



Although it is commonly believed that you can change your name by simply using a new name consistently and notifying your bank, credit card company and other places you do business, this is not the same as a legal name change.

The Social Security Administration, the Vermont Department of Taxes and other governmental agencies may not allow you to register a name change unless you have official documentation in the form of a name change order from the Probate Division of the Vermont Superior Court, a marriage certificate, or a divorce order.

You may also apply to the Probate Division of the Vermont Superior Court to change your name and your gender.

There are three basic ways to change your name in Vermont:

- file a name change petition in the Probate Division;
- get married and choose to take your spouse's name or hyphenate your names;
- get divorced and choose to change your name back to your maiden name.

Probate Division of the Vermont Superior Court

You may formally change your name by filing a name change petition in the Probate Division of the county where you live. In order to do so you must be at least 18 years old and of sound mind.

When you petition the court for a name change, you must provide copies of your birth certificate and your marriage certificate if applicable so that they can be properly changed. You do not need your spouse's permission to change your name.

Marriage

You do not have to take your spouse's last name when you get married. You can keep your last name, change your last name to your spouse's or hyphenate using your and your spouse's last names. Any of these are legal and have to be respected by anyone you do business with, such as credit card companies and government agencies.

Divorce

You do not need to petition the Probate Division for a name change if you decide to change your name as part of a final divorce order. At that time, you can resume using your maiden name or a former spouse's name. The names of minor children may be an issue to be decided in the divorce, if a request to change them is included in the complaint for divorce.

Children

When a child is born, you may give her any last name you choose, including your last name, your spouse's last name, a hyphenated name, or even a last name that has no relation to any family member. You do not have to be married to the father of the child in order to give the child his last name.

If you adopt a child and wish to give the child your name you must make that request as part of the adoption decree.

If you are divorcing and wish to change the names of your children, you must include the request in the complaint for divorce.

Minor children may have their names changed by the person acting on the child's behalf in the same way that an adult can file a name change petition in the Probate Division. If the child is over 14 years old, the child's name cannot be changed unless the child consents to the change in court. There are a number of factors that the court might consider before deciding whether to agree to change the name of a minor.

You and any other parent or guardian who has an interest in the child must consent to the name change. Any parent or guardian who has not signed a consent form must be given formal notice of the name change petition. For example, if you are divorced from the father of your child, you may not change the child's name without notifying him. He then has the right to object to the name change.

Sexual Reassignment

If you were born in Vermont and have completed a sexual reassignment, you are eligible to apply for a new "clean" birth certificate that shows only your new name and gender. A Vermont law passed in 2011 does not require you to have had full surgery or hormonal changes in order to be considered fully transitioned.

A licensed physician who has treated or evaluated you must sign a notarized statement (affidavit) that you have undergone surgical, hormonal or other treatment appropriate for you for the purpose of gender transition. The statement must include the signature and medical license of the physician.

Upon receipt of the appropriate paperwork, the Probate Division of the Vermont Superior Court will issue an order that your sexual reassignment has been completed. You may also apply to the same court to have your name changed if you haven't already done so.

You may then take the court order(s) to the Bureau of Vital Records at the Vermont Health Department and apply for a new "clean" birth certificate that will show only your new name and gender. If you already have a Vermont birth certificate that shows it has been amended, you can apply directly to the Health Department for a "clean" one without going through the probate division again.

The Bureau of Vital Records will "seal" all your documents, which means that they will not be public records. However, you will be able to access them or give permission for others to do so.

If you were not born in Vermont, you may still apply to the Probate Division of the Vermont Superior Court for court orders stating that your sexual reassignment has been completed and that

your name has been changed. You will then have to take these documents to the state in which you were born to request a new birth certificate. **It is not known at this time whether another state will honor a Vermont court order for a new birth certificate that is not marked “amended.”**

Probate records typically are not sealed. You need to check with the clerk in the probate division if you have concerns about confidentiality of either the name change or the birth correction request. At this time it appears that the birth correction record should be sealed.

Find the most local and most appropriate agency/organization to help you—go to [VCW’s Resource Directory –Adoption and Probate Courts Section](#)

Relevant Laws

Vermont:

Change of Name Law, 15 V.S.A. § 811 et seq.
Sexual Reassignment, 18 V.S.A. § 5112
Vermont Rules of Probate Procedure, Rule 80.6

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