issued birth certificate reflecting your updated gender marker, or
 - c. Court Order: An original court order directing legal recognition of change of gender, or
 - d. Doctor Letter: A signed letter on letterhead from your licensed doctor stating that you have had appropriate clinical treatment for gender transition and including the following language:

[ON OFFICE LETTERHEAD]

[DATE]

U.S. Social Security Administration

I, [physician's full name, physician's medical license or certificate number], issued by [U.S. State/Foreign Country], am the physician of [patient name], with whom I have a doctor/patient relationship and whom I have treated [or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated].

[Patient name] has had appropriate clinical treatment for gender transition to the new gender [female or male].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

[Signature]

Typed Name of Physician

Address

Telephone Number

You should take these materials in person to your nearest SSA office:

<https://secure.ssa.gov/ICON/main.jsp>

III. CHANGING YOUR NAME AND/OR GENDER WITH THE VA DEPARTMENT OF MOTOR VEHICLES (DMV)

If you are changing BOTH your NAME and GENDER marker on your driver's license, it is most efficient to change them both at the SAME TIME at the DMV. We understand that certain clients will only need/want to change one or the other, so we have provided separate instructions for each change below. If you are changing both items at the same time, follow the instructions for changing each separately and take all necessary documents and forms of evidence to the DMV and present them to the Service Center Manager.

The following persons are eligible to apply for a VA driver's license or ID card: a) Citizens of the United States, b) Legal Permanent Residents of the United States, c) Conditional Resident Aliens of the United States, d) Holders of a valid, unexpired nonimmigrant visa status, e) Individuals with a pending or approved application for

asylum in the United States, f) Refugees, g) Individuals with a pending or approved application for temporary protected status in the United States, h) Individuals with approved deferred action status, i) Individuals with a pending application for adjustment of status to legal permanent resident status or conditional resident status.³

Acceptable Documents by Status:

http://www.dmv.state.va.us/webdoc/pdf/accept_doc_status.pdf

- Note: Unlike Maryland and the District of Columbia, Virginia does not allow those who cannot prove their lawful presence in the United States to apply for driver's licenses, learner's permits, or ID cards. If you are temporarily authorized to be in the U.S. and present a valid legal presence document without an expiration date, you will be issued a limited duration license that is valid for one year.

1. How to Change Your Name with the VA DMV⁴

After you have changed your name with SSA, bring the following to a VA DMV customer service center to update your name on your existing VA driver's license, learner's permit or ID Card:

- 1) "Driver's License and ID Card Application" Requesting a Name Change
- 2) Your current, valid state-issued driver's license, learner's permit or ID card
- 3) Certified Copy of your Court Order for a Name Change
 - (the DMV may refer to the certified copy as a "teste copy")
- 4) Your newly issued Social Security Card reflecting your new name OR your SSA printout reflecting your name change

If you do not already have a driver's license, learner's permit or ID card, you will also need to bring original versions of the required documents listed below:

Original Documents to Take to VA DMV for First-Time Applicants:

- ✓ **Two (2) Proofs of Identity**
 - Birth Certificate, Unexpired U.S. Passport, etc. (for a complete list of acceptable documents see attached VA DMV Document Guide)
 - Only need one (1) Proof of Identity if under age 19
- ✓ **One (1) Proof of VA Residency**

³ Va. Code §46.2-328.1

⁴ See Change of Address or Name, Virginia Department of Motor Vehicles, *available at* http://www.dmv.state.va.us/webdoc/citizen/records/update_add.asp.

- Utility Bill, Lease Agreement, etc. (for a complete list of acceptable documents see attached VA DMV Document Guide)
- Applicants under age 19 can have their parent/legal guardian certify their VA residency in person, by presenting an ID card and a document from the proof of residency list.
- ✓ **One (1) Proof of Legal Presence in the United States**
- Birth Certificate, Unexpired U.S. Passport, etc. (for a complete list of acceptable documents see attached VA DMV Document Guide)
- ✓ **One (1) Proof of Valid Social Security Number**
- Your new Social Security Card or SSA printout reflecting name change
- ✓ **For Minors: Written Parental Consent**

VA DMV Document Guide: <http://www.dmv.state.va.us/webdoc/pdf/dmv141.pdf>

Note: All identification credentials will be mailed to your listed address.

2. How to Change Your Gender with DMV

In order to change the gender marker on your Virginia driver's license or ID card, your doctor must fax or mail a completed form DL-17 Gender Change Request form (<http://www.dmv.state.va.us/webdoc/pdf/dl17.pdf>) to the following address:

Virginia Department of Motor Vehicles
Post Office Box 27412
Richmond, VA 23269-0001
Fax (804) 367-1604, or
Fax (804) 367-0520.

The DL-17 form can be signed by your physician, psychiatrist, nurse practitioner, clinical social worker, psychologist, or professional counselor. It certifies that their "practice includes treatment and counseling of persons with gender identity issues, including the applicant" and that in the practitioner's "professional opinion, the applicant's gender identity is [male or female]."

Once you submit your completed DL-17 form, allow at least 5 days for processing. You should receive a letter in the mail approving your request for a gender change. You will take that letter and the documents listed in the Name Change section above to any VA DMV customer service center to apply for a corrected or new license, learner's permit or ID card reflecting the proper gender marker. You should be prepared to take a new photo and to pay the relevant fee. See the attached Fee Schedule.

Note: All identification credentials will be mailed to your listed address.

IV. CHANGING YOUR NAME AND/OR GENDER ON YOUR U.S. PASSPORT

If you are a citizen or permanent resident of the United States, you can easily apply for a U.S. Passport that reflects your new name and gender. You will need a court order for a name change and a letter from your physician certifying to your transition. The language of the letter is identical to the language of the sample Social Security letter on page 10. Please see our Passport Guide, entitled “Information on Obtaining or Changing a Passport for Transgender Clients” for detailed information on how to obtain an updated passport.

V. CHANGING YOUR NAME WITH THE SELECTIVE SERVICE

A. Female to male individuals:

If you were designated female at birth, you do not have to register with the Selective Service, even if you have had sexual reassignment surgery.⁵ However, if you are applying for federal financial aid, grants, loans, or other benefits as a male, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a Status Information Letter (SIL) from the Selective Service.

To request a SIL that shows you are exempt, you can either download a SIL request form from the Selective Service website (http://www.sss.gov/PDFs/SilForm_Instructions.pdf) or call them at 1-888-655-1825. The SIL request form requires female to male individuals to identify as such and attach a copy of a birth certificate showing the birth-assigned sex. If the sex on your birth certificate has been changed, attach any documentation you have to that affect. This service is free and the exemption letter you will receive does not specify why you are exempt so it will not force you to ‘out’ yourself in any other application process. Once you receive your SIL, keep it in your files.⁶

B. Male to female individuals:

If you were designated male at birth, you must register for the Selective Service if you are between the ages of 18 and 26, even if you have had sexual reassignment surgery. You may register online at <http://www.sss.gov/default.htm> or you may complete and mail a “mail-back” registration form available at any post office. In the unlikely event that the draft is resumed and you receive an order to report for examination or induction, you may file a claim for exemption from service.⁷

⁵ <http://www.sss.gov>.

⁶ Information taken from National Center for Transgender Equality article on Transgendered People and the Selective Service, http://transequality.org/Resources/Selective_Service_only.pdf

⁷ <http://www.sss.gov/>.

While you do not need to notify the Selective Service of a change in gender, you are obligated to inform them of a change in name. To notify the Selective Service of your name change you must fill out Form SSS 2 (technically a change of address form), available at your local post office. You must attach a certified copy of the court order changing your name.

VI. CHANGING YOUR NAME AND/OR GENDER WITH UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

If you are a foreign-born individual who intends to apply for legal status with USCIS, who has already applied for legal status with USCIS, or who has already been granted some form of legal status here in the United States, Whitman-Walker Legal Services can help you obtain immigration documents (such as green cards, work authorization cards or naturalization certificates) that match your changed name and/or gender. Please contact Whitman-Walker Health Legal Services at 202-939-7627 for further information.

VII. CHANGING YOUR NAME AND/OR GENDER WITH YOUR INSURANCE CARRIERS, CREDITORS, AND OTHERS

A. Insurance Concerns

You should inform your insurance companies (including health, property, auto, and life) immediately after you receive your court order for a name change. They may require that you submit a certified copy of your court order for a name change.

You should update your health insurance company about your name change but not necessarily a gender change. Note that it is important that your health insurance company's records match your doctor's records (name and gender) in order to avoid confusion and delay or a denial of claims. Your doctor may opt to continue to file claims reflecting your sex assigned at birth.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to your gender, contact Whitman-Walker Legal Services for assistance.

B. Banks, Creditors, and Financial Institutions

You must inform your banks, any creditors, and any financial institutions where you hold an account when you legally change your name. You should have a court order changing your name before you inform them of the change; some financial institutions take the position that name changes on bank records in the absence of a court order are inconsistent with the Patriot Act.

C. Other Legal Documents

After you receive a court order changing your name, we recommend that you change your name in any legal documents in which you are named. These include your lease, wills, powers of attorney, advanced health directive, deeds, etc., or such documents that name you as a party. Changing your name on these documents ensures that your rights and powers in the document remain intact.

VIII. OBTAINING A COURT ORDER FOR CHANGE OF GENDER

A. Is a Court Order for a Gender Change a Necessary Part of the Name/Gender Change Process?

You do not need a Court Order for a Gender Change to change your gender marker on your driver's license or ID card. Depending on the laws in the state where you were born, a court order for a gender change may be necessary to amend your birth certificate to reflect your new gender. If you were born in VA, you will need a court order for a gender changes to amend your VA birth certificate to reflect your new gender. See Section IX below for more information about amending your birth certificate.

Whitman-Walker Legal Services staff is available to discuss the court order process with you and determine whether a court order for a gender change is necessary to achieve your name/gender change goals.

B. How Do I Obtain a Court Order for a Change of Gender?

Whitman-Walker Legal Services is limited in its ability to represent individuals who want to obtain a court order for a gender change in VA where court rules prohibit us from assisting clients in writing their own petitions. We can, however, refer clients to attorneys in VA who specialize in this type of legal work. Below, we give some general details on obtaining a court order for a gender change.

To obtain a court order for a gender change, you must petition your local circuit court for an order signed by a judge that acknowledges your gender change. Note that while there is a court-issued form and procedure to change your **name** in Virginia, there is no similar procedure for changing your **gender**. As a result, you or your attorney must draft an individual petition seeking a court order acknowledging your gender change.

VA law offers little guidance on what is required before the court will issue a court order for a gender change. The law states that a court order for a gender change may be issued "**when the sex of an individual has been changed by medical procedure.**"⁸ Virginia courts are not specific about what medical procedure is required; the court reviews each petition on a case-by-case basis and requires only that your doctor certify that the procedure changed your gender. You/your attorney should be sure to obtain a letter from your doctor affirming

⁸ Va. Code § 32.1-269(E)

that he/she has performed “a medical procedure that has changed [client’s name]’s sex” and include that letter in the filing with the court.

There may be a number of additional rules that would apply to filing a court order for a gender change depending on where you live – such as the number of copies to file with the Court, filing fees, etc. You or your attorney should call the local Circuit Court and verify what is required to file a petition for an order for a gender change.

IX. CHANGING YOUR NAME AND GENDER ON A BIRTH CERTIFICATE

A. Birth Certificates Issued in a State Other than VA

The law in the state that issued your birth certificate (the state where you were born) governs the rules for amending your birth certificate. Some states allow you to amend your birth certificate with relative ease, while others will not amend birth certificates at all. Many states require that an applicant for an amended birth certificate present a court order for a gender change (issued in the state where you live) before that state is willing to amend the gender marker on a birth certificate. Of the states that will amend your birth certificate, some insist that the information on your original birth certificate (your name and gender at birth) remain on the amended birth certificate, which will simply make note of the amendment. The Office of Vital Records in the state where you were born can give you more information about what is required to amend your birth certificate to reflect your new name and gender and what an amended birth certificate would look like. Whitman-Walker Legal Services Staff may be able to assist you with amending a birth certificate issued outside of VA.

B. Birth Certificates Issued in VA

VA allows an individual to amend their VA issued birth certificate to reflect both a new name and gender.⁹ You may change your name on your VA birth certificate upon receipt of a court order changing your name.¹⁰ To change your gender on your VA birth certificate, you must present a court order for a gender change.¹¹ Virginia will issue you a new birth certificate with your new name and/or gender. Your old name and/or gender will not appear on the newly issued birth certificate.

Submit the following to Virginia Department of Health, Division of Vital Records, Attn: Special Services Department, PO Box 1000, Richmond, VA 23218-1000:

1. Certified copies of the Court Order for Change of Gender and/or Court Order for Change of Name;
2. Copy of your current identification card (this should include your changed name and/or gender); and
3. A statement or application requesting that your birth certificate be amended.
4. The required fee (see attached fee schedule)

⁹ Va. Code § 32.1-269 (C), (E) (2012).

¹⁰ Va. Code § 32.1-269 (C) (2012).

¹¹ Va. Code § 32.1-269 (E) (2012).

* * * * *



If you have any questions about the steps described in this guide,
please do not hesitate to contact us at the numbers listed below.

Whitman-Walker Health Legal Services Program
1701 14th Street NW
Washington DC 20009
Main tel (202) 939-7627 - Fax (202) 939-7651
whitman-walker.org/legal

Supervising Attorney: Amy Nelson
anelson@whitman-walker.org
202-939-7625

Operations Manager: Lee Brubaker
lbrubaker@whitman-walker.org
202-939-7627

Intake Coordinator: Becky Reeve
breeve@whitman-walker.org
202-939-7630

APPENDIX: SCHEDULE OF FEES AND RELATED EXPENSES

Below is a list of projected costs associated with legal name and gender changes in Virginia.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
Obtaining a Court Order for Change of Name	
<ul style="list-style-type: none"> ▪ Court Filing Fee (by County) <p>[Note: Persons who receive public assistance and can demonstrate financial hardship can fill out a Petition for Proceeding in Civil Case Without Payment of Fees or Costs.]</p> <p>Fees are payable to “Clerk of the Circuit Court”</p>	
<ul style="list-style-type: none"> • Arlington County¹² <ul style="list-style-type: none"> ▪ Payments may be made by cash, check or money order; or by credit card. Arlington only accepts MasterCard and Visa, and collects a 4% service charge on all credit card payments. 	\$44
<ul style="list-style-type: none"> • Fairfax County¹³ <ul style="list-style-type: none"> ▪ Payable only by cash, certified check or money order. 	\$41
<ul style="list-style-type: none"> • Loudoun County¹⁴ 	\$39
<ul style="list-style-type: none"> • Prince William County¹⁵ 	\$41

Publication of Legal Notice of Intent to Change Name [Note: There is no publication requirement for adults in Virginia.]	\$0
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Notification to Required Parties of Intent to Change Name¹⁶ (via Certified Mail)	\$3.30 (per party)
[Note: This fee does not include a return receipt. A return receipt can be purchased for \$1.35(email copy) or	

¹² Circuit Court for Arlington County,

<http://www.arlingtonva.us/departments/ClerkofCircuitCourt/CivilCourt/page64984.aspx>

¹³ Circuit Court for Fairfax County, <http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-20.pdf>

¹⁴ Circuit Court for Loudoun County,

http://www.loudoun.gov/documents/16/1760/3804/3806/adult_201205021437067165.pdf

¹⁵ Circuit Court for Prince William County, http://webdev.courts.state.va.us/cgi-bin/DJIT/ef_djs_ccfees_calc.cgi#ID_CALC_FRM

¹⁶ United States Postal Service, <https://www.usps.com/ship/insurance-and-extra-services.htm> (last visited June 6, 2014).

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
\$2.70 (hard copy).]	
Certified Copy of Final Order of Name Change	
Arlington County ¹⁷ , Fairfax County ¹⁸ , Loudoun County ¹⁹ , and Prince William County ²⁰	\$2 + \$0.50 (per page)

Obtaining a New Social Security Card²¹	\$0
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Obtaining New Identification Reflecting Name and/or Gender Change²²	
Fees are payable to “Virginia Dept. of Motor Vehicles”	
<ul style="list-style-type: none"> ▪ Corrected Driver’s License 	\$20
<ul style="list-style-type: none"> ▪ New Driver’s License <p>Note: There is a \$20 fee for a license. A driver can pay an additional \$4 to keep his/her license valid an additional year for up to 3 additional years.</p>	\$20-32
<ul style="list-style-type: none"> ▪ New Learner’s Permit 	\$3 + \$4 per year of license validity
<ul style="list-style-type: none"> ▪ Corrected Learner’s Permit 	\$2.00
<ul style="list-style-type: none"> ▪ Non-Driver’s License Photo ID (New or Corrected) 	\$10

Changing Your Gender with the Social Security Administration²³	\$0
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¹⁷ Arlington County Circuit Court Clerk’s Office Contact: phone 703-228-7010.

¹⁸ Fairfax County Circuit Court Clerk’s Office Contact: phone 703-691-7320.

¹⁹ Loudoun County Circuit Court Clerk’s Office Contact: phone 703-777-0270.

²⁰ Prince William County Circuit Court Clerk’s Office Contact: phone 703-792-6029.

²¹ United States Social Security Administration, http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1120/~/-cost-for-a-social-security-card (last visited June 6, 2014) [hereinafter “SSA”].

²² VA DM V, <http://www.dmv.virginia.gov/webdoc/pdf/dmv201.pdf> (last visited May 27, 2014).

²³ See SSA, *supra* note 21.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
Obtaining a New Passport Reflecting Name and/or Gender Change	
Fees are payable to "Department of State." Acceptable forms of payment include: Credit Cards (VISA, MasterCard, American Express, Discover) and Debit/Check Cards; Checks (personal, certified, cashiers, travelers); Money Orders and Bank Drafts	
<ul style="list-style-type: none"> ▪ First-time Applicant²⁴ [Note: First-time applicants must present a valid government-issued ID at time of application, as well as a passport-size photo. The cost of obtaining a passport photo typically ranges from \$6 - \$8.]	\$165
<ul style="list-style-type: none"> ▪ Renewal of Passport issued <u>less</u> than one year ago at time of application (w/o Expedited Service)²⁵ 	\$0
<ul style="list-style-type: none"> ▪ Renewal of Passport issued <u>more</u> than one year ago at time of application (w/o Expedited Service)²⁶ 	\$140
<ul style="list-style-type: none"> ▪ Expedited Service²⁷ Note: This is an additional cost for persons who need to receive their first-time or renewal passport within two weeks of application submission..	\$60

Changing Name with Insurance Carrier, Creditors, Financial Institutions or on Legal Documents	
[Note: This cost assumes that the party will need to submit a certified copy of the Final Court Order granting the Name Change. Each certified copy costs \$2.00 plus a per page copying fee.]	
Arlington County ²⁸ , Fairfax County ²⁹ , Loudoun County ³⁰ , and Prince William County ³¹	\$2 + \$0.50 (per page)

²⁴ United States Dep't of State, Bureau of Consular Affairs, http://travel.state.gov/passport/fees/fees_837.html (last visited June 6, 2014) [hereinafter "Passport Instructions"].

²⁵ United States Dep't of State, Bureau of Consular Affairs, http://travel.state.gov/passport/correcting/ChangeName/ChangeName_851.html (last visited June 6, 2014).

²⁶ *Id.*

²⁷ Passport Instructions, *supra* note 24.

²⁸ Arlington County Circuit Court Clerk's Office Contact: phone 703-228-7010.

²⁹ Fairfax County Circuit Court Clerk's Office Contact: phone 703-691-7320.

³⁰ Loudoun County Circuit Court Clerk's Office Contact: phone 703-777-0270.

³¹ Prince William County Circuit Court Clerk's Office Contact: phone 703-792-6029.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN VA	PROJECTED COSTS (in dollars)
Amending a Birth Certificate to Reflect New Name and/or Gender³²	\$12
Obtaining a Copy of Amended Birth Certificate with Name and/or Gender Change Information³³	\$12

³² Virginia Dep't of Health Contact: 804-662-6200.

³³ Virginia Dep't of Health, http://www.vdh.virginia.gov/Vital_Records/documents/appform.pdf (last visited June 6, 2014).