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Name & Gender Change Guide

FOR WEST VIRGINIA RESIDENTS



Name & Gender Change Guide For West Virginia Residents

INTRODUCTION

This guide provides an outline for West 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 West 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 that require a different approach to pursuing name/gender changes on their identity documents.

ADDITIONAL ASSISTANCE

We know this can be a difficult process and that guidance can be helpful. If you are low income, you may be able to get free legal representation for your name change petition. Call Legal Aid of West Virginia at 866-255-4370 for more information, or apply for assistance online at [Legal Aid of West Virginia](https://legalaidwv.org/).¹ If you are looking to hire a lawyer who has experience navigating the name and gender change process, contact the Law Office of James Barber at (304)342-4616. You can also reach out to the [LGBTQ+ WV State Bar Committee](https://wvbar.org/committees/bar-committees/lgbtq/) to find attorneys local to your area who can assist with the name change process.²

If when reading this guide, you notice any areas which need updated, please contact Fairness West Virginia or Legal Aid of West Virginia.

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APPENDIX A: COUNTY SPECIFIC COURT INFORMATION

APPENDIX B: SCHEDULE OF FEES & RELATED EXPENSES

APPENDIX C: NAME CHANGE TEMPLATE FILING FORMS

¹ <https://legalaidwv.org/>

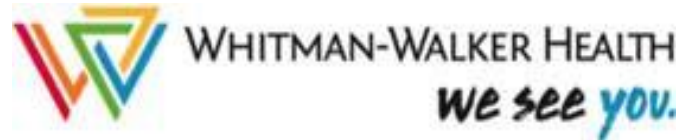
² <https://wvbar.org/committees/bar-committees/lgbtq/>

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Seeking Justice, Changing Lives



James M. Barber, Esq.
Law Office of James M. Barber
604 Virginia St. E.
Charleston, WV 25301
(304) 342-4616

STEPS TO COMPLETE THE NAME/GENDER CHANGE PROCESS IN WEST VIRGINIA

- STEP 1** File the Petition for Change of Name with your county circuit clerk.
- Name change forms and fees vary by county.
 - File fee waiver, if applicable.
 - Obtain and fill out fee waiver form if applicable.
 - Obtain hearing date from the court.
- STEP 2** Submit notice of name change for publication in local newspaper.
- Obtain Order of Publication from court clerk.
 - ❖ Some counties will process publication for you.
 - ❖ Some counties designate a particular paper for publication.
 - Pay for the publication fee if you don't qualify for a fee waiver.
- STEP 3** Return to the court on the date of your scheduled hearing and obtain Final Order.
- STEP 4** Go to Social Security Administration to change name and gender.
- Bring original copy of court order for name change and current ID.
 - Complete and submit application.
 - Request new SSA card.
- STEP 5** Go to DMV to get a new ID/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 designation form signed by physician.
 - Bring proof of identity such as a birth certificate or passport.
 - Request new card and pay related fee.
- STEP 6** Change your information with private institutions.
- Examples include banks, retirement accounts, creditors (e.g., credit card companies and loan servicers), employers, school, insurance carriers.
 - Each institution may have their own forms or required proof of identity documents.
- STEP 7** Apply to change your birth certificate with correct name and gender.

OBTAINING COURT ORDERS FOR CHANGE OF NAME

OBTAINING A COURT ORDER FOR CHANGE OF NAME IN WV

Under West Virginia law, you have the right to change your name as long as you are not doing so for fraudulent purposes (e.g., to evade creditors/child support orders or to escape criminal charges) or in a way that interferes with the rights of others. Specifically, West Virginia forbids name changes if:

- The purpose of the name change is avoidance of debt or creditors.
- The purpose of the name change is avoidance of state or federal law regarding identity.
- The petitioner is a registered sex offender.
- The purpose of the name change is for an “improper or illegal purpose.”
- The petitioner is incarcerated for a felony or has been recently released from incarceration or parole.
- The purpose of the name change is to evade detection or arrest by any law-enforcement agency.

The first step in the process is to petition the circuit court or the family court in your county for a name change. The county may have a form, available at the courthouse, for you to fill out. There is no standard statewide form, so specific items and format on the form may vary if you use one provided by the circuit clerk. Despite local form availability in some counties, the court should accept a general petition that includes the basic necessary information (see **Appendix C** for a standardized petition you can use for name change, or visit the Legal Aid of West Virginia website to find [a blank name change petition](#).³ There is generally no documentation requirement at the time of filing, but you may be asked to provide a valid ID at the time of submission. Most counties will require you to file the document in person at the courthouse. You will need to fill out a civil case information sheet for either [circuit court](#)⁴ or [family court](#)⁵ to file with your petition.

REQUIREMENTS TO OBTAIN COURT ORDER FOR CHANGE OF NAME IN WV

Residency. You must either:

- Be a resident of the county in which you are filing, and have been consistently living there, for at least one (1) year prior to filing; OR
- Be a non-resident that was born in the county, married in the county, AND previously a resident of the county for at least fifteen (15) years.

Criminal Record. Judges may not grant name change petitions to a person who is currently incarcerated for a felony, currently required to register with the state police (such as the sex offender registry), or is within ten years of parole or release from prison for first-degree murder or kidnapping.

Identification/Documentation. There is generally no documentation requirement for a name change petition. However, you will likely have to present valid photo ID at the time of submission of the form with the courthouse.

STEPS TO OBTAIN COURT ORDER FOR NAME CHANGE:

File Petition. You will need to file a petition with the circuit clerk of your county (see **Appendix A** for contact information of each court).⁶ The hearing date will be scheduled, and you will receive a court order notifying you when to return to the courthouse. On that date, a judge will hear and consider your petition.

³ <https://legalaidwv.org/wp-content/uploads/2023/09/Name-Change-Petition-Form.pdf>

⁴ <http://www.courtswv.gov/legal-community/court-rules/civil-procedure/pdf/SCA100.pdf>

⁵ <http://www.courtswv.gov/lower-courts/divorce-forms/FC103-PetitionerCivilCaseInfoStatement.pdf>

⁶ Alternatively, view your county circuit court for additional information here: <http://www.courtswv.gov/public-resources/court-information-by-county.html>.

Procedures and timing for when you can schedule your hearing vary among counties. By default, these hearings are open, but if you have a reason to fear for your safety and request that the clerk make the hearing closed, they will generally do so. You will need to request a closed hearing on the form you file. Please note that if the name change is for a minor, some counties may require you to list your parents as respondents in your petition, and they will be served notice by mail.

You will be required to pay a filing fee, as well as any additional fees that the circuit clerk may require for the filing form packet or notifications to required parties. See **Appendix A** for a list of county filing fees. As noted above, you may qualify for a fee waiver if your income is below a certain amount based on your household size. To see if you are eligible for a fee waiver, complete a Financial Affidavit and Application Form, which can be found online or provided by the circuit clerk, and provide financial records (e.g., most recent tax return, current pay stubs, and/or proof of current receipt of food stamps) that indicate an inability to pay. Fee waivers are appealable if initially denied. Contact your circuit court clerk for more specific information.

Submit Notice for Publication. West Virginia law requires that name change requests be published in a publication acceptable to the court (usually the local paper) at ten (10) days before your hearing date. Check with the circuit clerk to determine how long your notice must be published; general guidance on publication and filing requirements is available in **Appendix A** below. Often the court will have a draft notice or form available at the courthouse you can fill out, and in most counties, you will be required to publish it yourself (the circuit clerk can assist with the procedure and best publication to use). If you do not use a template notice, your requested notice should include your current name, the name change requested, and the date of your hearing. In addition, the publication must contain a provision that the hearing may be rescheduled without further notice or publication.

SAFETY NOTE: If you have concerns for your safety, it may be possible to exclude the new name and the hearing date in the publication. If you have concerns, get in touch with an attorney to review your options.

The circuit clerk may provide you with a list of publications acceptable to the court and the relevant contact information. You will also be required to pay for publishing the notice. Costs vary depending on the length of time published, word count, and spacing, but you should generally expect to pay anywhere between \$30 to \$100. As with the filing fee, these costs may be waived if you are financially eligible. The form can be found [here](#).⁷

Attend Your Hearing. Return to the court on your hearing date. You may briefly be asked to reconfirm that you are not changing your name for any improper or illegal purpose, and to describe the reason for your name change. If the judge grants your name change, the court will issue a court order making such change effective.

Objections. In West Virginia, any person who could be “injured” by a name change or knows of any reason that the name change should not be granted may appear at the hearing and speak in opposition. Although unlikely, even if you have requested and been given a closed hearing, these individuals may be allowed to attend the hearing and present a case in opposition to your name change. If the petitioner is a minor, there are notice requirements for the petitioner’s parents. These parents may also have the right to attend the hearing based on the facts and circumstances surrounding the name change. Please consult with an attorney if you have additional questions.

Purchase Certified Copies of Court Order. You will need at least three certified copies for later documentation changes. The specific fee for each copy will vary depending on the county.

⁷ <http://www.courtsww.gov/lower-courts/fee-waiver/index-fee-waiver.html>

NOTE: OBTAINING A COURT ORDER FOR CHANGE OF GENDER IN WV

A court order for a change of gender is no longer necessary in West Virginia. In June 2020, a ruling from the West Virginia Supreme Court made it impossible to obtain a court order recognizing a change of gender, a document was necessary for updating the gender marker on a West Virginia birth certificate. This meant that the state of West Virginia could not legally recognize any gender identity other than ones assigned at birth. Fortunately, in October 2022 a settlement in a U.S. district court established a process for changing the gender marker on a West Virginia birth certificate outside of the courts. Now, anyone who wants to change the gender marker on their birth certificate may do so by submitting an affidavit signed by their physician to the WV Department of Health and Human Resources.

If you acquired a court order for gender change prior to June 2020 and the change was processed onto your birth certificate, your birth certificate is still valid with respect to the gender marker.

CHANGING YOUR NAME & GENDER ON YOUR BIRTH CERTIFICATE

BIRTH CERTIFICATES ISSUED IN A STATE OTHER THAN WEST VIRGINIA

The law in the state that issued your birth certificate (i.e., 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. Requirements vary from state to state. You can find information on how to update a birth certificate from the state you were born on NCTE's ID Document Center [here](#).⁸ The Office of Vital Records in the state where you were born can also give you more information about what is required to amend your birth certificate to reflect your new name and gender.

BIRTH CERTIFICATES ISSUED IN WV

West Virginia permits you to change your birth certificate with updated name and gender information. This will require you to fill out two affidavits—one for correction to birth certificate and the other for change of gender. If you submit these affidavits as-is, your birth certificate will retain all of your old information with a strike through that information, and the new information will be listed above. However, if you wish to completely remove your old information from your birth certificate, you should write “PLEASE REMOVE STRIKETHROUGHS” on both affidavits, which will cause the certificate to only display your new information. There will be a stamp that says “Amended” and a note of which items were changed.

Documentation Requirements. To change your name and gender on your birth certificate, you will need the following:

- An affidavit to correct birth certificate, available at [WV DHHR Bureau for Public Health](#)⁹

⁸ www.transequality.org/documents

⁹ www.dhhr.wv.gov/HSC/forms

- To change your name, the final court order for your name change¹⁰
- To change your gender, an affidavit to change the gender on your birth certificate signed by your physician, available at [WV DHHR Bureau for Public Health](#)¹¹
- \$10 amendment fee (checks should be made payable to WV Vital Registration Office)
- \$12 per certified copy of the amended birth certificate you would like to receive

Process. Mail the documents above to the following address:

Vital Registration - Room 165
350 Capitol Street
Charleston, WV 25301-3701

CHANGING YOUR NAME & GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

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 WV ID (e.g., driver's license). It typically takes one to two (1-2) weeks to receive your updated SSA card with your updated name in the mail.

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

1. [Application Form SS-5](#)¹²;
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); and
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](#).¹³

¹⁰ If you are unable to obtain a court order, for example, if you live in a state outside of West Virginia that does not issue court orders for gender change or if your county court refuses to issue a court order, the State Registrar may accept a notarized statement from your physician or sex reassignment surgeon noting that definitive treatment/surgery has taken place to effect a sex change. Call the State Registrar to confirm at 304-558-2931.

¹¹ www.dhhr.wv.gov/HSC/forms

¹² www.ssa.gov/forms

¹³ <http://www.socialsecurity.gov/regions>

Once your application is processed and approved, you will receive a new Social Security card in the mail with your changed name and the same social security number.

GENDER CHANGE

Although your Social Security card does not show a gender marker, your record with the Social Security Administration notes your “sex identification,” which other government agencies may view to verify your gender.

The Social Security Administration does not require medical or legal evidence of your sex identification. To apply to change your gender on your Social Security record, you will need the following:

1. A completed [application](#)¹⁴ for a Social Security Card, and
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). If you do not have one of these documents or cannot get a replacement within 10 working days, the SSA may accept other documents that show your name and biographical information, such as a U.S. military identity card, Certificate of Naturalization, employee identity card, certified copy of medical record (clinic, doctor, hospital), health insurance card, Medicaid card, or school identity card/record. If you are not a U.S. citizen, SSA must see your current U.S. immigration document(s) and your foreign passport with biographical information or photograph. Note: SSA will not accept a hospital souvenir birth certificate, Social Security card stub, or a Social Security record as evidence of identity.

You should mail or take these materials in person to your nearest SSA office, which you can find [here](#).¹⁵

You will receive a new Social Security Card in the mail with the amended name in approximately two weeks, and your Social Security account will reflect your gender.

CHANGING YOUR NAME & GENDER WITH THE WV DEPARTMENT OF MOTOR VEHICLES (DMV)

If you need to change 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. Follow the below instructions and take all required forms of proof and documents to the DMV. Please note that all identification credentials will be mailed to your listed address.

Timing Note: The DMV requires you to update your legal name with SSA before you update it with the DMV. The DMV may be able to look up whether you updated your name with SSA in their database without the new card, but that is not guaranteed. Therefore, we recommend that you wait for your updated Social Security card to arrive in the mail before going to the DMV.

¹⁴ www.ssa.gov/forms

¹⁵ www.ssa.gov/locator

REAL ID ACT REQUIREMENTS

Due to changes under the REAL ID Act, if you already have a driver's license or ID from outside West Virginia, the DMV may need to reinspect your original documents to issue a REAL ID-compliant identification card if the issuing state is non-compliant with the REAL ID act. You only need to do this reinspection one time, so if you have already obtained a REAL ID license or ID card you do not need to bring the extra documents. REAL ID compliant licenses or IDs have a gold star in the upper right hand corner of the front of the card. Information about the REAL ID requirements is available at WVDMV.¹⁶

Note: Non-US citizens can obtain a REAL ID identification card as long as they have an unexpired document issued by the USCIS or the U.S. Department of State showing lawful presence.

HOW TO CHANGE YOUR NAME AND GENDER WITH THE DMV

To change your name and gender on your driver's license, you will need to visit your local DMV in person. You will need to bring the following documents:

Proof of Identity. This can be your current license, valid U.S. passport, or birth certificate.

Proof of Name Change. This can be either a certified copy of the name change court order or an amended birth certificate with the new information.

Proof of Gender Change. This requires a Gender Designation Form ([Form DMV-99-RO](#)) to be completed by your physician.¹⁷

Current Registration/Title Documents. If you are updating information for any registration and title documents for vehicles, you will need the original documents for each.

Fees for Changing Your License. Updating your license with new name or gender information costs \$7.50, and \$17.50 for a REAL ID version.

CHANGING YOUR NAME AND/OR GENDER WITH YOUR BANK, SCHOOL, EMPLOYER, INSURANCE, AND OTHERS

Remember to change your name on accounts, documents, and with agencies and institutions. These institutions include your employer or school, banks, insurance companies, subscriptions, etc. All of these places should be able to update your legal name on your records using the name change order.

If you need to update your gender marker on your record with any of these places, you will need to ask them what documentation they need to do so. Providing a state or federal ID with your updated gender is usually sufficient.

If you have professional licensure, for example, you are a teacher, registered nurse, etc., please inquire with the organization that holds the licensure on how to update your license with your name and/or gender.

¹⁶ www.appengine.egov.com/apps/wv/dmv/applyrealid

¹⁷ www.transportation.wv.gov/DMV/Forms/Pages

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, or they may simply need a copy of your updated ID to update your name and gender.

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, delay or a denial of claims. Note that under federal law, your insurance company cannot deny coverage of a sex-specific procedure (such as a pap smear or a prostate exam) because of the gender marker on your insurance. However, your doctor may opt to continue to file claims reflecting your sex assigned at birth, so be sure to discuss that before updating your gender marker on your insurance.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to your gender, contact your provider to appeal the denial or contact legal assistance for support.

BANKS, CREDITORS, AND FINANCIAL INSTITUTIONS

You should inform your banks, any creditors, and any financial institutions where you hold an account of your legal name change. You will likely be required to provide a certified copy of the court order. Try to update your name with your bank and your employer at the same time to ensure checks are processed without issue, and you should make these updates after updating your name with the SSA.

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. Important legal documents include the deed to your house, title to vehicles, lease agreements, wills, powers of attorney, advanced health directive, and other similar documents that name you as a party. Changing your name on these documents ensures that your rights and powers in the documents remain intact.

Some clients also want to change their name and/or gender marker in their education records, such as high school or college transcripts and diplomas. Each school has a different policy and procedure for these updates.

CHANGING YOUR NAME & GENDER ON YOUR U.S. PASSPORT

If you are a U.S. citizen, you can apply for a U.S. passport that reflects your new name and gender. You will need a court order for a name change, but no medical evidence is required to change your gender marker.

This change can be made at either an earlier or later stage in the name/gender change process. If you have plans for international travel, you should prioritize this change and may want to consider completing this step earlier in the process. If you do not have a passport and do not intend to travel internationally, you do not need to obtain a passport. However, keep in mind that an updated passport is typically easier to get than an updated birth certificate and can often be used as proof of citizenship or as an alternative form of identification.

HOW DO I UPDATE MY PASSPORT?

The process of updating the name on your passport will vary depending on whether you are:

- Requesting changes less than one year after your current passport was issued,
- Requesting changes more than one year after your current passport was issued, or
- Already using a different name but cannot document the change.

The sections below describe the processes required for each situation.

Updating your legal name less than one year after current passport issuance

When you already have a valid passport that was issued within the last year, you may complete Form DS-5504 and supporting documents to National Passport Processing Center, PO Box 90155, Philadelphia, PA 19190-0155. You will need to mail in the following:

- [Application for U.S. Passport - Form DS-5504](#)¹⁸
- Your most recent passport
- A recent color photograph 2x2 inches in size
- Order for Name Change (certified copy)

Updating your legal name more than one year after current passport issuance

If your passport was issued a year ago or longer, then you may still be eligible to renew by mail. View the qualifications for mail renewal [here](#).¹⁹ If you are not eligible to renew by mail, then you will need to apply for a new passport in person.

To renew by mail you will need to send the following documents by USPS to the address indicated on the application form:

- Form DS-82
- Your most recent passport
- Order for Name Change (certified copy)
- A recent color photograph 2x2 inches in size
- Appropriate fees, which may vary and can be calculated using the fee chart at the following [link](#)²⁰

For an in-person application, you will need the following:

- [Form DS-11](#)
- Proof of U.S. Citizenship and a photocopy. This can be either your current U.S. passport, a certified copy of your birth certificate, a Certificate of Naturalization, or a Report of Birth Abroad.
Please note: The original proof of U.S. citizenship is submitted with your application but will be mailed back to you within 10-13 weeks (depending on their processing times).
- Order for Name Change (certified copy)
- Valid ID and a photocopy
- A recent color photograph 2x2 inches in size
- Appropriate fees, which may vary and can be calculated using the above-referenced fee chart

¹⁸ <https://travel.state.gov/content/travel/en/passports/how-apply/forms.html>

¹⁹ <https://travel.state.gov/content/travel/en/passports/have-passport/renew.html>

²⁰ <https://travel.state.gov/content/dam/passports/forms-fees/Fee%20Chart%202023.pdf>

Updating your legal name to the name you are already using but do not have documentation for

If you have no court order, divorce decree, or marriage certificate that officially documents your name change, then you will need to apply in person for a new passport with the following documents:

- Form DS-11
- Proof of US Citizenship
- ID Issued in the name you are currently using and a photocopy
- A recent color photograph 2x2 inches in size
- Appropriate fees, which may vary and can be calculated using the attached fee chart

Updating your gender marker, whether on your existing passport or applying for the first time

If you meet the qualifications to renew your passport by mail, you can now update your gender marker without an in-person visit. This means you can update your gender marker by the typical mail-in renewal process. If you do not qualify for renewal by mail, you can find the closest facility to you using [this search tool](#).²¹ or by calling the National Passport Information Center at 1-877-487-2778. Qualifications for mail renewal can be found [here](#).²²

For a mail-in renewal, you will need to send the following documents:

- Form DS-82
- Current Passport
- A recent color photograph 2x2 inches in size
- Appropriate fees, which may vary and can be calculated using the attached fee chart

For an in-person meeting, you will need to bring with you the following documents:

- Form DS-11
- Current ID and photocopy
- A recent color photograph 2x2 inches in size
- Proof of US Citizenship
- Appropriate Fees, which may vary and can be calculated using the attached fee chart

How long will the process take?

Processing times for all passport services are typically between 10 to 13 weeks. If you need a passport sooner, you can pay an additional fee for expedited service. You can find more information at [How to Get my U.S. Passport Fast](#).²³ To check on the status of your application, call the National Passport Information Center at 1-877-487-2778 or 1-888-874-7793 (TTY).

Where can I find more information?

For more detailed information on how to change your name or gender marker on your passport, please visit the [U.S. Department of State Gender Marker page](#)²⁴ or the [National Center for Transgender Equality Know Your Rights - Passports](#).²⁵

²¹ <https://iafdb.travel.state.gov>

²² <https://travel.state.gov/content/travel/en/passports/have-passport/renew.html>

²³ <https://travel.state.gov/content/travel/en/passports/get-fast.html>

²⁴ <https://travel.state.gov/content/travel/en/passports/need-passport/selecting-your-gender-marker.html>

²⁵ <https://transequality.org/know-your-rights/passports>

CHANGING YOUR NAME WITH THE SELECTIVE SERVICE AND VOTING REGISTRATION

SELECTIVE SERVICE

Individuals Assigned Female at Birth

If you were designated female at birth, you do not have to register with the Selective Service, even if you have undergone gender transition. 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 [online](#)²⁶ or call 1-847-688-6888. The SIL request form requires female to male individuals to identify as such and to attach a copy of a birth certificate showing the sex assigned at birth. If you have already amended the sex on your birth certificate, attach the supporting documentation. This service is free. The exemption letter you will receive does not specify why you are exempt, so it will not force you to 'out' yourself moving forward. Once you receive your SIL, keep it in your files.²⁷

Individuals Assigned Male at Birth

If you were assigned male at birth, you must register for the Selective Service if you are between the ages of 18 and 26, even if you have transitioned or changed your legal gender marker. People who were assigned male at birth are required to register with the Selective Service within thirty days of their eighteenth birthday, even if they have undergone gender transition. This includes those who may have transitioned before or since then. Registration is necessary to gain access to certain government benefits. The Selective Service uses Social Security and other databases to determine who they believe was assigned male at birth. You may register online at www.sss.gov, or you may complete and mail a paper 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.

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 if you are between the ages of 18 and 26 years old. 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.

²⁶ <https://www.sss.gov/verify/sil/>

²⁷ Information from National Center for Transgender Equality article on Transgender People and the Selective Service available at <https://transequality.org/issues/resources/selective-service-and-transgender-people>.

VOTING REGISTRATION

In order to update your legal name on your voter registration, you must go online to the West Virginia Secretary of State website [here](#).²⁸ Be prepared to provide the following information:

- Your name as it appears on your driver's license or state ID;
- Your date of birth;
- Your driver's license or state ID; and
- The last four digits of your social security number.

Once you complete the online form and submit it, the county clerk will notify you whether the application has been accepted or rejected.

If you do not have a driver's license or state ID and the last four digits of your social security number, then you **cannot submit** the online form. Instead, you must complete a voter registration form online, print the form, sign your name, and mail or hand it in to your county clerk.

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, has already applied for legal status with USCIS, or has already been granted some form of legal status here in the United States, you can update your name and gender on those documents using your court order for name change and a letter from a licensed healthcare professional certifying your gender. See instructions on NCTE's website [here](#).²⁹

²⁸ <https://ovr.sos.wv.gov/Register/Landing>

²⁹ <https://transequality.org/know-your-rights/immigration-documents>

APPENDIX A: COUNTY SPECIFIC COURT INFORMATION

COUNTY COURT CONTACT INFORMATION

WV COUNTY	PHONE NUMBER	EXTENSION	COURT ADDRESS	COURT HOURS
Berkeley County	304-264-1918	ex. 5	380 West South Street; Martinsburg, WV 25401	9 AM - 5 PM
Boone County	304-369-7411		200 State Street, Madison, WV 25130	8 AM - 4:30 PM
Barbour County	304-457-3454		26 N. Main Street, Suite 2, Philippi, WV 26416	8:30 AM - 4:30 PM
Braxton County	304-765-2837		300 Main Street, Sutton, WV 26601	8 AM - 4 PM
Brooke County	304-737-3662		632 Main Street, Wellsburg, WV 26070	9 AM - 5 PM
Cabell County	304-526-8622		750 Fifth Avenue, Huntington, WV 25701	8:30 AM - 4:30 PM
Calhoun County	304-354-6910		363 Main Street, Suite 205, Grantsville, WV 26147-0266	8 AM - 4 PM
Clay County	304-587-4256		246 Main Street, Clay, WV 25043	8 AM - 4 PM
Doddridge County	304-873-2331		118 East Court Street, West Union, WV 26456	8:30 AM - 4 PM
Fayette County	304-574-4249		100 North Court Street, Fayetteville, WV 25840	8 AM - 4 PM
Gilmer County	304-462-7241		10 Howard Street, Glenville, WV 26351	8 AM - 12PM, 1PM - 4 PM
Grant County	304-257-4545		5 Highland Avenue, Petersburg, WV 26847	8:30 AM - 4:30 PM
Greenbrier County	304-647-6626		912 Court Street North, Lewisburg, WV 24901	8 AM - 4:30 PM
Hampshire County	304-822-5022	ex. 3	50 South High Street, Suite 157, Romney, WV 26757	8 AM - 4:30 PM
Hancock County	304-564-3311	ext. 2	102 N. Court Street, New Cumberland, WV 26047	8 AM - 4:30 PM
Hardy County	304-530-0230		204 Washington Street, Moorefield, WV 26836	9 AM - 4 PM
Harrison County	304-624-8640		301 West Main Street, Clarksburg, WV 26301-2967	8:30 AM - 4 PM
Jackson County	304-373-2210		100 Court Street, Ripley, WV 25271	8:30 AM - 4:30 PM
Jefferson County	304-728-3231	ext. 8	119 North George Street, Charles Town, WV 25414	9 AM - 5 PM
Kanawha County	304-357-0440		111 Court Street, Charleston, WV 25301	8 AM - 5 PM
Lewis County	304-269-8210		117 Court Avenue, Weston, WV 26452	8 AM - 4 PM
Lincoln County	304-824-7887	ext. 239	8000 Court Avenue, Hamlin, WV 25523	9 AM - 4:30 PM
Logan County	304-792-8550		300 Stratton Street, Logan, WV 25601	8:30 AM - 4:30 PM
Marion County	304-367-5360		219 Adams Street, Room 211, Fairmont, WV 26554	8:30 AM - 4:30 PM
Marshall County	304-845-2130		600 Seventh Street, Moundsville, WV 26041	8:30 AM - 4:30 PM M-Th 8:30 - 5:30 F
Mason County	304-675-4400		200 Sixth Street, Point Pleasant, WV 25550	8:30 AM - 4:30 PM
McDowell County	304-436-8535		90 Wyoming Street, Suite 201, Welch, WV 24801	9 AM - 5 PM
Mercer County	304-487-8323		1501 Main Street, Princeton, WV 24740	8:30 AM - 4:30 PM
Mineral County	304-788-1562		150 Armstrong Street, Keyser, WV 26726	8:30 AM - 5 PM
Mingo County	304-235-0320		75 East Second Avenue, Williamson, WV 25661	8:30 AM - 4:30 PM
Monongalia County	304-291-7240		75 High Street, Suite 12, Morgantown, WV 26505	8:30 AM - 4:30 PM
Monroe County	304-772-3017		216 Main Street, Union, WV 24983	8 AM - 4 PM
Morgan County	304-258-8554	ext. 3	77 Fairfax Street, Berkeley Springs, WV 25411	9 AM - 5 PM
Nicholas County	304-872-7810		700 Main Street, Summersville, WV 26651	8:30 AM - 4:30 PM
Ohio County	304-234-3611		1500 Chapline Street, Wheeling, WV 26003	8:30 AM - 5 PM

WV COUNTY	PHONE NUMBER	EXTENSION	COURT ADDRESS	COURT HOURS
Pendleton County	304-358-7067		100 S Main St, Franklin, WV 26807	8:30 AM - 4:30 PM
Pleasants County	304-684-3513		301 Court Lane, St. Marys, WV 26170	8:30 AM - 4:30 PM
Pocahontas County	304-799-4604		900 Tenth Avenue, Marlinton, WV 24954	8:30 AM - 4:30 PM
Preston County	304-329-0047		101 West Main Street, Room 301, Kingwood, WV 26537	9 AM - 5 PM
Putnam County	304-586-0203		12093 Winfield Road, Winfield, WV 25213	8:30 AM - 4:30 PM
Raleigh County	304-255-9135		222 Main Street, Beckley, WV 25801	8:30 AM - 4:30 PM
Randolph County	304-636-2765		2 Randolph Avenue, Elkins, WV 26241	8 AM - 4:30 PM
Ritchie County	304-643-2164	ext. 229	115 E. Main Street, Harrisville, WV 26362	8 AM - 4 PM
Roane County	304-927-2750		200 Main Street, Spencer, WV 25276	8:30 AM - 4 PM
Summers County	304-466-7103		120 Ballengee Street, Hinton, WV 25951	8:30 AM - 4:30 PM
Taylor County	304-265-3474		214 West Main Street, Grafton, WV 26354	9 AM - 4:30 PM
Tucker County	304-478-2606		211 First Street, Suite 403, Parsons, WV 26287	8 AM - 4 PM
Tyler County	304-758-4811		121 Main Street, Middlebourne, WV 26149	8 AM - 4 PM
Upshur County	304-472-2370		38 West Main Street , Buckhannon, WV 26201	8 AM - 4:30 PM
Wayne County	304-272-6360		700 Hendricks Street, Wayne, WV 25570	8 AM - 4 PM
Webster County	304-847-2421		2 Court Square, Room G-4, Webster Springs, WV 26288	8:30 AM - 4 PM
Wetzel County	304-455-8219		200 Main Street, New Martinsville, WV 26155	9 AM - 4:30 PM
Wirt County	304-275-6597		One Court Street, Elizabeth, WV 26143	8 AM - 4 PM
Wood County	304-424-1700		2 Government Square, Room 131, Parkersburg, WV 26101-5353	8:30 AM - 4:30 PM
Wyoming County	304-732-8000		24 Main Avenue, Pineville, WV 24874	8 AM - 4 PM

COUNTY NOTES REGARDING NAME CHANGE PROCEDURES

WV County	Packet Available?	Filing Fee	Payment Method	Publication Requirement	Publication Length
Berkeley County	Yes	\$200	Cash, check, money order	Local paper ("The Journal")	2 weeks
Boone County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Barbour County	Yes	\$200	Cash, check, money order	Local paper ("Barbour Democrat")	2 weeks
Braxton County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Brooke County	Yes	\$300	Cash, check, money order	Court handles publication	1 week
Cabell County	Yes	\$200.50	Cash, money order	Any local paper	2 weeks
Calhoun County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Clay County	Yes	\$200	Cash, check (if from local bank), money order	Local Paper ("Clay Free Press")	2 weeks
Doddridge County	Yes	\$200	Cash, check, money order	Any local paper	Once
Fayette County	Yes	\$200	Cash, check, money order	Any local paper ("Fayette Tribune" or "Raleigh Register")	2 weeks
Gilmer County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Grant County	Yes	\$200	Cash, check, money order	Local Paper ("Grant County Press")	1 week

WV County	Packet Available?	Filing Fee	Payment Method	Publication Requirement	Publication Length
Greenbrier County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Hampshire County	No	\$200	Cash, check, money order, credit/debit (note: fee may apply)	Any local paper	2 weeks
Hancock County	Yes	\$200	Cash, money order	Any local paper	2 weeks
Hardy County	Yes	\$200	Cash, money order	Local paper ("Moorefield Examiner")	2 weeks
Harrison County	Yes	\$205	Cash, money order	Any local paper	2 weeks
Jackson County	Yes	\$200	Cash, money order	Any local paper	2 weeks
Jefferson County	Yes	\$206	Cash, money order, Credit/Debit	Local paper ("Spirit of Jefferson")	2 weeks
Kanawha County	Yes	\$200	Cash, money order, Credit/Debit	Local Paper ("the Gazette Mail")	2 weeks
Lewis County	Yes	\$210	Cash, check (if from local bank), money order	Local paper ("the Democrat")	2 weeks
Lincoln County	No	\$200	Cash, check, money order	Local paper ("the Lincoln Journal")	2 weeks
Logan County	No	\$200	Cash, money order	Any local paper	1 week
Marion County	Yes	\$209	Cash, money order	Local Paper ("the Times West Virginia")	1 week
Marshall County	Yes	\$200	Cash, check, money order	Local paper ("the Echo")	30 days
Mason County	No	\$200	Cash, money order	Local paper ("the Register")	1 day
McDowell County	No	\$200	Cash, money order, local check	Any local paper	3 consecutive weeks
Mercer County	No	\$200	Cash, money order	Local paper ("Daily Telegraph")	2 weeks
Mineral County	Yes	\$205	Cash, check, money order	Any local paper	Once
Mingo County	Yes	\$200	Cash, check, money order	Local paper ("Daily News")	2 weeks
Monongalia County	Yes	\$200	Cash, money order	Local paper ("the Dominion Post")	2 weeks
Monroe County	Yes	\$200	Cash, check, credit card, money order	Local paper ("Monroe Watchman")	2 weeks
Morgan County	Yes	\$200	Cash, credit card, money order	Any local paper	1 week
Nicholas County	Yes	\$200	Cash, check, money order	Local paper ("Nicholas Chronicle")	1 week
Ohio County	Yes	\$206	Cash, check, money order	Local paper ("News Register")	1 week
Pendleton County	No	\$200	Cash, check, money order	Local paper ("Pendleton Times")	2 weeks
Pleasants County	Yes	\$202	Cash, check, money order	Local paper ("St. Mary's Oracle")	2 weeks
Pocahontas County	Yes	\$200	Cash, check, money order	Local paper ("Pocahontas Times")	1 week
Preston County	Yes	\$200	Cash, check, money order	Any local paper	1 week
Putnam County	Yes	\$200	Cash, money order	Any local paper	2 weeks
Raleigh County	No	\$200	Cash, credit card, money order	Local paper ("Register Herald")	3 weeks
Randolph County	No	\$200	Cash, check, money order	Local paper ("Inner Mountain")	2 weeks
Ritchie County	Yes	\$202	Cash, check, money order	Any local paper	1 week
Roane County	Yes	\$200	Cash, money order	Any local paper	1 week
Summers County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Taylor County	Yes	\$200	Cash, money order	Any local paper	1 week
Tucker County	Yes	\$200	Cash, check, money order	Local paper ("Parsons Advocate")	1 week
Tyler County	Yes	\$200	Cash, check, money order	Local paper ("Tyler Star News")	1 week
Upshur County	Yes	\$204.50	Cash, credit card, money order	Local paper ("the Record Delta")	1 week

WV County	Packet Available?	Filing Fee	Payment Method	Publication Requirement	Publication Length
Wayne County	Yes	\$303.50	Cash, money order	Local paper ("the Herald Dispatch") and notices sent to sheriff's office, local prosecutor's office, National Crime Center, and State police	30 days
Webster County	Yes	\$200	Cash, check, money order	Any local paper	2 weeks
Wetzel County	Yes	\$200	Cash, check, money order	Local paper ("Wetzler Chronicle")	1 week
Wirt County	Yes	\$200	Cash, check, money order	Local paper ("Wirt County Journal")	2 weeks
Wood County	Yes	\$200	Cash, money order	Local paper ("News Sentinel")	2 weeks
Wyoming County	Sample form available	\$200	Cash, money order	Local paper ("Wyoming County Times")	Once

APPENDIX B: SCHEDULE OF FEES & RELATED EXPENSES

Below is a list of costs associated with legal name and gender changes in West Virginia. The fees are current as of the date of publication of this guide.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN WV	PROJECTED COSTS (in dollars)
Obtaining a Court Order for Change of Name	
<ul style="list-style-type: none"> Cost for Petition Packet 	\$0 - \$10
<ul style="list-style-type: none"> Statewide general cost for petition⁶ 	\$200- \$303.50
Publication as a Class I Legal Advertisement	\$30-100
Certified Copy of Final Order of Name Change	\$12
Changing your Gender with Social Security and/or Obtaining a New Card	\$0
Obtaining New Identification Reflecting Name and/or Gender Change	
Fees are payable to "West Virginia Dept. of Motor Vehicles"	
<ul style="list-style-type: none"> Corrected Driver's License or State ID 	\$7.50
<ul style="list-style-type: none"> REAL ID Driver's License 	\$17.50
<ul style="list-style-type: none"> Registration Card 	\$10
<ul style="list-style-type: none"> Certificate of Title 	\$15
Obtaining a Passport Reflecting Name and/or Gender Change	
The following fees cover (1) the cost of a passport book and/or passport card payable to "Department of State," and (2) the separate "Execution Fee" payable to the local passport agency you go to submit your application. ⁷	
If you already have a passport issued more than 1 year ago and only need to update your legal name but not your gender marker, you can apply for an amended passport	\$140 (book & card)

⁶ Each county has a Fee Waiver application form for low-income petitioners (specific income cutoffs vary between county and may include other factors such as size of household). You will be required to submit documents to substantiate your income: either tax returns or affidavits that you are receiving food stamps.

⁷ U.S. Dept. of State, Bureau of Consular Affairs, Passport Fees, <http://travel.state.gov/content/passports/english/passports/information/fees.html> (last visited Jan. 21, 2015).

by mail for the same cost of a new passport without paying the additional execution fee. However, if you also need to update your gender marker, you must apply for an amended passport in person at a local passport agency and pay the additional execution fee.	\$110 (book only) \$30 (card only) + \$6 – 10 (two passport sized photos) + \$25 execution fee
If you have a passport issued less than 1 year ago and only need to update your legal name but not your gender marker you can apply for the amended passport by mail at no cost. However, if you also need to update your gender marker, you must apply for an amended passport in person at a local passport agency and pay the execution fee.	\$0 (book or card) + \$25 execution fee (applies to gender marker changes only)
Expedited Service ⁸ Note: This is an additional cost for persons who need to receive their first- time or renewal passport within two weeks or less from the time of application submission. By mail, make a check or money order out to “Department of State.” In person, ask a local passport agency what payment they accept.	\$60

Amending a West Virginia Birth Certificate to Reflect New Name and/or Gender	\$12
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Obtaining a Copy of Amended Birth Certificate with Name and/or Gender Change Information	\$12
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⁸ U.S. Dept. of State, Bureau of Consular Affairs, Expedited Passport Processing Fees. <https://travel.state.gov/content/travel/en/passports/how-apply/fees.html> .

APPENDIX C: MODEL PETITIONS

Below is a reference guide for using the following model petitions for legal name change in West Virginia.

NAME CHANGE PETITIONER CIRCUMSTANCES	SAMPLE PETITION TO USE
If the applicant is over the age of 18:	
Name Change	Form 1
If the applicant is under the age of 18:	
Name Change	Form 2

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA
CHANGE OF NAME FROM

_____ to _____ Civil Action No. _____

PETITION FOR NAME CHANGE

Comes now the Petitioner, _____, and petitions
this Court to change the Petitioner's name from _____
to _____.

1a. [] Petitioner is a resident of _____ County and has been a
resident of that county for at least one year.

1b. [] Petitioner is a nonresident who was born in, married in, or has lived for at least
15 years in _____ County.

2. Petitioner is over the age of 18 (eighteen) years.

3. Petitioner is asking the court for a name change for the following reason(s):

_____.

4. Petitioner would seek the Petitioner's name to be changed to:

_____.

5. Petitioner's name change is not sought for the purposes of avoiding debt or
creditors.

6. Petitioner's name change is not sought for purposes of avoiding any state or federal law regarding identity.
7. Petitioner's name change is not sought for any improper or illegal purpose.
8. Petitioner's name change is not sought for purposes of evading detection, identification, or arrest by any local, state, or federal law-enforcement agency.
9. Petitioner is not a registered sex offender pursuant to any state or federal law.
10. Petitioner is not a convicted felon in any jurisdiction.
- 11a. Petitioner does not desire to protect their identity for personal safety reasons.
- 11b. Petitioner does desire to protect their identity for personal safety reasons.

List the reasons you are concerned for your personal safety:

WHEREFORE, Petitioner now respectfully prays as follows:

- A. That this matter be scheduled for hearing before the Court in a closed proceeding;
- B. That Petitioner's name be legally changed to

- C. Due to the reasons set forth in Paragraph 11b., Petitioner requests that, in accordance with *West Virginia Code* §48-25-101(b), they not be required to set forth in the required notice of publication the name to which their name shall be changed, and further that the hearing on this Petition be closed.

D. That Petitioner be granted such other and further relief as the Court deems reasonable and just.

Petitioner,
Pro Se

STATE OF WEST VIRGINIA,

COUNTY OF _____, TO-WIT:

I, _____, Petitioner NAMED IN THE ATTACHED Petition, being first
duly sworn, says that the facts and allegations contained in said Petition are true, except so far as
they are stated to be on information, and belief, they believe them to be true.

Petitioner

Taken, subscribed, and sworn to before me on this _____ day of _____, 20____.

NOTARY PUBLIC

My commission expires on _____.

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA
IN RE:

_____ Civil Action No. _____

PETITION FOR NAME CHANGE

Comes now the Petitioner, _____, on behalf
of _____, a minor child, and petitions this Court to change the child's
name from _____ to
_____.

1a. [] Petitioner is a resident of _____ County and has been a
resident of that county for at least one year.

1b. [] Petitioner is a nonresident who was born in, married in, or has lived for at least
15 years in _____ County.

2. Petitioner, filing on behalf of the minor child, is over the age of 18 (eighteen)
years.

3. Petitioner is asking the court for a name change for the minor child for the
following reason(s):

_____.

4. Petitioner would seek the minor child's name to be changed to:

_____.

5. The minor child's name change is not sought for the purposes of avoiding debt or creditors.
6. The minor child's name change is not sought for purposes of avoiding any state or federal law regarding identity.
7. The minor child's name change is not sought for any improper or illegal purpose.
8. The minor child's name change is not sought for purposes of evading detection, identification, or arrest by any local, state, or federal law-enforcement agency.
9. The minor child is not a registered sex offender pursuant to any state or federal law.
10. The minor child is not a convicted felon in any jurisdiction.
- 11a. Petitioner does not desire to protect the minor child's identity for personal safety reasons.
- 11b. Petitioner does desire to protect the minor child's identity for personal safety reasons.

List the reasons you are concerned for your personal safety:

WHEREFORE, Petitioner now respectfully prays as follows:

- A. That this matter be scheduled for hearing before the Court in a closed proceeding;

B. That the minor child's name be legally changed to

C. [] Due to the reasons set forth in Paragraph 11b., Petitioner requests that, in accordance with *West Virginia Code* §48-25-101(b), they not be required to set forth in the required notice of publication the name to which their minor child shall be changed, and further that the hearing on this Petition be closed.

D. That Petitioner be granted such other and further relief as the Court deems reasonable and just.

Petitioner,
Pro Se

STATE OF WEST VIRGINIA,

COUNTY OF _____, TO-WIT:

I, _____, Petitioner NAMED IN THE ATTACHED Petition, being first
duly sworn, says that the facts and allegations contained in said Petition are true, except so far as
they are stated to be on information, and belief, they believe them to be true.

Petitioner

Taken, subscribed, and sworn to before me on this _____ day of _____, 20____.

NOTARY PUBLIC

My commission expires on _____.